

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE ASSEMBLY

FIFTY-SIXTH PARLIAMENT

FIRST SESSION

Thursday, 29 May 2008

(Extract from book 7)

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By authority of the Victorian Government Printer

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Professor DAVID de KRETZER, AC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

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Minister for Roads and Ports	The Hon. T. H. Pallas, MP
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Minister for Gaming, Minister for Consumer Affairs and Minister Assisting the Premier on Veterans' Affairs	The Hon. A. G. Robinson, MP
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Minister for Housing, Minister for Local Government and Minister for Aboriginal Affairs	The Hon. R. W. Wynne, MP
Cabinet Secretary	Mr A. G. Lupton, MP

Legislative Assembly committees

Privileges Committee — Mr Carli, Mr Clark, Mr Delahunty, Mr Lupton, Mrs Maddigan, Dr Naphthine, 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 Elasmarr 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 Elasmarr, 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

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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, Mr Lupton, Ms Marshall, Ms Munt, Mr Nardella, Mrs Powell, Mr Seitz, Mr K. Smith, 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)

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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

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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
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Herbert, Mr Steven Ralph	Eltham	ALP	Sykes, Dr William Everett	Benalla	Nats
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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
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Languiller, Mr Telmo Ramon	Derrimut	ALP	Woodridge, 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, 29 May 2008

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

BUSINESS OF THE HOUSE

Notices of motion: removal

The SPEAKER — Order! I advise the house that under standing order 144 notices of motion 39 to 43 and 164 to 180 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:

Health: Ocean Grove resident

To the Legislative Assembly of Victoria:

The petition of the residents of Ocean Grove, Victoria, draws to the attention of the house the plight of an Ocean Grove resident by the name of Alicia Withington. Alicia, 28 years old, has recently undergone life-saving brain surgery in Sydney at the Dalcross Private Hospital by the only neurosurgeon in Australia willing to perform the very risky operation. Alicia was suffering arteriovenous malformation (AVM) and was at risk of suffering bleeding in the brain resulting in severe stroke or death.

Alicia is now recovering from her operation and faces a long and slow process of rehabilitation on her road to complete recovery. Alicia's life-saving surgery has caused her to incur horrendous medical costs with still more to come and Alicia and her husband are faced with the prospect of having to sell their family home to meet costs. As fellow residents, we find this to be a devastating situation that Alicia and her husband are placed in.

The petitioners therefore request that the Legislative Assembly of Victoria seriously considers helping this young woman meet at least some of the costs of her life-saving brain surgery as well as retaining their family home. Government assistance has previously been refused because the operation was deemed too risky. Alicia has proved the forecasts incorrect and has successfully survived the operation and now desperately needs financial assistance.

By Ms NEVILLE (Bellarine) (3281 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 Dr SYKES (Benalla) (36 signatures)

Frankston Hospital: urology unit

To the Legislative Assembly of the Parliament of Victoria:

Residents who require treatment in the area of urology are currently required to travel to Clayton to seek medical assistance. The absence of a urology unit at Frankston Hospital is discriminative to residents who require medical assistance.

We, the undersigned concerned citizens of Victoria, ask the Legislative Assembly of Victoria to request the Victorian government to provide a urology unit at Frankston Hospital as a matter of priority.

By Mr BURGESS (Hastings) (60 signatures)

Rail: Stony Point line

To the Legislative Assembly of the Parliament of Victoria:

The longstanding safety issues surrounding level crossings on the Stony Point-Frankston line have led to numerous accidents and fatalities. Petitioners feel the installation of boom gates is urgently required to prevent further accidents at level crossings on this line.

We, the undersigned concerned citizens of Victoria, ask the Legislative Assembly of Victoria to request the Victorian government to install boom gates on all level crossings on this line that currently do not have them fitted as a matter of priority.

By Mr BURGESS (Hastings) (1490 signatures)

St Thomas More Primary School: mobile phone tower

To the Legislative Assembly of Victoria:

I present the petition of the Community Against Mobile Phone Towers at Schools (CAMPTAS) and concerned parties, as residents of the state electorate of Mornington, Victoria, to draw attention of the house to application no. PO8/0227 for the approval of a mobile phone tower on the premises of St Thomas More Primary School, Canadian Bay Road, Mount Eliza.

The petitioners therefore request the Legislative Assembly of Victoria reject the application on the grounds of the following points:

1. High negative impact on the visual amenities of the neighbourhood (18.3 metre tower).
2. The tower is inconsistent with the character of the area.
3. The tower will cause immense and unjustifiable distress to the parents living around the school.
4. The proposed tower is an unacceptable risk to the residents, children and parishioners. Studies are inconclusive and the CSIRO will not commit to the long-term safety of this technology.
5. The tower will cause devaluation of properties in the surrounding vicinity.

By Mr MORRIS (Mornington) (255 signatures)

Tabled.

Ordered that petition presented by honourable member for Bellarine be considered next day on motion of Ms NEVILLE (Bellarine).

Ordered that petitions presented by honourable member for Hastings be considered next day on motion of Mr BURGESS (Hastings).

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

Ordered that petition presented by honourable member for Benalla be considered next day on motion of Dr SYKES (Benalla).

VICTORIAN CHILD DEATH REVIEW COMMITTEE

Report 2008

Ms NEVILLE (Minister for Community Services), by leave, presented report.

Tabled.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Budget estimates 2008–09 (part 1)

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

Tabled.

Ordered to be printed.

DOCUMENTS

Tabled by Clerk:

Parliamentary Committees Act 2003:

Government response to the Drugs Crime and Prevention Committee's inquiry into Misuse/Abuse of Benzodiazepines and Other Pharmaceutical Drugs

Government response to the Public Accounts and Estimates Committee's report on Trustee arrangements for governing the Parliamentary Contributory Superannuation Fund

Victorian Law Reform Commission — Law of Abortion — Ordered to be printed.

BUSINESS OF THE HOUSE

Adjournment

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

That the house, at its rising, adjourn until Tuesday, 10 June.

Motion agreed to.

MEMBERS STATEMENTS

Leopold Hall: reopening

Ms NEVILLE (Minister for Mental Health) — I was delighted to join in the celebrations at the reopening of the Leopold Hall on Sunday. It was a great honour to be invited to officially reopen the hall and celebrate its 125 years as a local centre of community activity. I was pleased to have the opportunity to congratulate the Leopold Hall committee and its supporters for their great contribution to this important local project. For 125 years it has been owned, managed and maintained by the local community. The project was a partnership with the local community, which raised an incredible \$51 200, and the Brumby government contributed \$102 400 through the Small Towns Development Fund. In fact it is only the second government grant, with the first being £50 back in the late 1800s.

The hall looks magnificent with a new roof, new entrance foyer and storeroom, and the painting and refurbishing of the interior. There is a new heating and cooling system, the beautiful stained glass windows have been restored and the timber floors have been retained. This is a hall for the whole community. In fact on the day over 200 people attended the reopening celebrations. It is widely used by the local community

including the senior citizens club, dance clubs, yoga, tai chi and the regular hall retirees band, who played beautiful music on the afternoon.

I particularly wish to acknowledge Ray Borthwick, who originally applied and worked for the grant. Ray and his wife unfortunately passed away before the completion of the hall. Congratulations to Kevin Smith and members of the committee.

Tourism: nature-based strategy

Ms ASHER (Brighton) — I call on the government to release its nature-based tourism policy and particularly to implement one of the recommendations of that policy — the extension of leases for private investment on public land to be extended from the current 21 years up to between 50 and 100 years.

The nature-based tourism strategy should be released because like everything else with this government, it is late. The draft was released in June 2007 and the final strategy was to have been released in late 2007. In fact the strategy is called a strategy 2007–11.

The key issue for the tourism industry is that it is seeking investor certainty. It wants longer term leases on public land. This has been supported by the Victorian Employers Chamber of Commerce and Industry and the Victoria Tourism Industry Council. VTIC said:

The availability of 50–100 year leases on carefully selected public land and waterways would stimulate private sector investment.

The government has been sitting on this nature-based tourism report for some considerable time. It is aware of industry desire for this report to be implemented, and I call on it to do so.

Wes Fleming

Mr MERLINO (Minister for Sport, Recreation and Youth Affairs) — My electorate of Monbulk boasts a very proud and strong horticultural industry, an industry of international standard. Nowhere is this better demonstrated than in our success at the prestigious Chelsea Flower Show in London. I rise to applaud local nurseryman Wes Fleming and his 22-strong team who in only 16 days built a 200-square-metre garden at a cost of \$800 000 and won a coveted gold medal. Jamie Durie designed the aptly titled Australian Garden.

For the first time in the Chelsea Flower Show's history, the garden was entirely made up of Australian native plants. The magnificent garden also included a stone wall of Kimberley sandstone, Aboriginal artwork by

Gabriella Possum Nungurrayi and an infinity-edge pond.

Wes Fleming and his team have now won three gold medals and two silver medals over the last five years. To quote Wes:

It really is a massive win just to build a garden here, but to come out with gold medals speaks volumes for the quality of the Australian horticultural industry.

Congratulations on a job well done!

Olympic Games: Victorian athletes

Mr MERLINO — I would like to congratulate all the Victorian athletes who have been selected to participate in the Beijing Olympic Games, many of whom I was able to meet at a farewell function held yesterday at the Victorian Institute of Sport (VIS). Victoria has always punched above its weight at the Olympics. We have 25 per cent of the national population, yet at the 2000 Sydney Olympics, 48 per cent of Australia's medal tally was won by Victorians; and at the 2004 Athens Olympics, Victorian athletes won 36 per cent of Australian medals.

In excess of 50 VIS athletes have already secured places in the Australian team to compete in Beijing, which is an outstanding effort. Congratulations and good luck to those athletes, and those still aiming to qualify.

Goulburn Valley Hospice Care Service

Mrs POWELL (Shepparton) — I received a letter from Carmel Smith, executive manager of the Goulburn Valley Hospice Care Service, regarding the recent amendment to the public hospital nurses enterprise bargaining agreement which provided for increased salaries and back pay for all public hospital nurses. She advised that their seven specialist nurses are employed under that award. The Department of Human Services has advised them that the non-government palliative care services, such as their service, are not to be funded for the increased salaries or the back pay. Ms Smith believes their nurses should be paid the same rate as those employed by, for example, Goulburn Valley Health.

The approximate back pay cost for nine months is \$8730 and future pay per annum amounts to \$11 650. These additional funds will have to be financed by fundraising efforts. This is outrageous. The nurses in the non-government palliative care services deserve to be paid appropriately and should not be discriminated against because they work in the non-government

sector. The government should extend its funding to cover the increased salaries and back pay for the palliative care nurses in Goulburn Valley Hospice Care.

I am a Friend of Goulburn Valley Hospice Care, and I know the great service they provide. They provide a 24 hours, 7 days a week community-based palliative care service to support the needs of terminally ill persons, to limit pain and distress, and provide support and assistance to their families and friends throughout the illnesses, death and bereavement.

The community holds this service in high regard as it plays a vital role when people need help most. I again urge the government to cover the increased salaries and back pay costs for this service.

Pamela Bone

Mr LUPTON (Prahran) — Today I pay tribute to the life of Pamela Bone, who sadly passed away last month. Pamela was an extraordinary woman, mother, journalist and columnist. She was a magnificent role model but always modest and unassuming. Most attention in the public domain has concentrated on Pamela's work as a journalist and columnist. She twice won the Melbourne Press Club's award for best newspaper columnist and also received the United Nations media peace prize. She rose to the position of associate editor of the *Age* during the editorship of Michael Gawenda.

She was a journalist of great moral courage, often taking on issues of great significance, particularly human rights and the rights of women, and her work often led to the kind of debate that an open and democratic society requires. Taking up such a role requires strength of character, dedication and perseverance. Apart from this public role, Pamela was also an extraordinary mother, grandmother and friend to many people. Our society is a better place for Pamela's contribution. She will be greatly missed by the many people whose lives she touched and by her many friends. My condolences to her partner Jurgen and all her family.

Ambulance services: merger

Mrs SHARDEY (Caulfield) — The issue I raise relates to the decision by the Brumby government to merge the three ambulance services in Victoria. Although the submissions to the consultation process broadly supported the merger, concern has been expressed by volunteers who belong to fundraising auxiliaries that they will lose control of the funds that

they have raised, particularly for Rural Ambulance Victoria.

There are some 70 fundraising auxiliaries and at least 1000 volunteers across country Victoria who fear they will be swallowed up by the merger of RAV and the Metropolitan Ambulance Service. These volunteer organisations are demanding that the Minister for Health guarantees that they will retain control of the \$8.6 million they have raised for RAV, which is now in the RAV trust fund.

The Bairnsdale Rural Ambulance Auxiliary, which started raising money in the 1950s for the ambulance station it built, claims that the minister has failed to offer it a guarantee, merely saying that it will be up to the board of the merged services. The money which has been raised has come from op shops, raffles and other activities. The fear is that this hard-earned money will merely disappear into government coffers. I call on the minister to respond to the pleas of Victoria's volunteers.

Pauline Scott

Ms RICHARDSON (Northcote) — There are some people who live their lives in such a way that they have a profound effect on those around them. Pauline Scott was one such person.

On 14 May this remarkable woman from Alphington passed away after a four-year battle with ovarian cancer. Pauline Scott's life proves that everyday people are truly extraordinary. In her working life she stood up to hospital boards and a government. In Alphington she worked hard for her community. In her personal life her boundless love shone through until the end.

Pauline was born in 1960 into an Irish Catholic family. At Essendon High School she met her lifelong friend and partner, Greg Loats, with whom she had two wonderful children, Bridget and Danny. Greg and a long-time friend, Catherine Beadwell, are in the public gallery today.

Pauline was a nurse and union representative at the Royal Melbourne Hospital during the nurses strike of 1986 and led pickets for 50 days outside the hospital. The subsequent victory of the nurses forever changed the way nurses are regarded, as being in their rightful place as respected health professionals. The following year Pauline was elected president of the Victorian branch of the Australian Nursing Federation and went on to be an organiser for the union and later was an industrial officer with the Finance Sector Union. Even during her years of illness, Pauline was always volunteering for school activities including taking on a

one-year stint as the president of the Alphington Primary School parents association.

In her final year Pauline maintained a blog in which she described the horrors of chemotherapy, yet she remained all the while hopeful for remission. Her joy and pride in her family shone through the ordeal. Entries from her family and friends show that she in turn was loved widely and profoundly. If the voices that we leave behind are the testament to our lives, then Pauline leaves a rich legacy indeed.

Public transport: ticketing system

Mr MULDER (Polwarth) — Call it what you want — the myki mess or the myki fiasco — but still the con and weasel words surrounding the cost and progress of the so-called smartcard continue to be rolled out.

On Monday in the *Age* a spokesperson from the Transport Ticketing Authority (TTA) denied the extension of the existing Metcard contract would cost taxpayers more. No sooner had the ink dried on the story than the Minister for Public Transport and the Premier announced the government would have to sink another \$350 million into the injured myki project.

It is quite clear that the right hand does not know what the left hand is doing, and it would appear that all communication between the TTA and the Brumby government has broken down. There is a common theme of secrecy; there is also an attempt by both the Premier and the Minister for Public Transport to mislead the public as to the true cost of the myki ticketing fiasco.

In response to a question in this place on Wednesday, the minister indicated that the cost of extending the existing Metcard contract from March 2007 to March 2012, at a cost of \$216 million, was not part of the myki contract. Although we understand that it may not be a part of the contract to install the new ticketing system, it is cost against the project, because had myki been up and running as promised in 2007, the Metcard contract would have been terminated.

Today, as it stands, the true cost of delivering this system is \$1.566 billion — not \$1.350 billion as stated by the Premier. This is all for a plastic ticket that at best ‘shows promise’ but which we do not need; it should have never seen the light of day given other public transport and road priorities. It is wrong that this dunce of a project should have taken priority over new trains, trams and rail extensions.

Sport: Kabaddi tournament

Ms D’AMBROSIO (Mill Park) — On 26 April I was delighted to have attended a Kabaddi tournament in Epping organised by the sports and cultural club of the Punjab Warriors. Kabaddi is a sport that is centuries old and originated in the Punjab region of India; it remains the dominant game across rural India. In April the sport was declared a national game by the Indian government; it is played extensively around the world and is spread by waves of Indian migration.

The Kabaddi tournament in Epping included teams fielded from Victoria, Queensland, New South Wales and New Zealand, and there was prize money to be won.

At interval spectators were treated to a display of bhangra, a cultural folk dance from the Punjab region. I would like to congratulate Mr Jagjit Singh Gurm, president of the club, and his committee for organising the event. I know a lot of hard work went into arranging the interstate teams and sponsorships. I would also like to give particular acknowledgement to Mr Gursharan Mann, one of the organisers of the tournament, whom I have known for several years and who lives in my electorate. Mr Mann is a well-respected member of the local Sikh community and is working hard to help bring the needs and views of the community to the attention of governments and agencies. I also wish to thank Mr Gurm, his committee and Mr Mann for the kind invitation given to me so that I could experience the wonderful sport of kabaddi, and I wish them well for the future.

Weeds: control

Mr WELLER (Rodney) — I rise today to highlight the pain that municipalities in regional and rural Victoria are experiencing because of the state government’s decision to shift roadside weed responsibility to local councils. While the Premier handballed weed responsibility and its associated costs to the Gannawarra, Moira and Campaspe shires and the cities of Shepparton and Bendigo, he failed to recognise the implications this has on the finances of the municipalities. The Premier’s offer of \$20 million over four years to support local government in its management of weeds and pests on roadsides is simply a way to dodge state government responsibility.

Since when has it been okay for the state government to dump its responsibilities in country Victoria’s backyard? One would think that a government with a \$1.17 billion surplus could afford its widespread country councils a little more than a tokenistic amount

of less than \$5 million a year. Seventy-nine councils and the Department of Primary Industries are expected to share such a meagre yearly amount to manage over 12 000 kilometres of roadside noxious weeds, fast-multiplying pests and all associated costs. It will be the ratepayers who will be forced to pick up the tab. The issue is an indication of what seems to be a pattern of cost-shifting decisions by this government made with utter disrespect for regional and rural Victorians.

Barwon River Parklands: funding

Mr TREZISE (Geelong) — Recently I had the pleasure, together with the member for South Barwon, of announcing further funding of \$475 000 towards the creation of the Barwon River Parklands, which I know the Minister for Community Services, who is at the table, also fully supports. For the information of the house, Barwon River Parklands, an initiative of this state government, is the creation of a 30-kilometre shared pathway stretching from Buckley Falls in Geelong to the sea at Barwon Heads. The Brumby government has committed \$3 million over four years to creating this exciting project that will ensure locals and visitors alike can enjoy the natural environment of the magnificent Barwon River.

This environmental commitment of the Brumby government is in direct contrast to the opposition's plans for the Barwon River that were trotted out in 1999, 2002 and 2006. In 1999 the then Kennett government promised to carve a kilometre-long concrete rowing course through the Barwon River and the Belmont Common, destroying the river through Geelong. In 2002 and 2006 the opposition committed itself to creating a two bob replica of Southbank along the banks of the river. Both proposals would have destroyed the natural beauty of the river, and of course they were soundly rejected by the people of Geelong.

The creation of the Barwon River Parklands will ensure that the natural beauty of the river and its surrounding environments is protected and enhanced whilst ensuring people get to enjoy a healthy walk, run or ride along the return paths to Barwon Heads. Barwon River Parklands is a great project which, when completed, will be appreciated and enjoyed by all.

Montrose Recreation Reserve: funding

Mr HODGETT (Kilsyth) — I rise to condemn the Rudd federal Labor government for its gross negligence towards and political thievery from the community of Montrose following the removal of \$660 000 of funding through Kevin Rudd's sanctimonious scrapping of the Regional Partnerships program. Has

the penny dropped for the Prime Minister? Is he reconsidering? The regional development grant I speak of was approved as part of an application to improve facilities at the Montrose Recreation Reserve, which is used by a number of my constituents who are involved with local sporting clubs, the FIDA (Football Integration Development Association) disability clinic, the scout group and the local environmental group, which have been working together to enhance their reserve for sport and recreation.

This was not some project cooked up to win votes from the members of the Montrose Football Club but rather a concerted community effort involving local people from all walks of life. Aside from the state government's allocation of funding to the tune of \$380 000, the Montrose Recreation Reserve project also received a commitment of \$660 000 from the Shire of Yarra Ranges this year and in excess of \$100 000 from the Montrose community through local fundraising.

If the state government and the local council are behind this project, if the local state members, including me, and the federal member for Casey, Tony Smith, are behind this project, and if the local community has put up its own money and is behind this project, then why have federal Labor — the colleagues of those opposite — and Labor's great Messiah, Kevin Rudd, abandoned this project? How can government members of this house continue to pat their federal colleagues on the back when this act of gross indecency has been perpetrated on the people of Montrose? Perhaps they should hold another summit on it.

Australian-Polish Community Services: 25th anniversary

Ms THOMSON (Footscray) — I want to congratulate Australian-Polish Community Services (APCS) on 25 years of providing good work and service to the Polish community. The organisation is one of the most professional, and has the most profound effect on its community. It has provided services to those who have come out on the wave of Solidarity to settle here. It has helped them to settle; it has helped to provide jobs for people who have emigrated here from Poland; it provides fantastic aged-care facilities to the Polish community; and it also runs a number of elderly citizens services for the Polish community.

I was very pleased to be able to share in the celebrations last Saturday night. I want to congratulate Elizabeth Drozd, the board, past and present, and staff of APCS, and the volunteers for the effort they have put in to make this such a professional and caring service. Not

only do they look after Polish citizens — all those of Polish origin — they also work with other ethnic community groups to help them provide better services for their communities. They are to be congratulated on the work they are doing to bring our communities together to provide better services for everyone.

Nepean Highway–Bay Road, Cheltenham: traffic infringements

Mr THOMPSON (Sandringham) — I begin:

Do you hear the people sing?

Singing a song of angry men?

There is a rising anger developing in the southern suburbs of Melbourne. Is it sheer incompetence? Is it a corruption of due process? Is it massive idiocy? Is it a cover-up? Is it a whitewash? I call upon the Premier, I call upon the Minister for Police and Emergency Services and I call upon the Chief Commissioner of Police to step off the celebrity circuit and actually start responding to the questions that the people of Victoria deserve answers to. A while back I put in a question on notice asking the Minister for Police and Emergency Services:

On 19 March 2007 how many infringement notices were issued to southbound vehicles turning right from the Nepean Highway in a westerly direction down Bay Road?

I was asking for one day's statistics — one day's set of figures. Do members know what the reply was? The Minister for Police and Emergency Services said:

I am advised that:

It would be an unreasonable diversion of the department's resources to provide this information.

This is the 21st century. I have 571 working families who are facing the loss of a job and a loss of their licence, and the government cannot provide basic information. I call upon the government to step off the celebrity circuit and admit incompetence, admit corruption, admit massive idiocy, admit a cover-up, or admit a whitewash.

Seymour: Ball for All

Mr HARDMAN (Seymour) — I rise to congratulate all who were involved in organising Seymour's Ball for All. On Saturday 24 May the second Ball for All was held in Seymour to provide an opportunity for local people who had previously missed the opportunity to make their debut. Run by Seymour Neighbourhood Renewal and Mitchell Community Health Services, with support from other organisations, businesses and individuals, the Ball for All was a great

success again. Many of the participants would not have had an opportunity in the past for a variety of reasons, be they financial or due to disability or disadvantage. On the night the seven couples and the page boy and girl looked the part and the debutantes carried out their waltzes and dance steps with great expertise. I would like to thank the many staff, volunteers, families and participants for making the Ball for All a really great night that will be remembered for years to come. I congratulate everyone involved for ensuring that a memorable and indeed emotional occasion was had for the debutantes and their families.

Drought: government assistance

Mr DELAHUNTY (Lowan) — I call on the Labor government to extend the exceptional circumstances and drought funding to farmers, small businesses and communities in rural and regional Victoria. Agriculture has a big influence on the economic and employment fortunes in my electorate of Lowan, and as we are still under the influence of drought the government must continue drought funding programs.

Horsham and Hindmarsh councils have written to the state and federal governments calling for a 12-month extension. Hindmarsh shire has said there is no doubt that the shire is still in the middle of one of the worst droughts in the history of farming in north-west Victoria. Horsham council is asking for an extension of rate subsidies and infrastructure grants for farmers.

In its budget papers the government indicates that the drought has finished, and it is cutting regional development funding by 40 per cent. This is a real crime for our people in country Victoria. Some of the programs that been very much welcomed in our area are exceptional circumstances funding, water tank rebates, stock containment facilities, farming family shire rates assistance, the rural counselling service and one-on-one extension services to farmers.

The real concern is about the rural counselling service. That is, at this stage, going to be cut — again I say 'cut'. Other services which are very helpful are the business interest-rate subsidies project; support for families through drought and the Tackling Mental Health project funded by the Department of Human Services; the Drought Relief for Community Sport and Recreation project; water rate subsidies; and the provision of water security for sportsgrounds through the summer. Again I call on the government to extend drought and exceptional circumstances funding.

La Trobe Life Skills

Mr BROOKS (Bundoora) — I would like to pay tribute to a local organisation operating in my electorate. La Trobe Life Skills began operating in 1998 and now provides training for over 50 students with disabilities. It operates the life skills cafe on the Bundoora campus at La Trobe University and operates a tool hire business. La Trobe Life Skills aims to create real-life opportunities with innovative programs that deliver self-managing life skills for its participants, who are young adults 18 years and over.

La Trobe Life Skills provides community access programs with the aim of developing general life skills, including those in the arts, in drama and in physical exercise activities. It also provides accredited courses in transition education, work education, hospitality, retail and car detailing courses — in fact it provides a great car wash service every Thursday at La Trobe University. Also, in conjunction with St Vincent's Hospital, La Trobe Life Skills designs and constructs activity boxes which are used by dementia patients across Victoria.

Being located at La Trobe University's Bundoora campus, La Trobe Life Skills provides a safe and positive learning environment for its participants. I recently visited Life Skills at La Trobe to meet with senior management and was impressed by the organisation, which receives very little publicity but does a great job. I am sure the participants at Life Skills will continue to enjoy the social and educational benefits provided. I would like to thank the Minister for Community Services and the Department of Human Services for the recent prompt and very much appreciated assistance they provided to this great local organisation.

Western Port Secondary College: funding

Mr BURGESS (Hastings) — The Brumby government's commitment to having education as its no. 1 priority has again been shown to have no credibility. The Western Port Secondary College in Hastings is a school that is overcoming challenges of both reality and perception to set itself up as an institution of genuine quality. Principal Simon Hamilton and his excellent staff are working hard to provide Hastings children with a first-class education; however, this critical goal is made all the harder by the second-class support they are receiving from this government.

Among its many achievements, the college has become one of very few to attain the 5-star sustainable schools

rating in Victoria. This government had the opportunity to build on all of this hard work and dedication from the teachers and the community, but it chose not to. In the 2008–09 Brumby government budget the college has again missed out on the funding it so desperately needs.

Public transport: ticketing system

Mr BURGESS — The government's commitment to the failed myki ticketing system is an embarrassment to Victoria. The arrogance of a government that tries to cover up its continuing blunders by pouring more and more of Victorians' money into it, simply to try to save itself from embarrassment, is breathtaking. The possible implementation of myki is being touted as the reason why ticketing machines will not be provided on board the Sprinter train service on the Stony Point line.

The lack of ticketing facilities is, however, secondary to the issues surrounding pre-purchased ticket-holders being required to validate tickets upon arrival at the station. Unless a Connex employee is present on the platform, passengers cannot validate their tickets, and this delay results in many commuters missing connecting trains. This new Sprinter service has provided more comfortable seating, but it has done nothing to improve the service.

Frankston Hospital: performance

Mr BURGESS — Frankston is officially the worst place in Victoria to get sick or injured. Mornington Peninsula's biggest hospital is the state's worst performer. Frankston Hospital was among the slowest to transfer casualty patients to hospital beds, and only 51 per cent of patients were admitted within the desired 8 hours.

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

Sue Morris

Mr HUDSON (Bentleigh) — I would like to congratulate Sue Morris on being selected as the southern metropolitan region winner of the 2008 Education Community Service Award. Sue has had a strong affiliation with Ormond Primary School for the past 24 years. In that time she has undertaken a wide variety of roles, commencing when her own children enrolled at the school and continuing long after her children left. Sue is a valued community member who is highly regarded by staff, students and parents in the Ormond Primary School community. She has assisted with the school's bike education program for the past 15 years.

This year Sue celebrates 20 years with the Glen Eira City Council as a school crossing supervisor. She has extended this role into the school by speaking with new prep children about road safety; she introduces herself as a safe person who is there to help when needed. Sue was an active assistant in her children's classrooms and has been president of the school's mothers club. Since her children left the school, Sue has continued to assist the school librarian and support the school's performing arts program by making costumes and choir uniforms for school concerts, performances and year 6 graduation celebrations. Sue has been a regular at school working bees, and is a gem in the volunteer community.

Lyrebird community centre: 20th anniversary

Mr PERERA (Cranbourne) — I had the pleasure of being part of the Lyrebird community centre's 20th birthday celebrations. I congratulate Ms Fiona Dannock, manager of the centre, all her staff, volunteers and members of the community of Carrum Downs who have made the centre one of the great facilities in Carrum Downs. The Carrum Downs community centre was established in 1988 and was then located in the GK Tucker settlement in Carrum Downs as part of the Brotherhood of St Laurence. It consisted of two small cottages, one for a playgroup and the other for craft work and the housing of the centre's manager. In 1994 the centre amalgamated to become the Lyrebird community centre and moved to its current location.

In 2004 the centre expanded to become a large, modern complex. I had the pleasure of formally opening the expanded centre together with the then mayor of the City of Frankston. At present it is a registered training organisation offering certificate courses in business administration, information technology, web design, retail operations, first aid and many other courses useful to the local community. I wish the centre all the very best on its 20th birthday.

Birchwood Avenue, Templestowe: school crossing

Mr KOTSIRAS (Bulleen) — I bring the government's attention to the unmanned school crossing in Birchwood Avenue. According to the Templestowe Valley Primary School council this crossing services both Templestowe Valley Primary School and Templestowe Valley Preschool pedestrians — including children ranging in age from 3 to 12 years old. In a letter to Manningham City Council, the principal of Templestowe Valley Primary School said:

This crossing services both Templestowe ... and Templestowe Valley Preschool ... Many incidences have been reported to us which could have all been prevented if the crossing was manned. Too often cars do not stop when pedestrians approach the crossing — even with the flags up — the drivers being very oblivious to their surroundings.

I call on the government to provide some funding to man this crossing. I cannot speak on behalf of the Manningham City Council, but I am sure that if the government were to come on board and provide some funding the council would also subsidise the cost of a supervisor being present. It is urgent that something is done before a young person gets injured while trying to attend school. It is about time the government thought about the electorate of Bulleen and provided some funding to ensure the safety of our young people, especially on their way to school. In the past the government has ignored us; it is time it put up the funding to ensure the safety of all students at our schools.

APPROPRIATION (2008/2009) BILL

Second reading

Debate resumed from 28 May; motion of Mr BRUMBY (Premier).

Mr FOLEY (Albert Park) — It is with pleasure that I rise again to conclude my comments on what a fantastic appropriation bill this is for the people of our community.

Mr Burgess — Not more of this rubbish!

Mr FOLEY — I am glad the member for Hastings is here, because if he recalls the discussion before the adjournment last evening, he will remember that the secondary colleges and primary schools in the electorate of Hastings will receive \$9 million to continue to make the education system the best one in which to prepare all young people for the challenges of this ever-changing community. It is a pity that the Liberal Party spends so much time on its internal administration and its blogging efforts rather than understanding what a fantastic structural budget this is for building a more competitive and highly educated workforce for the future. I refer the member for Hastings to the contributions to debate on this bill last night to see how spectacularly well some of the opposition's electoral districts did in terms of education funding in this budget.

Last night I was in the process of commending the efforts of the Minister for Sport, Recreation and Youth Affairs. I particularly focused on those organisations

that managed to receive some funding in my own electoral district of Albert Park. As we heard from the minister's own contribution last evening, there is a \$53 million program to relocate Athletics Australia, Athletics Victoria and the Victorian Institute of Sport from their Olympic Park home of many years to the Lake Oval. This oval is the home of the South Melbourne Football Club and the former home of the South Melbourne Australian Rules football club. This program will ensure that the oval becomes the centre not only for elite athletic sports when seen in combination with the Melbourne Sports and Aquatic Centre straight across the car park but also for community sport in my electorate.

I commend the efforts of the government to the local community and note that the leaders of the South Melbourne Football Club, who are high-profile members of my community, have welcomed this contribution with open arms. I also note that the redevelopment is being done in a sensitive way to ensure there is no loss of parkland.

The sporting culture of my electorate receives other contributions from this appropriation bill. The Port Melbourne Football Club, which has been in existence for 130 years, making it one of the oldest sporting clubs in the world, will receive a contribution towards its partnership development with the Australian Football League and the City of Port Phillip of a new, integrated sporting facility for the local community at the famous North Port Oval in Port Melbourne. I note that the club's leadership, and indeed the AFL, has welcomed the contribution this will make to ensure the security of community-based football programs in my electorate.

The Minister for Housing has ensured, through his contributions to the government's groundbreaking A Fairer Victoria approach to the delivery of programs that build on the social inclusion message, which I note the federal government has also picked up in recent times, that some \$300 000 will be targeted at my electorate to help the wonderful Sacred Heart Mission in St Kilda to ensure there is support for its Journey to Social Inclusion project, which is a managed project that seeks to break the spiral of long-term homelessness in the community. Partnering with the mission and a number of private sponsors, the government will seek to develop new ways of breaking people out of the vicious cycle of homelessness that continues to blight so many lives. I urge everyone in this house and indeed in the community to look to ways they can support the Sacred Heart Mission and its fine work, like this government is doing.

I also note the contributions being made to upgrade public housing. People in community-based housing in my electorate are among some of the most vulnerable members of our community. It is with some sadness that I noted the contributions by way of interjection from members of the opposition, seeking to run down public tenants. The \$500 million housing package from last year's budget continues to be rolled on through groups like the Port Phillip Housing Association Ltd, the St Kilda community housing association and the South Port Community Housing Group. These organisations continue to be at the cutting edge, together with the Office of Housing, in developing and redeveloping the important housing stock to ensure that the most vulnerable in our community are given a fair crack at having opportunities for a fair existence. That is what this government and this budget are about.

Mr K. SMITH (Bass) — Can I say, in rising to speak on the 2008–09 budget, that this is the 19th budget debate that I have sat through and contributed to, usually in a very good way. But only seven decent budgets have been delivered in this Parliament since I have been here — and they were in the Kennett era, when we were actually budgeting and paying off debt that had been created by the former Cain and Kirner governments. I can see that, unfortunately, this government is heading in the same direction with the amount of debt it is creating.

I do not think the people of Victoria have got a great deal out of this budget. There has been a lot of smoke-and-mirrors rhetoric about it, but when we get down to looking at what it is really all about, we see we have the highest taxes on record. We know that because of the amount of money this government is spending. It keeps talking about how it has put more money into health, more money into education and more money into public transport, but the truth of the matter is that it has had more money. It has had twice as much money as the Kennett government had after it had paid off all of Labor's previous debts, after it had cleared the books and after it got back the AAA rating.

Now this government is sitting in a reasonably pretty position, but it is building up more debt. Debt is going up from \$5.7 billion this year to \$22.9 billion in 2012. That is of great concern. The kids sitting up in the public gallery today, watching the proceedings, will be the ones who will be left to pay off that debt. They will be just about reaching the stage where they will be going to work and paying taxes — and paying high taxes! — to pay off the debt at the rate, at this stage, of \$1.8 billion a year. Just think of the infrastructure that could go into place for that \$1.8 billion. These kids will

have to carry the burden of what this Labor government is doing.

Contrary to what Treasurer John Lenders says about what a great budget it is and how it is good for Victoria, the truth of the matter is that it is not good for Victoria. We need only to look at what we have. We listen to the government, which says Victoria is a great place to raise a family and a great place to live. It is also a great place to raise taxes. There is very fertile ground here in Victoria to allow the government to get stuck into people; that is obvious from the amount of money it is taking from people in stamp duty, land taxes and gaming taxes. All this money that is going into the government's coffers is coming to it indirectly. On top of that it is getting the GST revenue that is coming to Victoria.

You have to really look at what it has done with the money it has had up to date. What has it done? Very little. It keeps accusing the Kennett government about the number of schools it closed. Members should have a bit of a look at the number of schools this government has closed since it took office in 1999.

Mr Hudson interjected.

Mr K. SMITH — You have closed as many schools in the time you have been in government as the Kennett government closed.

Mr Hudson — Name them; name one.

Mr K. SMITH — You name one that Kennett closed; don't get me involved in this.

Mr Hudson interjected.

The ACTING SPEAKER (Mrs Fyffe) — Order! Through the Chair!

Mr K. SMITH — The hospitals have long waiting lists. The government talks about all the hospitals it has put in, but I am not really sure about that. It talks about all the hospitals, and yet we have longer waiting lists and more ambulance bypasses because the hospitals cannot accept people. Our health system has been centralised in Melbourne, which makes it harder to be able to service people, certainly in the Wonthaggi area in my electorate, where we have a hospital that was without doctors in its accident and emergency department for nearly six months.

More than 100 000 people went down for the superbike competition. Far more people go down to the area on a normal weekend, which starts for them on a Friday and go back to work on the following Tuesday morning.

Although a lot of people visit the area, we do not have an accident and emergency area where people can go to get proper treatment. Every day helicopters are flying out of Wonthaggi hospital, taking people to Melbourne to get proper health care. It is not good enough.

The hospital itself is fantastic. I cannot complain about anything the hospital does. I cannot complain about the management or the staff at the hospital. They have done extremely well on the amount of money they get from this government, but the fact is we are in a pretty poor way down there as far as providing services for residents of the area. This government did not step in in any way, shape or form to keep the Warley Hospital on Phillip Island open, which means we are looking at probably a 40-minute road run, with lights on and sirens blaring, to get patients over to the Wonthaggi hospital, then most patients with heart problems need to be transferred out by helicopter. It is just not good enough.

In the area of public transport, this government talks about all its trams, new trains and great services. What about the very fast train that it put on around Victoria? It brought it up from Traralgon, and it was going to save 3 minutes on that trip. But only one train per day achieves very fast train status, and that does not stop in Bunyip, where the majority of people are waiting. That is how it can be called a very fast train: it does not stop at a station but speeds straight through to the next station. I regard a very fast train as one that actually delivers services — that is, it gets people into and out of town more quickly. It has never happened, even with all the government hype surrounding it. Despite all the hype, the service has been pretty poor.

What about the normal suburban train services? How many trains are actually cancelled? How many trains just do not arrive? The trains are dirty; they are covered in graffiti, they are filthy and they do not arrive on time, if at all. It is probably just as well; the people would find them so disgusting that they would not get on them.

What does the minister do? She says things like, 'We are going to get some new train, and we will just have more straps for people to hang on to', because she would not like them to sit down, particularly if they are travelling from Melbourne to Frankston or Melbourne to Pakenham! The minister thinks, 'That's all right, they can hang off the straps for an hour' — that is, if the train actually leaves the station.

Honourable members interjecting.

Mr K. SMITH — Members opposite should not even think about what the government has done about public transport. What has it done? It has put more pressure on Melbourne's roads. To prove my point, you only have to start to get into the traffic on the Monash Freeway, which I travel up a fair bit, or get out on to the Western Ring Road, or the new EastLink — that will be terrific when it gets going! Unfortunately, there will probably be a traffic jam that starts at Frankston and probably goes right back to Ringwood, because when you get to Frankston there is nowhere to go: you have six lanes of the new freeway joining the four lanes of the Frankston Freeway and becoming just two lanes.

We are going to have some traffic jams down there the size of which this government would not believe. During the last election campaign we at least recognised that there was going to be a problem there, and we committed \$250 million to build a bypass around Frankston so that this problem would not occur. But the government was so stupid that it never even saw that as a way of getting out of the problem. It is crazy. All the money that is being spent on the eastern link, or EastLink, or whatever you call it —

An honourable member — The Scoresby!

Mr K. SMITH — The Scoresby, and we remember all the promises that were made that it was going to be a freeway but then it became a tollway. The government is going to be charging people parking fees on the highway because the cars are going to be banked up. Obviously the Treasurer will be thinking about the profits that he will make out of it.

We have a lack of police. I am going to flit through a couple of issues, because they bug everybody on this side of the house. However, probably much more important than what concerns us is the fact that they bug the people in the community, because they are faced with the problems every day. In my electorate, which includes the Bass Coast and Pakenham, we do not have enough police. We have 24-hour police stations that cannot remain open because there are not enough police to go out in the van to patrol the area. We have one divvy van that patrols thousands of square kilometres because that is the way it is. There are not enough police to drive it; there are not enough police to stay at the station.

If you go to the 24-hour station at Wonthaggi, you might find that you cannot get in the door. It does not slide open because no-one is there. There will be a note on the door saying, 'If you have got a problem, ring D24'. What will D24 do? It will ring somebody in the Latrobe Valley and say, 'Hey, there is a fight in a hotel

in Wonthaggi, we would like you to come down and do something about fixing it up'. They have to travel from the Latrobe Valley. There may well be one police van that is over on Phillip Island, or it may be up at Lang Lang looking after a problem that has occurred up there, and we have nobody else protecting the people. We do not have enough people at Cowes police station, but with the constant grind of getting on to this government and trying to embarrass it, a couple of extra police officers have been stationed there to take off some of the pressure.

The government talks about rosters and the number of rostered police allocated to the area down there, and yet we know that at any given time about one-third of them are away on sick leave, WorkCover, annual leave, rostered days off — I can think of a million different reasons why police officers are legitimately not at work — but as the member for Kew said yesterday, there is no backfill for all of these people who are away. This is why the stations have to close.

I was honoured to go along to the opening of the new police station at San Remo. It is just down the street from where I live. Every time I go down there I can see that the station is not open. It is a beautiful station, and I do not know how many millions of dollars the government actually paid for it. It has the best view in the whole of Australia and looks out over Western Port — a lovely place — and you can see where the fish are biting. But the truth of the matter is that there are not enough police to be able to keep the station open for a reasonable period of time. I worry a bit about that. Inverloch is much the same. When we get the crowds down there over the Christmas period the station cannot be manned 24 hours a day. It puts an awful lot of pressure on the police who are working in that particular area.

I have great concerns regarding education. A good education is probably the most important and helpful thing to offer our kids to enable them to have a decent future and get jobs. We have fewer students going to government schools. People are choosing to pay for their kids to go to independent schools. It is not just for the snob value; it is for other reasons. Our government schools in Victoria produce the lowest rate of literacy and numeracy in any mainland state in Australia. That is an appalling record to have, and parents are taking that fact into consideration when they say, 'We are prepared to pay money for our child to go to another school'.

There are some fantastic independent schools, and even around the Pakenham area I can name a few. One of them is Beaconhills College. This school has two

campuses, each with 1200 kids, so about 2500 kids are not going to government schools. St Francis Xavier College is another school that has about 1500 students spread across two campuses. Hillcrest Christian College is a fantastic Christian school which has kids whose parents prefer that they go there than attend a government school. A brand-new Lutheran college has just been set up and built on the basis that 1200 kids will attend. In Pakenham we are probably looking at about 8000 kids whose parents have chosen to pay for them to go to a non-government school. That is a reflection on the whole of the state education system. It is a reflection on what the system delivers and on what people think about government schools.

The government has a problem. It has just built a couple of new schools, and one of them has been at the behest of the people at Heritage Springs, called Pakenham Springs Primary School. No doubt it is a great little school, but had we not pushed, harped and carped to the Minister for Education we would never have had that school. Another new school is going up at Lakeside, because of the many people we managed to drag together to insist that the government put a school there. The government talks about building new schools, but it takes so long to do it. Some of the schools in my area are in an appalling condition. I look forward to the government — —

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

Mr HUDSON (Bentleigh) — It is a great pleasure to speak on the Appropriation (2008/2009) Bill in relation to the state budget, which addresses the substantial problems that we face as a community in Victoria. It is a budget that is coping with a booming population. We will have an extra 1 million people in Victoria in the next 10 to 15 years. The boom sees people from other states voting with their feet; nearly 1200 people are being added to Melbourne's population every week. It is a budget that recognises the fact that we have the highest rate of household formation in Australia, with over 74 000 births alone in the last year.

It is a budget that is investing in our schools, in our hospitals, in our roads, in our public transport and in our water infrastructure. While we are delivering on those services and infrastructure, we are also delivering tax relief and we have maintained a strong budget surplus and a competitive tax environment that gives business the confidence it needs to invest in this state.

The opposition's response to the budget has been not only confusing but economically illiterate. Let us take the shadow Treasurer on tax. In his contribution the

shadow Treasurer claimed that the government is collecting too much land tax and is excessively dependent on that tax to bolster the bottom line of the budget. He claims that this strategy is highly susceptible to the peaks and troughs in the economy. He went on to say that we also have an excessive reliance on stamp duty. However, he complained that we are narrowing the stamp duty base. He said that since 2006–07 we have reduced by 12 per cent the number of properties subject to stamp duty, and he complained about the stamp duty burden.

The shadow Treasurer cannot work out whether he wants more stamp duty or less stamp duty. He cannot work out whether he wants a budget surplus, because he asked what the government was going to do if it got a 20 per cent correction in the housing market, which would see \$700 million taken off the budget bottom line. What would the government do? The government has an \$800 million plus surplus for those kinds of contingencies. The opposition criticises the government for having a budget surplus. The surplus is there to be a buffer. Members opposite criticise the government for relying on these state-owned taxes, which they will do nothing to cut. They claim they will, but when it gets to an election they will not.

The shadow Treasurer complains about payroll tax, insurance taxes, police fines, fees and charges, the congestion levy and the waste landfill levy, among other things. He even complains about the increase in the gaming machine levy. This is levied on the super-profits of Tattersall's and Tabcorp, the duopoly which owns gaming machines in the state, but the shadow Treasurer complains about it. Here we have an opposition that complains about every bit of state-owned revenue that we raise. But is the Brumby government crushing Victorians with taxes, as the opposition claims? Are households struggling under the burden of this tax? Of course they are not. One has only to look at the actual projected increase in taxation in this budget. The budget says we will raise an additional 3 per cent in state taxation this year. This is a reflection of the fact that the economy is growing by that much and that employment is growing by that much. This is not a tax slug; it is what happens with a growing economy.

Let us have a look at state taxation as a percentage of the gross state product (GSP) over the last few years. It has been flatlining at 4.7 per cent. On the basis of the initiatives in this budget, in 2010–11 it will be 4.7 per cent of our GSP. There is no tax blow-out, as the opposition claims. The tax regime in Victoria is competitive with those in New South Wales and

Queensland, which is why people are flocking to Victoria and business is investing in Victoria.

Mr Wakeling — How's your debt level?

Mr HUDSON — Now opposition members are complaining about debt. The shadow Treasurer complained that net debt is going to increase from \$1.5 billion in 2005 to \$9.5 billion in 2012. So what? That money is being invested productively in infrastructure that will produce a return to the economy. It will produce a return to the budget. If you do not invest in skills, you will not have a productive workforce. If you do not invest in health services, you will not have a productive workforce. If you do not invest in roads and public transport, then congestion costs the economy. We know congestion is costing the economy \$1.5 billion to \$3 billion. If we do not make these investments, the cost of congestion to the economy in the next 10 years will double.

It is perfectly sensible for a government to borrow to invest for returns over several generations. The Bolte government did it, the Kennett government did it, and we are doing it. In 2012 our general government net debt will be 2.9 per cent of gross domestic product — exactly the same as it was in 1999 under the Kennett government. The opposition keeps insisting that the sky is falling in, and that we are somehow burdening future generations with a debt they will not be able to repay. The only problem is that the ratings agencies do not agree with the opposition. They do not agree that our capacity to pay debt has been lessened in any way. In fact they have just reinforced our AAA rating. They do not believe the sky is falling in.

The business community does not believe the sky is falling in. You just have to look at the comments of Heather Ridout, the head of the Australian Industry Group. Her record shows that in the past she has not been afraid to criticise Labor governments, yet she had this to say about debt on Jon Faine's radio program on 14 May in talking about funding our major infrastructure projects:

... there's also debt financing, which thankfully the states are now taking a much more enlightened and flexible approach to because, you know, these are intergenerational assets; these are really going to benefit future generations ...

Heather Ridout was not saying that we should not be increasing our debt to fund this infrastructure, she was saying the reverse. She was congratulating the government for doing that.

These people seem to understand that this is necessary and good, as every other government around the world

knows. The only group that does not think it is good is the Victorian Liberal Party. Its members trot out the same tired old lines about the Cain and Kirner governments and debt, ignoring the fact that those governments ran budget deficits and we are running budget surpluses. It is a completely different situation. We have surpluses which, if they are not needed to cushion the budget against an economic downturn in the future, will pay for our future schools, our future roads, our future public transport and our future hospitals.

When opposition members come in here, as they will today and as they did yesterday, and raise a long list of grievances about the things that are not funded in their electorates, it is just completely lazy politics. Anyone can get up and say there are things out there that are not funded, because that is so obviously true. You could double the state budget tomorrow and there would be things out there that would not be funded. However, the fact of the matter is that the strategy the opposition is adopting does not add up. It wants lower taxes and less debt, but it also wants more services and more infrastructure. It does not add up. No-one out there in the community is listening to the opposition because there is no credibility in that line. The mathematics do not work. There is no clear alternative coming from the opposition. There was a time when the opposition stood for something. It stood for small government, it stood for lower taxes, it stood for lower debt, but it does not stand for those things anymore because its members are in here whingeing and carping about the things they want funded in their electorates.

The shadow Treasurer's budget reply was very telling. He spoke for over half an hour and when he got to the end of his contribution he had not devoted one syllable to what the Liberal-National party coalition would do. He did not spell out an alternative. There is no alternative economic strategy there. Opposition members cannot make up their minds whether they want to cut taxes and services or increase them to fund all the things in their electorates they rail about. They cannot work out whether they want to cut debt by slashing the Brumby government's capital works program for schools, for hospitals, for public transport and for water — all the things they say we should be putting more money into. They cannot make up their minds.

Let us look at what the Liberal Party actually commits to; by way of example, let us look at its election commitments on hospitals. At the 2006 state election it promised to spend \$155 million over four years on hospitals. In this budget alone, Labor has committed

\$403 million to hospitals — that is, Liberal's \$155 million compared with Labor's \$403 million!

In education the Liberal Party promised to spend \$200 million over four years on school maintenance, but had nothing for capital or new schools. In its costings it had five uncosted technical schools and four uncosted new selective entry secondary schools; it did not even believe in them enough to put money aside. What is Labor spending on new schools in this budget alone? It is spending \$595.8 million.

On public transport, which we have heard so much about, with claims of overcrowded trains and trams and the need to invest in rail infrastructure, the Liberals promised to spend \$71 million to expand public transport lines over four years and to spend \$105 million on new trams and trains. In this budget alone the government has promised to spend \$517 million to expand public transport. It has allocated \$291 million in just this budget for new trains, with \$635 million overall for 18 new trains — yet the Liberal Party promised funding for just six! When it comes down to actually putting your money against the rhetoric, the Liberals cannot do it. Even when they are going to the people in an election, they cannot do it because they do not really believe in it.

Fantastic things have been delivered for the people of Bentleigh, my electorate, in this budget, with \$6 million being committed for McKinnon Secondary College, one of the top five non-selective entry schools in the state, and that is on top of the \$6 million committed in last year's budget to redevelop Bentleigh Secondary College. Also, \$5 million has been committed to Bentleigh West Primary School. In this budget the government has also committed \$500 000 to the refurbishment of Coatesville Primary School — to give it a lift, to boost and develop that school; and \$700 000 has been allocated for the refurbishment of Valkstone Primary School.

Since Labor has been in government it has committed over \$42 million to rebuild and refurbish schools servicing the Bentleigh electorate. What was committed under the Liberals? Zero, nothing, no money. Not one dollar was spent on those schools during the time of the Kennett government. In fact, what happened instead was that it closed three schools in the area, placing enormous pressure on other schools. That pressure has meant the Labor government has had to not only rebuild the schools but also expand their capacity, to make sure they can cater for the future.

The opposition has to decide that it cannot be all things to all people. It has to stand up for something other than

its cry of, 'What about me?' and, 'Why didn't I get this?'. It has to decide whether it actually stands for something or for nothing. As a member for Eastern Victoria Province in the other place, Mr Philip Davis, said in an *Age* article:

I think we should all be aware of a perception that the electorate has not understood what the Liberal Party stands for.

He went on to say that from 1967 to 1999 it had not articulated a clear message.

Mr WAKELING (Ferntree Gully) — It is always a pleasure to follow the member for Bentleigh because as we all know, the member is a very frustrated backbencher who is fighting his way to be on the front bench. I am sure his day will come, although he has not performed all that well during the making of members statements. We know his time will come, and that one day we will see the member for Bentleigh on the front bench.

Sadly this budget has let down Victorians; it has let down people in the eastern suburbs of Melbourne, and more importantly, it has squarely let down people in the electorate of Ferntree Gully. Before I come to the specifics of my electorate, I should say I was interested to hear the member for Bentleigh cast aspersions on members on this side of the house because they were standing up for their communities.

I remind the member that we are elected to this house to stand up and fight for our communities; and to push for services and infrastructure to go into our communities. Unlike those opposite, our role is to stand up and fight for our community because it is our role to listen to the concerns of the Victorian community and put their concerns in this place before an uncaring government.

This budget will expend in excess of \$36 billion in the 2008–09 financial year, which, it should be remembered, is an increase from the 1998–99 Kennett government budget expenditure of in excess of \$18.2 billion. In other words, there has been a significant increase in expenditure. One would think that if you had such a significant increase in expenditure, you would naturally see the establishment of new services and new infrastructure. Victorians know that when they talk about public transport, roads, hospitals and schools, they are not seeing the delivery of those services.

I was a bit bewildered by the previous member's contribution when he referred to taxation. He raised concerns about land tax, stamp duty and payroll tax. Let the facts speak for themselves. In 1998–99 the state

government received \$400 million in land tax revenue; by 2008–09 that figure had increased to nearly \$1.2 billion. I do not understand members opposite. If that figure had decreased from \$400 million to \$300 million, I could understand that this government must have reduced land tax, but it has gone from \$400 million to nearly \$1.2 billion. I am sure the children in the public gallery today would understand that that increase in land tax can only be regarded as significant.

What about stamp duty? In 1998–99 the take from stamp duty was about \$1 billion. This government says it is doing something about stamp duty, and one would expect that the tax take would be reduced, but the figures demonstrate that in 2008–09 the tax take from stamp duty is going to increase. Will it increase to \$2 billion? No, that is not enough. Will it increase to \$3 billion? No, that is not enough. The take will be \$3.5 billion from a base of \$1 billion — a \$2.5 billion increase. Talk about an addiction to tax! I am just astounded at the contributions from those opposite.

Then the government talks about payroll tax. This is a government that says it cares for small business and is getting off the back of small business. You would think that if it were getting off the back of small business, it would have done something about payroll tax. In 1998–99 the take in terms of payroll tax was \$2.2 billion. What do we have now? In 2008–09 there will be an increase, not a decrease, up to nearly \$3.7 billion. Those opposite know that this is a government that is addicted to tax and to taxing Victorians, businesses and working families. Those are the people it says it stands up for, but as we are seeing federally at the moment, this is a party that cannot be trusted in terms of taxation.

Let me just come to a few of the areas of the budget that concern my electorate. I will be unashamedly defending the needs of my community. Those opposite do not believe that is our role, but I squarely know that my community elected me to this place to stand up for its concerns. Let us just start with public transport. We have a government that released a livability statement nearly two years ago, a document that was a blueprint for the future. What happened to the livability statement? It was scrapped because the government realised that many people in the community did not believe it was going to deliver the services and the infrastructure that people needed. Then we had the much talked about and waited for Eddington report. Government members are scrambling over themselves to scrap that report. They want the tunnel project scrapped and a whole range of other projects recommended in the Eddington report scrapped. Not 1

cent has been spent on the proposals in the Eddington report yet, and we already have government members pulling it apart.

Look at the way this government has handled myki. It is just a disgrace. You can use all the spin you like, but the average punter, the average person in the street, when they look at the way this government has handled myki they know it is a disgrace. They know that the best thing that the government could have done with myki was to cut its losses and scrap it. What has the government done? It has thrown good money after bad. Not one person in this community would say that that is money well spent.

Let us look at train services. I do not know the last time that the minister caught a train. However, I asked her to go out to Ferntree Gully railway station and talk to the people there about train services — about why they cannot get onto a train because they are crowded, about why the trains are late and about why they cannot get to work on time. I asked her to explain to those people — the good hardworking people in my electorate — why it is that this government has sorely let them down.

The government talks about promises. In 1999 this government promised my community it would fund a feasibility study for a road and rail grade separation project. It talks about its infrastructure investment, and it talks about all the wonderful things it is doing, but not 1 cent in this budget or in any of the government's previous budget has been spent on that. I have stood up in this place fighting tooth and nail to try to get the government to upgrade the Ferntree Gully railway station to premium status. There are people who are in walking distance of that railway station who refuse to use it as they believe it is unsafe because there is not one person in uniform there to assist them.

But do not take it from me, take it from what the government's own cross-factional transport policy committee has said, as was reported in the *Age* of last week. The committee is reported as having called upon the government and the minister to ensure that the 56 unmanned suburban train stations are going to be manned in order — surprise, surprise! — to cut crime and enhance passenger safety. That is a no-brainer. That is what we have been talking about for years. That is what we on this side of the house have been doing: we have been raising these issues with the minister. Government members should not take it from me; they should take it from their parliamentary and organisational colleagues, who have clearly said to the minister, 'Enough is enough, put the staff on the stations'.

I ask the minister to do one more thing. When she puts the staff in there, I ask her to build a waiting area so that people have a safe place in which they can stay on the city-bound platform. We are not asking for hundreds of millions of dollars, we are just asking for a bit of infrastructure and for the station to be manned. It is a small thing but it is symbolic of the way that this government has let down my community.

The government promised a number of other services, one of which was a tram service to Knox City. In 1999 it promised that it would deliver these new infrastructure services. The government built it halfway — it got it to Vermont South and then said, 'Enough is enough; it will be put up to here'. While I am sure Vermont South has a nice shopping centre, it is certainly no Knox City, where it was designed to go in the first place. If one looks at roads — and I am sure my country colleagues will be talking about road infrastructure in their electorates — my community has been looking at the possible construction of the Dorset Road extension and for the Napoleon Road duplication project to occur. It is not greedy. It did not expect it all to be done overnight. What the community does expect is a government that is at least going to demonstrate a commitment to rolling out a long-term strategy on the delivery of these projects. Again, we are not asking for hundreds of millions of dollars. We are not even asking for all of it in one budget. We are just asking for an understanding that people in my community have concerns and a commitment that the government is at least willing to listen to them and not punish them, as it has done.

In relation to education, the member for Bentleigh spoke earlier about the government being one that does not close schools. I would be happy to take the member for Bentleigh, or anyone else from those opposite who is interested, to Dorset Road, where they can drive past not one but two schools sites that were closed under the watch of this government. This is a government that talks about the fact that it does not close schools. It has closed not one but two schools in my electorate. The government talks about its education infrastructure investment. It has said it has brought forward funding and that this is the big package it has rolled out in this year's budget. I thought we might perhaps get one or two schools upgraded. What did we get? We got nothing. The member opposite talked about all the wonderful things that the government has delivered in his electorate, but the people in my electorate, and the people who are in other coalition electorates, got nothing. They were sorely left out by this government.

Mr O'Brien interjected.

Mr WAKELING — Exactly right. The government is more interested in votes than in children's education. A question was asked about school maintenance funding. The government belittles the opposition for raising the issue of school maintenance. I ask those members opposite, including the Minister for Education, to attend some of my school council meetings and explain to them why school maintenance is not a priority, why those schools have to put up with leaking toilets and toilets that do not work and why that should not be a priority for those schools. It is not an issue for a minister who has a nice office and a chauffeur-driven car. But children in my electorate are being educated in substandard facilities, and that is just not good enough. Again, we are not greedy and we do not expect all of these things to be done overnight. But we should at least expect an understanding and a recognition by this government that it is willing to do something about this issue.

The government talks about a 10-year school rebuilding program. All my schools want to know is where they are on the list — schools know that it will not happen tomorrow — because they have problems in their schools. They do not want to raise money through chocolate raffles and spend money on upgrading infrastructure to find out a month later that a part of their school is going to be bulldozed and rebuilt. My schools are in limbo. They do not want to spend money in case the money is wasted. All they have asked for is a program. I have asked the minister for a program and timetabling. But of course what did we get? We got spin, rhetoric and, more importantly, no answer.

I am trying to understand what the government's no. 1 priority is. Is it health, education or public transport? I assume it is health. The strategic plan of 2005–06 and 2009–10 of Eastern Health notes that in regard to the Angliss Hospital, which Eastern Health manages, what is needed is to:

Address ... infrastructure and increase bed capacity ... by rebuilding wards 2 east and 2 west.

There was nothing in the previous budget about this. We have nothing in this year's budget. If health is such a priority, it is incumbent upon this government to tell the people of Knox when that piece of important infrastructure will be delivered.

It is a shame that members are limited to 15 minutes to make their contributions. In the time I have left I will talk about law and order. Personal safety is an issue that, like no other, cuts across all areas. Law and order is a key area.

Last week the member for Bayswater and I held a crime forum in Boronia. The Leader of the Opposition and the shadow Minister for Police and Emergency Services attended. People came along to that meeting and made it clear that, firstly, they love living in the suburb of Boronia, and secondly, and more importantly, they feel concerned. They want the government to provide the necessary resources to ensure that we have police on the beat.

There are 40 police on the list in Boronia. But when there are staff who are on secondments, who are sick and who are on leave — all of which is legitimate — nobody is backfilling those roles. The first thing the police have to ensure is that the station is manned. The second thing they have to ensure is having one man out on the beat. But what is missing as a consequence of that? It is front-line policing.

When a 69 year-old woman is stabbed taking money out of an automatic teller machine, it is no wonder that people in my community feel hesitant about going to their local shopping centre. Police command said to people that it would be wise for them not to go out and put themselves in a dangerous position. In a modern society, that is just not good enough. I call upon this government to start listening to the concerns of not only my community but the Victorian community and to act.

Dr HARKNESS (Frankston) — It is a great pleasure for me to rise and speak about the budget. At the outset I would like to congratulate the new Treasurer in the other place for the delivery of his first budget. It is a fantastic budget. As somebody observed yesterday, it was fantastic to see the Treasurer come through these chamber doors, come into the lower house and deliver such a terrific budget.

Mr Robinson — Return to the lower house!

Dr HARKNESS — He returned to the lower house. That is right.

This budget was a budget for babies and young families, for home buyers across the state and also for Victoria's suburbs. They were the big winners of the 2008–09 state budget. Figures which have been recently released show that we are in the middle of a massive baby boom. Over 73 700 births were recorded last year, which is the highest number of births since 1971. It is absolutely crucial that we roll out initiatives and programs to make sure families have access to the services they need for themselves and their children. So I was pleased that the government has been able to provide some additional funding to the Frankston Hospital to expand its maternity facilities.

The Frankston Hospital services a wide catchment area; it has a strongly growing population base. This much-needed \$5 million investment will improve the maternity services at Frankston Hospital. This money will allow the hospital to accommodate the delivery of an additional 300 births each year. This is a welcome investment for an area which is growing. The investment will provide the special care nursery of the hospital with improved and enhanced services.

The Brumby government is taking action to deliver high-quality health services right across the state for Victorian families. As I said, this massive funding boost will allow 300 additional births each year at the Frankston Hospital. Extra beds will be provided in the redevelopment for antenatal, birthing and postnatal care. There will also be additional birthing suites at the hospital. The maternity clinic will enable families to be consulted. The clinic will be co-located with the maternity services unit. The special care nursery will also be expanded to cater for more sick and frail newborns. A couple of weeks ago I was very pleased to accompany the Minister for Health on a tour of that facility. I saw the work that had already been undertaken under previous budgets at Frankston Hospital.

My daughter, Kirsten, was born at Frankston Hospital around 18 months ago, and I know firsthand the fantastic services and facilities at Frankston Hospital, coming on top of a massive \$45 million investment in the hospital in the last budget and \$21 million between 1999 and 2002 for the first stage of the redevelopment. My wife, Tawny, certainly enjoyed the benefits of the redevelopment of Frankston Hospital, and other new mums will be enjoying improved maternity services there in years to come as a result of the work that will get under way in the next year or so.

Apart from a state-of-the-art hospital, having quick access to an ambulance when you need it is also crucial, and that is why the Brumby government is providing four new ambulances for peak periods and 16 more paramedics in the Frankston area. Our community is certainly growing rapidly, and that is why we need to have state-of-the-art health services. Ambulance services in the area will receive a massive boost as part of the Brumby government's \$185.7 million Victorian ambulance services package. This package is the single biggest investment in ambulance services in Victoria's history. It includes 2 new air ambulance helicopters, 258 additional paramedics, 59 new and upgraded services and the prospect of a new, united, statewide ambulance service. This is a massive investment in Victorian ambulance services, and I am very pleased that the Frankston region is not missing out on access to

this. As a growing area it will be receiving these additional ambulance officers and stretcher ambulances. A new peak period unit has also been funded and will allow for better services operating out of both Frankston and Patterson Lakes. This is a huge boost for ambulance services in the Frankston region.

Vulnerable families across Frankston and the Mornington Peninsula will now also have greater access to support after the opening of Victoria's newest Child FIRST centre, which has come about thanks to \$3.6 million in funding from the Brumby government. The Minister for Community Services was in Frankston just recently and joined representatives of Anglicare, Children Australia, which trades as Oz Child, and Good Shepherd Youth and Family Services to formally open the state's newest child-family information referral and support scheme, Child FIRST, in the Frankston offices of Anglicare Victoria.

Child FIRST means that vulnerable families in the area will have earlier and much more intensive support to address their problems before they escalate and require child protection involvement. I congratulate those responsible at Anglicare, Oz Child and Good Shepherd Youth and Family Services on this fantastic initiative, and I particularly congratulate the minister on the \$3.6 million investment by the Brumby government which will provide these additional services to over 2500 families across Frankston and the Mornington Peninsula. The combined experience, skills, local knowledge and networks of these three agencies is one of the key strengths of this partnership and is therefore a very important addition to Frankston and the Mornington Peninsula.

Safety and security at Frankston Magistrates Court is equally important, and it will be strengthened with a \$1.6 million Brumby government budget funding boost. The Deputy Premier and Attorney-General visited recently and made the announcement of the \$1.6 million budget boost for the magistrates court. We were able to inspect firsthand the siting of new equipment which will improve the security of all court users. Whether they are there to support a family member or friend, or they are a defendant or victim, for whatever reason someone is using the court, they have an absolute right to feel protected and safe in the courthouse. This package will fund two additional security guards at Frankston Magistrates Court as well as an airport-style weapons screening system staffed by an additional three security personnel. This investment will complement recent security upgrades at the court, which include new duress buttons installed in 2006 and new security access scanners which have been fitted.

This budget also recognises that when people are going out for a big night on the town it can be quite costly coming home, and that is why I was very pleased that the very successful and popular NightRider bus service will have its frequency massively increased from departing every 60 minutes to every 30 minutes starting later this year. Late at night in the city it can be difficult to get a taxi, particularly during events such as the grand prix or on New Year's Eve, and the NightRider service departing from Swanston Street and travelling down to Frankston is certainly a safe and affordable alternative to drink driving. Since March last year NightRider fares have become part of the Metcard system, so it does not cost passengers 1 cent more to travel with their valid Metcard, and increasing the frequency of these services is a welcome budget initiative which I am sure will be very popular with a lot of NightRider bus users.

Funding of \$39.1 million has also been committed to build and staff new prevention and recovery care services facilities to provide places for patients who are not quite sick enough to be in hospital but are not yet well enough to go home. This project will provide for 30 new beds in three new community-based facilities in Ringwood, Clayton and Frankston, delivering on a 2006 Labor government commitment to the development of 70 new prevention recovery care centre beds in Victoria. Frankston will also receive a boost to public housing as additional public housing is provided in areas of high demand such as Frankston and seven other areas as part of a \$37.9 million initiative.

Across the state the budget is certainly addressing some key issues and concerns with health. It provides, amongst other things, \$179.2 million to boost maternity and child services right across the state; \$702.9 million for hospitals to treat an additional 16 000 elective surgery patients, provide an extra 33 500 outpatient appointments and treat an extra 60 000 patients in emergency departments; and \$233.3 million for preventive health measures and cancer prevention and treatment. This is welcomed not only by people in my electorate of Frankston but people right across the state.

One area of the government's agenda that particularly interests me is the focus on human capital — the long-term investment in the productive skills, health and knowledge of Victorians, which will benefit our community for many years to come. I find this very encouraging, because the benefits of such investment are twofold. Investment in human capital serves a dual purpose of creating not only a fairer but a more prosperous Victoria — in other words, our economic aims coincide with our social policy aims. The government's early childhood education program is a

very good example of this. It aims to create a fairer Victoria in which every Victorian child can achieve their goals, while at the same time ensuring that our economy remains internationally competitive.

All of the research we have tells us that early childhood education is crucial in determining a child's life chances. A child who starts learning at an early age is more likely to learn quickly at primary school, rapidly develop literacy and numeracy skills, and have a greater chance of success in high school. On the other hand a child who receives little or no early childhood education is more likely to struggle at school, have low levels of literacy and face a range of problems in later life. It may seem surprising, but a broad body of research tells us that a child's life before the age of 5 has a major influence on that child's life at the age of 25. If we are to give every Victorian child every possible chance of success in life, we must recognise that investing in their early education will ensure that no child is left behind and that every Victorian is given the chance to realise their potential from the start. As a state and as a nation we cannot afford not to invest in early childhood education. Research indicates that a dollar invested in early childhood education today will save us around \$9 in the future.

The situation is similar with preventive health. I think it is fair to say that for many years Australian governments have not focused on health care but rather on sickness care. For too long people did not benefit from our health care system until they were already ill. That is why it has been so encouraging to see the Brumby government's emphasis on preventive health, and it being addressed so heavily and crucially in this year's budget. Again, this investment not only improves the quality of people's lives but also saves the state millions of dollars. Of course it is far cheaper to spend money today to ensure that Victorians are eating healthily than it is to pay for diabetes medication and heart surgery tomorrow. This is the dual value of investing in human capital, and I am delighted to see that it is given such emphasis in the budget this year.

Overall this is a fantastic budget. I reiterate my congratulations to the Treasurer. It is certainly a budget that delivers for health right across the state, particularly in Frankston, with a massive \$5 million boost coming on top of all of those redevelopments that are under way at Frankston Hospital. Anybody driving past the hospital will not be able to miss the works that are under way there which are going to deliver not only for those people in Frankston but for the wider region for generations to come. This is a welcome budget, and I certainly commend it to the house.

Mr WELLER (Rodney) — I rise to speak on the Appropriation (2008/2009) Bill. We have heard members on the other side say what a great budget this is for a first budget from the Treasurer, John Lenders, who is a member in the other place. All I can say is that he has left himself a lot of room to improve in 2009!

I will run through some of the issues that affect my electorate. Aged care is an ongoing problem. Aged care receives a mixture of funding from the state and federal governments and is administered by local government. In the electorate of Rodney we have a need for further funding for home help, particularly in the Campaspe shire. It is an advantage for the state to have people remain at home for as long as they can, and people want to remain at home for as long as they can. However, they need some support. When residents come to me and ask if I can help them get an extra half an hour of home help, or sometimes as little as an extra quarter of an hour, it is a big ask. We talk to the shire, and it says, 'We just have not got the funding'. Then we go the Loddon Mallee regional office, and the region has not got funding. We need to invest more in aged-care-related home help to help our older people to stay in their own homes, where they are comfortable and where they want to stay.

A lot of pensioners come to me about the winter rebates. We have a winter rebate for heating. That needs to be extended. If you live in the north of the state it needs to be extended to summer cooling. It is very important to keep our elderly and frail cool in the summer, otherwise we will lose them. If we accept that climate change will mean increases in temperature, we will have hotter summers and the problem will be exacerbated. We need to have a concession for power to be used for cooling in the summer. I have written to the minister about this, and he has written back to me and said that people will be worse off if the government gives them a concession in the summer. I did not understand the reply I received, which said that it would disadvantage the aged if the concession were given in the summer. What I am proposing would be additional cash for an additional concession, not taking it away from the winter concession.

Moving on to agriculture, I was pleased to read in the budget that the drought is over! We have heard in here that the drought is over. Tell the farmers in my district, who have had 15 millimetres of rain for the month of May, that the drought is over. They are out there sowing crops in the dust, yet here we are saying that the drought is over and that there will not be drought support for the coming year. It is absolutely essential that this government immediately ask for exceptional circumstances funding to be rolled over and make

provision for its contribution to that funding. Even if it started raining tomorrow, grain growers would not get a cheque until January, and they have to pay twice as much for fuel as they paid last year, double the price for fertiliser, and double the price for sprays. There is a genuine problem for our farming community when it comes to funding this year's planting of the crop. They will not get a cheque until January, and they are coming off the back of two or three disastrous years.

It is the same in the dairy industry. Dairy farmers will not be getting their big cheques until December or January, so we need to be asking for exceptional circumstances funding to be rolled over for another 12 months — —

Mr Delahunty interjected.

Mr WELLER — That is right, and that depends on there being rain so they will have water to grow some pasture.

I turn to education. Education is very important, and we have heard about the 10-year plan for renewable schools. We need to make it clear which schools are going to be done and show them the program so that they know in which year the works will be completed. A school in my area, the Nathalia Secondary College, desperately needs a rebuild, but it is not included in this budget. There are no time lines within the next five years showing that it is going to be included. If there is a commitment to renewing all the schools in the state, let us see the list and the program as to when they are to be delivered so the school in Nathalia can move on and can budget and work towards the result.

In August the government made an announcement that it was going to bring kindergartens under the umbrella of state schools. The kindergartens in my area tell me it has been nothing but a name change; there is no extra support for the hard-working committees that have to raise the funds to help run the kindergartens. There is no extra support for the lone teachers who run the kindergartens and who have no support from a principal. If kindergartens were properly brought into the primary school system, there would be extra support for the kindergarten teachers and extra support for the committees who work very hard raising funds for the kindergartens. We also need to remember the role that the Catholic and independent schools play. They play a vital role in delivering education in this state, and they should not be overlooked when it comes to providing for them in the budget.

We hear a lot about energy and being efficient with energy and about how gas is more greenhouse friendly

than coal. Why is it then that we do not have the natural gas connected to Nathalia, Lockington, Heathcote, Elmore, Leitchville or Cohuna? Those towns have been waiting since 1999, when the original promise was made to have all of them connected. The government should have made provision for it in this budget, but there is no provision. We are told time and again that natural gas is a more greenhouse friendly source of power, so we should have natural gas connected to these towns.

When it comes to roads, the announcement about roads was very vague. As we know, if you fix country roads, you will save country lives — —

Dr Sykes — Can you repeat that?

Mr WELLER — If you fix country roads, you will save country lives. There was no provision in the budget for the Murray Valley Highway, which traverses my electorate from the eastern side right through to the western side. It is a road that I have spent much time on, with VicRoads pointing out problems confronting the constituents of my electorate. In particular on the Murray Valley Highway we have problems with the shoulders between Patho and Gunbower. They should be sealed immediately, because what happens is that when you get off the shoulder into the loose gravel quite often if you have a trailer or a truck with a trailer the trailer starts swinging and all of a sudden you have taken off the mirror of a car coming the other way. It is not acceptable, and the policeman at Gunbower tells me it happens quite often. If the shoulders were sealed, it would be a lot safer.

There is also the intersection of the Leitchville Road and the Murray Valley Highway. My predecessor had been working on an upgrade for that intersection, and I too have been taking up that case. There needs to be action under the grey spot — —

Mr Robinson — He is a good fellow!

Mr WELLER — Indeed, Noel Maughan is a very good fellow, and his replacement is a very honourable gentleman as well! In the mould of all members for Rodney, he is a very excellent fellow.

Grey spot funding is a very good program which the government has brought forward. The only problem is that it involves only \$15 million over two years. That needs to be extended to \$150 million over two years. Then we would see some real benefits from it.

There is also the issue of increasing health funding. In my electorate we had the experience of victims of a road accident who were taken to the Goulburn Valley

base hospital but were not seen by the medical staff until 5 o'clock the next morning.

Mr Delahunty — How long?

Mr WELLER — They waited until 5 o'clock in the morning. They were in the accident and emergency department, waiting to be treated, from 7.30 p.m. until 5.00 a.m. the next day. They were sent home after waiting for 10 hours. Some people at the hospital that night actually drove from Shepparton to Melbourne so they might be seen by a doctor. It is unacceptable that the sick or injured have a 10-hour wait in a hospital accident and emergency department.

There was nothing in the budget about funding the new hospital in Rushworth. I have worked with Goulburn Valley Health, which covers Rushworth, to get extra funding for the Rushworth hospital precinct. The proposal was to build a new hospital next to the nursing home, which would have the ambulance service also located in the one precinct. It would be seen as a health precinct in the middle of Rushworth, which makes a lot of sense. The hospital is currently located in a very old building, but the hospital should be in the middle of town. There would be economies, particularly in having registered nurses rostered on around the clock, if the nursing home was close to the hospital.

Tourism is another issue. The Campaspe shire has been running a program aimed at upgrading the port of Echuca, which is in a state of disrepair. It has obtained federal funding, but the state has not come to the party. Funding should have been allocated in the state budget for a rebuild of the port of Echuca. If the port is not rebuilt, it will be gone forever, and tourism in the region will suffer as well.

Mrs Powell — That would be a shame.

Mr WELLER — Indeed, as the member for Shepparton pointed out, it would be a crying shame if the biggest inland port in Australia were to disappear — and along with it, the history of the wool bales coming from Queensland and northern New South Wales to the rail head at Echuca for transport all the way back to Melbourne. It was the busiest inland port in the world at one stage, and it would be a shame if the state government did not make a contribution to the rebuilding of the wharf.

Mr Delahunty — The closest port to Melbourne.

Mr WELLER — Indeed it was. I thank the government for its continuation of funding of the Heathcote Wine and Food Festival.

Mr Robinson — A favourite of yours?

Mr WELLER — Through the Chair, I will say the Heathcote area is very important for the state, and the Heathcote wine region is a very important part of my electorate. It has an annual food and wine festival, and last year it was overlooked, even though there had been a promise. I went to the minister and showed him the press release, where the promise had been made, and he came good on that promise. I thank him for that, and I look forward to it happening again this year.

I need to now talk about water. A problem in the budget is that \$600 million is in it for the food bowl modernisation project, which is very good; we all agree on upgrading the irrigation system. However, we do not have to have it upgraded with a pipe to Melbourne — that is only going to detract from our district.

It must also be remembered that yesterday an Auditor-General's report into the Wimmera–Mallee pipeline and the associated cost blow-outs was tabled. The government has a problem if it believes it is going to deliver all the savings it talks about for the money involved. The Premier quite rightly said in here yesterday that the reason the cost of the Wimmera–Mallee pipeline blew out was that the price of a barrel of oil has gone up; it had doubled in the time since talk started about the modernisation of the Goulburn–Murray irrigation district. If we take that example and apply it to this modernisation, the government will not have a hope of achieving its proposed savings. We have always said those savings were not there.

We also need to look at funding to increase water storages. Over the last 12 months more than twice as much water as Melbourne used last year was allowed to flow out to sea. If we could save even half that lost water, there would be 12 months supply for Melbourne in storage. Building new dams is the answer.

In terms of climate change, there will be more big rainfall events, as there were last winter. If climate change eventuates, there will be bigger events involving rainfall, so we will need dams not only to capture water but also to manage the consequent floods. We should look at the damage that occurred in the Macalister irrigation district. At one stage the floods led to 350 000 megalitres a day running over Lake Glenmaggie, causing immense damage. It even washed away a hydro-power station.

We have to remember that Labor cannot manage money and that history is repeating itself. As we had a blow-out with the Cain and Kirner governments, where

the state reached \$32 billion in debt, so with the Bracks and Brumby governments the projections are that by 2012 the state will be \$23 billion in debt. This just proves that Labor cannot manage money.

Mr BROOKS (Bundoorra) — At the outset I would like to congratulate the Treasurer and his staff on the preparation and crafting of this great budget. I would like to also commend all the ministers and their staff who helped to contribute to the preparation of this appropriation bill. This budget takes the tough action necessary to deliver infrastructure projects and the services we need to secure Victoria's future. It tackles some of the very pressing issues in areas like health, education, transport, community safety and climate change, and it tackles these in the context of Victoria's rapidly growing population.

This government understands we need to take strong and decisive action to ensure Victoria's future. Particularly when you consider some of the difficulties we are facing in terms of water supply and planning for massive population growth, including rolling out transport infrastructure, it is important that this government's determination through this budget to take these actions is bold and forward looking so that the investment program we have can deliver those services and the infrastructure that we will need into the future.

I have to say that locally we are very pleased with this budget. The people of Bundoorra would be very happy to hear that ambulance services have received a further boost in the local area. It was only a few months ago that the Minister for Health came out to my electorate to open a new ambulance station on Plenty Road in Kingsbury. This budget has now boosted ambulance services further by placing a single-responder mobile intensive care ambulance (MICA) unit at Bundoorra station, which is only a stone's throw from my electorate office in Grimshaw Street, and also a new single-responder MICA unit at the Ivanhoe ambulance station, which obviously will have an impact on residents in my electorate as well. That is a fantastic and much-needed boost for ambulance services in the electorate of Bundoorra.

There is also the \$25 million investment in the Olivia Newton-John Cancer Centre based at the Austin Hospital, which is near my electorate; it is in the electorate of the member for Ivanhoe. It is a fantastic hospital and a great cancer unit, both of which have been supported by this government. The Greensborough police do a fantastic job in my electorate. Greensborough is the main police station in the Bundoorra electorate, and those police do a fantastic job in fighting crime in the area. They are always very

responsive to community requests for assistance. They have received \$50 000 to improve the front foyer and the watch-house and improve access to the custodial areas. I met with Greensborough police some months ago to discuss those issues and it is great that we have been able to fund some improvements to those operational areas.

There has also been an investment of close to \$20 million in the forensic services facility at Macleod. Members in this house often talk about the need to fight crime and these days forensic evidence plays a large part in bringing people to justice. When you want to bring people to justice quickly you want to be able to have the capacity to turn around forensic results relatively quickly. I think this investment, building on further investment at that centre, will enable that to occur in future.

I am very pleased to see that the government will invest \$6 million in a regional food kitchen for a Meals on Wheels service. That kitchen is being planned in collaboration with 14 local councils, and two of those — Banyule and Darebin — are councils that cover much of my electorate. I am very pleased that the Brumby government is supporting those councils to improve the efficiency and the service of Meals on Wheels in these areas.

Another area that I was pleased to see receiving significant funding through this budget is disability services. Being passionate about ensuring that people with disabilities receive the appropriate care and service, it was very pleasing for me to see a landmark \$233 million package focused on disability services. This budget has allocated \$50 million to provide 38 new homes through the Disability Housing Trust to replace older accommodation; 340 additional support packages for people with a disability at an investment cost for the government of over \$70 million; and \$12.5 million to deliver flexible respite for carers.

Late last year I held a morning tea service for local carers, just to say thank you in a very small way for the work they do in the community. In talking to those people it was very clear that one of the most important services they rely on is respite care. Anybody who knows a carer who has spent significant time looking after someone with a disability knows how important respite care is for those people. I am very pleased to see that great funding boost to that service. I am sure that as a government we will continue to build on that to ensure that carers have adequate respite services.

Also through the budget the government is investing \$10 million in the My Future My Choice program,

which is about young people in nursing homes. Hopefully this will provide 43 young people with new community-based homes. That is another important issue for people to be aware of. I note the Minister for Children and Early Childhood Development is in the house. I acknowledge the massive boost of funding for 1000 extra early childhood intervention service packages and a further \$5.1 million to be invested in the early childhood workforce to support these children. I have a local early intervention centre in my electorate, Kalparrin Early Intervention Centre, in Greensborough, and the fantastic work it does is inspirational. It is important to see further funding going into this area. I congratulate the government and the minister for seeing this funding come to fruition.

It was interesting to note during both the delivery of this budget by the Treasurer in this house and then in debate the different lines of thinking in people's responses from both sides of the house. I note that in his contribution to the debate in the house the shadow Treasurer did not spend any time outlining a plan for the opposition. He did not talk about what the opposition's plans were for the future. He did not put a policy direction on the table. It signifies the laziness of the opposition that its only approach is to criticise the government and shows it does not have any plans of its own. I note that the member for Scoresby made a comment towards the end of his budget presentation. After criticising the Treasurer for presenting the budget he did say:

However, past performance is the best predictor of future outcomes in politics.

It is a very interesting comment coming from the shadow Treasurer. I often hear members of the opposition saying that we should not criticise them for their performance as part of the former coalition government under Jeff Kennett. But it seems the member for Scoresby is quite happy to be judged on the Kennett government's record. It is a pretty ominous signal for the people of Victoria to take into account: that members of a coalition that closed schools, cut police numbers and cut health services thinks they should be judged on that past performance. I think the people of Bundoora, Diamond Valley and the Heidelberg area would be very concerned.

We remember very well the attempt by the then coalition to sell off the Austin Hospital, for example. I remember, as a member of the local municipal council in that area during the years of the Kennett government, the council once being approached by the Austin Hospital management to rezone a car park that it owned across the road from the hospital. The reason it gave us

was that it needed to sell it off as residential land to contribute to operating costs for that hospital. It was in such a dire state of funding that it was flogging off land it owned to prop up operating costs. It was an absolute disgrace. It is fantastic to see the investment this government has made in the Austin Hospital. It is now a fantastic new facility out there, combined with the Mercy Hospital for Women, which provides a great service for the people of my electorate.

We also remember the sell-off of our way of local schools. The site of the Macleod Primary School was sold off and now has housing on it. The Watsonia South Primary School has gone. When the member for Scoresby says we need to remember past performance as the best predictor of future outcomes in politics, that is something I will be keenly reminding people of out my way. The member's budget reply was nothing but a whinge about everything; it was nitpicking and politicking at its worst. He did not actually outline a plan or a policy. If you look at any of the opposition's policy areas where their shadow ministers are involved, you see they are always complaining about government actions and government services, and they put forward no plans at all.

It would be really interesting to see the opposition put out a plan for how to handle population growth. It does not know how to respond to the water crisis. It has split up the water portfolio between regional, rural and city Victoria and it really demonstrates that it has no policies, no solutions, no answers. As I have said, it is just petty politicking from members of the opposition.

For some time we on this side of the house have been saying that the opposition is lazy and divided. I do not think we need to talk about how it is lazy and divided — that has been laid bare for the Victorian people to see over the past few weeks — but the budget reply demonstrates quite clearly how lazy the opposition is. It is a shame that members of this Parliament do not put in the work they should when in opposition to lay out a plan for the people of Victoria. Because opposition members are so divided they tend to focus on themselves rather than on the people of Victoria, and that is something that will come back to haunt them in the future.

This is a great budget for Victoria. It has reconfirmed Victoria's AAA credit rating. It maintains a budget surplus of \$828 million. Importantly, as I said before, it meets the challenges of the times that we are in, where we see an increase in fuel costs around the world and we have seen interest rates climbing, thanks to the former federal Treasurer, Peter Costello. It makes a number of changes to the business environment to

improve efficiency and business stability so business will continue to invest and employ people. The top land tax rate is cut by 10 per cent. Cuts in the payroll tax rate take the top rate from 5.7 per cent in 1999 to 4.95 per cent as of 1 July 2008. Thresholds are increased for stamp duty on land transfers, and that will help both businesses and families. We also see investment in a whole range of infrastructure and services.

I should mention the investment in maternity services at the Northern Hospital. I have a personal interest in the hospital because my first child was born there. It is a great local hospital. Just about every budget this state Labor government has delivered has seen investments in the Northern Hospital, which is a great thing for people of the northern suburbs. It is part of a total \$703 million that the government has invested in hospital services. As has been made clear by the Minister for Health, those funds will help provide an extra 16 000 patients with elective surgery and an extra 33 500 outpatient appointments. That is a lot of extra people being treated in the health system, and it is again a demonstration of the investment in and the commitment to health by the Brumby Labor government. Another important project for my local area has been the bringing forward of the extension of the South Morang rail line to improve public transport services.

In summing up, it is a shame that the opposition has chosen to whinge about things in the budget rather than put forward a positive agenda. It shows that opposition members have been divided and lazy. They do not have the answers, and they are too busy fighting each other to put together a plan for Victoria. The Treasurer and the ministers have done a great job in the budget, and I am happy to commend it to the house.

Mr CRISP (Mildura) — I rise to talk on the appropriation bill, which is more commonly known as the budget. My community is bitterly disappointed over the budget because it has failed the community of Mildura.

Members in my community are facing a great number of challenges, mostly due to drought. They are trying to remain positive. We have a history of growth in the Mildura electorate and a history of optimism. All my community wanted was someone to stand with, and the budget was an opportunity for the Victorian government to stand with the members of the community in the electorate of Mildura to give them something to help them forward. They needed to see a sign that the government cared about the electorate of Mildura and about country people in Mildura. A great deal needs to be done in the electorate. We are a vital

part of Victoria's future; we have a role to play in food security and we have a role to play in tourism. A trip to Mildura is great for one's soul. We have a future in mining our mineral sands. We have a climate that is conducive to retirement — right now, perhaps, too conducive to retirement — and we have some excellent recreation facilities. It is a strong and resilient community. It showed it was strong when it stood up and fought over the toxic waste dump, and it showed its resilience by getting through years of drought.

I want to focus on some key areas that the government could and should have helped the electorate of Mildura with at a time when the electorate needed people to stand by it. The government could have well done more for the Mildura Base Hospital. The hospital's accident and emergency department is overloaded. This has even been commented on within the state's health statistics. It appears to be the best and most efficient in the state, because it is the most overrun in the state. Mildura has about 1000 births a year. The maternity services at the hospital cannot cope, and there are significant risks to new mums because of the lack of facilities. This too should have been addressed.

The post-operative and recovery area needs to be expanded, because ongoing advances in surgery mean more day surgery can be done. Because this government has not invested in improving the physical facilities at the Mildura Base Hospital, my electorate cannot benefit from the commonwealth-state elective surgery dollars. There is no room at the hospital — we do not even have a stable at the inn. There is not going to be a benefit to Mildura from the much-trumpeted money which is giving people false hope about waiting on elective surgery lists for hip replacements, knee replacements, cataract surgery and other operations that are important in helping people maintain a good quality of life.

I know the Mildura Base Hospital is under a public-private partnership. We need to show that public-private partnerships can work under stress. The government is considering them for a whole number of other projects that are in the budget. If the government does not show that they can work under stress, then they are not worth having, and it should take back the Mildura hospital and fund it or run it, make public-private partnerships work going into the future, or abandon all the proposals for public-private partnerships.

The Sunraysia Community Health Service is spread out over what I believe are 16 sites. There are massive coordination problems, rental and lease problems, and also dollar problems. This results in fragmented

services to clients and clients who turn up at one area being shunted all over town looking for the appropriate service. This project has been scheduled for budget funding for too long. In budget after budget the Sunraysia Community Health Service has failed to have the dollars delivered. It needs a sign. A pathway forward is all it needs, and it is all my community needs. The charitable status of community health services should be behind us. I understand significant progress needs to be made by 30 June. At first the service was left fragmented and now there is a threat to its very survival because we have not progressed that charitable status. Shame on government health services for failing Mildura!

In education, due to our past growth, our schools are filling up. More needs to be done in education spending than just the \$6 million for Chaffey Secondary College. The birthrate equals enrolments, with plenty of notice. There needs to be a plan going forward. The Minister for Children and Early Childhood Development, who is at the table, will get the early warning about this birthrate coming through because those children will be in kindergartens and they will turn up for early childhood services. The government knows what is coming. It needs to plan, and there needs to be confidence in the community that government can plan for this.

People need to get around — transport is important. The return of the much-promised passenger train is important to Mildura and northern Victoria. The Mildura electorate remembers this promise, and it will need to be honoured post the rail maintenance upgrade. The \$73 million is budgeted and welcome. We need a commitment to finish that job even if it goes beyond the \$73 million, and I understand more sleepers are needed than were budgeted for.

The Fischer report has been a feature of the last year in transport. The Murrayville railway line, a silver line, is now closed. Only last night I received a deputation in this house of some growers from that line. David Allen, Matthew Parker, Ricky Lynch and Colin Aikman came to this house seeking an audience with the minister to try to resolve the problem with this silver line. The Fischer report categorises silver lines as, and I quote:

... high-priority lines to be rehabilitated to original track classification ... conditional on grain industry collaboration and commitment ...

The grain industry has given that commitment on that line. It has consolidated the site to massive bunker sites. It has put in quick loading for trains, and the trains have disappeared. All the conditions have been met by the community and the grain handlers; all it requires is

government to make that commitment. I urge it to do so and have the only silver line in Victoria that is currently closed reopened for business. There are currently 85 000 tonnes of much-needed grain sitting at the end of the line, and we are having trouble getting trucks to ship it to market fast enough.

The farmers are committed to going forward. They are responding to the demand for food. Underbool is on that line. It has moved from 13 000 hectares to 31 000 hectares planted in six years. There is a total on that line of 140 000 hectares being planted, out of 360 000, every year. At an average yield of 1.8 tonnes per hectare, that is 255 000 tonnes of grain. No-one in Melbourne wants to see trucks carrying that grain roaring through the streets. We cannot afford the damage that would cause to Victorian roads. There must be a solution to this and to the Murrayville line. There is a solution. We have heard it said in the house that we do not bring solutions, but we do. The solution was here in this house last night. If the government brings forward the maintenance expenditure for that line, it can recoup that cost in two to three years. It would be very good business. This is simply a no-brainer that should have been done a long time ago.

Water is vital to Mildura. We cannot make it rain but we can do more to ease the pain of the drought impact. Irrigator confidence has collapsed. We held it up for a year but it has now gone. They have enough to worry about in growing a crop to meet the market requirements, getting it to market and marketing it — the water supply must be assured. The budget does not cover it but the Victorian government can support the proposals for the upgrade of the infrastructure within the Mildura irrigation areas going forward to the Council of Australian Governments. This is a once-in-a-lifetime opportunity to get money from COAG external from the Victorian budget — there would be no cost to Victorians — to get this irrigation infrastructure upgraded. Then we can return the confidence of irrigators and they will replant and play their vital role in future food security for Victoria and the world. The Victorian government must support this at COAG.

Support is needed in agriculture in these difficult times. The proposed closure of the CSIRO facility at Merbein is something the Victorian government needs to be actively involved in. The Victorian Minister for Agriculture needs to be on the phone to Canberra and saying this is not going to happen.

Mr Delahunty — It is not a smart move.

Mr CRISP — As the member for Lowan said, it is not a smart move, and not just for Mildura but for all of northern Victoria. The scientific work that is done there is invaluable. If we are going to adjust to climate change we are going to have to think our way out of it as well as act our way out of it. We just cannot react, we must be on the front foot and move forward with this. There is much to be done in this area. We are not going to take this lying down, but the Victorian government needs to play its role and tell the federal government that this is not to happen. Otherwise we will lose our way and irrigated horticulture will not have all that it needs going forward.

There is also great concern about Regional Development Victoria and that the Regional Infrastructure Development Fund is underspent. There is so much need, so many projects, so much money and so little action. Expenditure was expected to be \$480.9 million, the actual expenditure was \$276 million, so the difference is \$204 million. That is in budget paper 3. If this is not corrected very quickly, country Victorians will feel they have been duded by this government. If you promise the money, you must deliver the money. The projects are there. If the budget figures are not correct, why do the budget papers present them in a way that causes Victorians so much stress? There is not even a note to explain it. Regional communities are incredibly disappointed.

Energy is another concern. As we have 1200 to 1500 new Victorians needing connection every week and the Rudd government is going cold on solar power, Victoria and its budget will have to work even harder if an energy shortage is to be averted in the future. We know our spinning capacity reserve will run out in 2013–14. We have had a whole lot of work done in this Parliament on solar initiatives. The commonwealth government has now scuttled those. Under cooperative federalism the state government needs to get the commonwealth focused on this issue to preserve its budget on energy going forward. Victoria is well placed to talk sense to the federal government. If it cannot, the feds will have cost-shifted yet another essential for life to the states. By going cold on solar power the federal government will give us a cold future. This, added to the demand for electricity, will force the cost up, which will create a major inflation risk, which is one of the great risks within the Victorian budget.

State debt is of considerable concern to people in the country. We like to be conservative in our approach to debt. The projections are scary for country Victorians, particularly if we go into a commonwealth-led energy inflation cycle. The assurances given are not comforting. There is a risky approach to this budget

regarding inflation. If the debt strategy goes wrong, country people will pay for a disproportionate share of the problems that will arise. They are indeed concerned.

Natural gas is a vital part of Victoria's energy future, and the extension of the natural gas network is occurring over Victoria, but it is not helping Mildura. Mildura has an interstate gas supply from South Australia, but the pipeline is at its limit. Therefore you cannot access the solar hot-water grant from the commonwealth government because you can only do that if your system is boosted by natural gas. You may have a natural gas pipe running along the street but you cannot have it in the house because the pipeline is at capacity. It needs a \$6 million injection. The funds are available in the natural gas expansion program, but it needs to be flexibly applied to the Mildura electorate so we can boost the gas pipeline coming across the border. The natural gas bill should be the trigger to do a better job for northern Victoria on natural gas. The lack of natural gas is holding back our industry; it is holding back our green credentials; and it is holding back some of our expansion. We need this to happen.

In the challenges that my electorate faces, this government falls short of meeting its fair share of securing our future. Mildura has a great future but it needs a little more help and someone to stand by it in its time of need.

Mr SEITZ (Keilor) — I congratulate John Lenders, the Treasurer of this state, for his first budget and the historic occasion which saw a member of the upper house brought into this house to present the budget before the Legislative Assembly. It was a job well done in that respect, but also it was the first budget of the new Premier. It has been welcomed broadly throughout the community, as it has been a budget that is taking action in our suburbs and region for Victorian babies, young families and home buyers who will be the beneficiaries of the budget.

It is an excellently drafted budget, and I will read out some of its key initiatives. Maternity and child services have been boosted by a \$179.2 million allocation, which will include new maternity beds and 18 additional special nursery cots in suburban hospitals and improved early years care and education. A record \$1.8 billion has been invested in transport, delivering extra morning peak-hour train services, station upgrades, significant road projects and new transport services in the regions.

Preventive health measures and cancer prevention and treatment will receive \$233.3 million. That will be of

great benefit to the Sunshine complex of Western Health in my electorate.

The budget contains an \$815 million boost to education, including funds to rebuild, renovate and extend 128 schools and an education reform program to lift the standard of our students. Hospitals have received \$702.9 million so they can treat an extra 16 000 elective surgery patients, so they can make an extra 33 500 outpatient appointments, and admit an extra 60 000 patients in emergency departments. The budget is committing \$37.2 million for the alcohol action plan to create safer streets and address excessive alcohol consumption.

Ambulance services will receive a \$185.7 million boost to deliver two new rescue helicopters, station upgrades and extra services. My local newspaper reported that my electorate will receive \$6.1 million for a new ambulance station at Taylors Hill to service Brimbank, Melton, Hillside and the new or growing suburbs in the area. That is fantastic news for the communities in my electorate.

The budget allocates \$294.6 million for climate change initiatives, to drive renewable energy and clean coal projects. It shows the Brumby government's commitment to climate change, fulfilling its priorities in that area.

The budget also allocates \$657 million for community protection, including new bomb-defusion robots for Victoria Police, and new prison facilities at Ararat. It will have \$99.1 million to improve livability in the suburbs and regions, including \$51.9 million for the transit cities plan to improve the livability of Broadmeadows, Dandenong and Geelong. More than \$1 billion is allocated to A Fairer Victoria initiatives to address disadvantage, and \$204.6 million will deliver better services for Victorian farmers. That is a positive thing. When you listen to members of the opposition, you would think they have been reading different budget papers.

I will now refer to some of the initiatives in the budget for my electorate of Keilor. To improve community safety and justice, \$45 000 will be provided to upgrade the Keilor Downs police station. On education, a new primary school will be built for Taylors Hill as part of the \$171.3 million Partnerships Victoria in Schools package, which is delivering schools in six growth areas in outer Melbourne through the public-private partnership program, which is a growth area. The minister opened one of the family centres in the Caroline Springs area. The new Caroline Springs College and its Springside campus will benefit from an

allocation for its stage 2 building program as part of the \$29 million budget package for new schools in growth areas.

Turning to health, there will be a new paramedic team based at Hillside and also a new MICA single responder unit introduced through the \$185.7 million Brumby Labor government state budget boost for ambulance services. Sunshine Hospital campus will see better access to cancer services, with \$73.5 million being committed to stage 2 of the redevelopment of the hospital. That is again positive news for that region and its development because it will make it better able to service the people of Keilor.

With transport under the Park and Ride program, a station upgrade will provide approximately 226 car spaces at Watergardens station, which is used by many of my constituents, as part of the \$32 million initiative. Watergardens station is one of the most popular stations in the area and the suburb has the biggest population growth. Not only do my constituents use this station but people travel to it from other areas and other electorates because it is part of the nearest electrified line network. The trains fill up very quickly at Watergardens. People tell me that further down the line there is no room on the trains, so to get a seat on a train, they drive up to Watergardens from Kororoit and Derrimut.

With regard to community services, the government has committed funds to help a consortium of 14 local councils, including Brimbank City Council, develop and operate a centralised regional food kitchen facility for Meals on Wheels.

This is a tremendous budget for the area and builds on commitments in previous budgets. A number of works are still under way in my electorate, such as the Kings Road duplication and grade separation for the railway. This will mean that the road will pass under the train lines. There will no longer be a need for a level crossing there, with its boom gates, creating havoc with the traffic and having the potential for accidents. The Taylors Road project is also under way. It is the same type of project — a road and rail separation — at a crossing where boom gates control the traffic flow. People are always asking me about the construction work and saying that years ago they were able to travel along the roads without being held up by construction work. My response is that this is the short-term pain for the long-term gain because the government is spending money on building and developing the infrastructure in the area.

New pipelines are also being put in for the water supply, not only for the electorate of Keilor but also for

as far away as Derrimut. The main water supply will be brought through from the Greenvale Reservoir. People are saying that they have never seen such a high level of activity in the western suburbs as is taking place at the moment in the electorate of Keilor and the surrounding districts. It is all to benefit the west.

The Eddington report has been released, and the government will look at it as it plans for the future and makes further commitments for infrastructure. In the long run I am sure it will be beneficial for the outer western and developing growth areas. Extra train lines and road networks have been proposed. Funds will be allocated in future budgets for these works, including the planning and design phases involving engineers, surveyors and designers. It will be some time before we see the physical signs of these developments.

Following my announcement of the Taylors Road grade separation project, people used to ask me why they could not see bulldozers and other indications that the works were under way. My response to them was there is usually a lead time of 12 to 18 months for major projects, which is the time it takes to develop the project, put it out to tender and select the contractor.

All of this is for the benefit and to meet the needs of the community, which is the aim not only of the budget but also of the government. Never before have I had people complain that too much construction work was going on in the area. However, since the Labor government was elected, it has delivered to the west and surrounding area. It is very important, particularly for the growth areas. I well recall the time when the provision of schools, kindergartens and health and community services always lagged behind in the new growth areas. Today I rarely get a complaint that there is not a place for primary school kids in the area because the schools are being planned. As I said, two new schools are planned for my electorate, one from the previous budget and one in this year's budget.

My electorate will also have the proposed family centre. The minister recently turned a sod to commence the construction of that centre, and the member for Melton was present. State government funding has contributed to this project. The Melton Shire Council will develop that centre, which will house the infant welfare centre, kindergarten and all the community services. It will involve one stop for the parents who are delivering their children, so they will not have to run from one place to the other. In a typical case, you have little Johnny having to go to kinder, so mum runs the car to the kinder. She then has to take Susie to the primary school, and then her baby over to the maternal and child health nurse in another place. Putting all these

services together will save families petrol and it will reduce the traffic in the suburbs.

The centre will also ease the transition for children from kindergarten to primary school and engender the feeling of belonging, which is very important, particularly in new growth areas. This government has put a lot of money into trying to build communities and develop understanding in the community. There is a bonding that takes place from kindergarten to primary school, and I have seen this in some of my former students, from when I was a teacher. Their friendships have continued from kindergarten to primary school to secondary school and on to their lives today.

Recently there was a reunion of some of my ex-students; they reminisced over how long they had known each other. They want the same process to happen for their children as they move into the new suburbs in my electorate. The government has had the foresight to set aside funds for this purpose, and this initiative is very welcome.

What did the media have to say about the budget? A special edition of the *Age* welcomed the budget and said it was beneficial to young families and women. The *Age* headline read 'Brumby's boomers'. That was what the *Age* called it — not 'baby boomers' but 'Brumby's boomers' because the budget cares for them. It is not only me saying it, it is the media that rarely is in favour of the government. They are always critical of any government, particularly now that Labor is in power in all spheres of government in this country. The media is the official opposition, at times.

But the media had to print the truth — that this is a good budget that is considerate of families. The budget looks after baby boomers and encourages and looks after senior citizens. The government is looking after people in the workforce who are between those two groups. We have helped people in the workforce by introducing free early bird public transport. This helps working people to save money and means they can leave their car at home for their stay-at-home partners to use to transport their children to school. We have introduced new bus services in Keilor and across Victoria. Park-and-ride facilities are provided for and NightRider bus services have been increased in the budget.

Regional initiatives were mentioned in the *Age*. Those initiatives will bring couples closer to buying their first home by providing them with funding if they buy a home in a regional area. This encourages couples to stay in the regions of their home towns with their parents and their network of friends and others. That is

an important basis of community support. When people know each other, it is very important — —

The ACTING SPEAKER (Dr Harkness) — Order! The member's time has expired.

Mr HODGETT (Kilsyth) — I rise to speak on behalf of the residents of Kilsyth to speak in the debate on the Appropriation (2008/2009) Bill, which is otherwise known as the state budget. I will commence my contribution by making a few observations. Labor cannot manage money.

Mr Nardella interjected.

Mr HODGETT — Yes, we already have the member for Melton agreeing with that. We all know that the Brumby government cannot be trusted to manage the finances of the state in a responsible manner. The Brumby government is the highest taxing government and is also inefficient, incompetent and anti-business. After eight years in government there are many people doing it tough in business in the state of Victoria. People are suffering and are questioning whether they have chosen the right place to live, work and raise a family because this greedy, high-taxing government is financially irresponsible.

Under the Brumby Labor government the budget has gone from \$18.2 billion, when Labor came to office in the 1998–99 financial year, to an expected \$36 billion of expenditure in the 2008–09 year. What do we have to show for it? There is a long list of taxpayer-funded major project cost blow-outs: the myki ticketing fiasco is \$856 million over budget and climbing; the Port Philip Bay channel deepening project is \$855 million over budget and climbing; the M1 tollway West Gate Freeway upgrade has a \$367 million blow-out and the cost is climbing; the HealthSMART hospital IT project is \$104 million over budget and climbing; and in regard to the IT program of Project Rosetta, yesterday the Auditor-General found that the cost of the program had blown out by 65 per cent and that the alleged budget savings had evaporated.

Victorians are the victims of a deeply ingrained culture of project mismanagement, which is now the norm for the Brumby government. The story is all too familiar. Debt is on the increase — the Labor of old created this debt-driven budget. How ironic it is to have a Treasurer named Lenders! A better name for the Treasurer may be 'Holding', so that at the very least the government can hold the state's finances in the best position it can until we get into government and manage them in the responsible way the Victorian people expect. Victorians deserve better.

Labor cannot manage money or the economy. Whether Labor is in power at the state or federal level, the history is the same old story. Under the previous Labor federal government interest rates were at 17 to 18 per cent. Everyone remembers how every five years you paid enough to pay off your house but not one dollar came off the principal. Now the Rudd government is in power. Yesterday ANZ Bank economists stated that interest rates may reach double digits by the end of the year. John Howard, the former Prime Minister, may well be proven to have been right when he said that interest rates would have been lower under a Liberal federal government.

Mr Nardella interjected.

Mr HODGETT — Again the member for Melton strongly agrees with that statement. At the state level Labor is slowly but surely stuffing it up. Labor gets into debt and then relies on the Liberal-National coalition, a good economic manager, to fix it. When the previous state Liberal government inherited a debt of \$31.5 billion from Labor and was charged by Victorians to bring that debt down, it reduced the debt burden to \$5.2 billion. Members should stay tuned and watch this space as the Premier and the Treasurer, Mr Lenders in the other place, go to work increasing debt to \$23 billion by 2012 — that is a whopping 302 per cent blow-out which will result in Victoria's interest bill hitting \$1.8 billion. What deeply disturbs me is that this mob, the Brumby Labor government, has no plan to stop that debt and has no plan to repay it. If you have half a brain or even a hare brain you know that good financial managers and good operators usually have a plan to pay off an asset after buying it. Those managers and operators think about the future and what they are going to do to pay off an asset — but this mob does not.

Let us get down to the facts of this budget and get them right. This budget does not deliver for all Victorians. You have only to ask the people in the east of Victoria about the many examples of worthwhile and valuable projects and needs which have been denied the vital funding needed for their delivery — which have been snubbed and overlooked by the Brumby government. This is not a responsible budget; it is a debt-driven budget.

I will raise a couple of local issues. Firstly, payroll tax will balloon by nearly 70 per cent, from \$2.2 billion in 1999 to \$3.7 billion in this financial year. The payroll tax threshold is the lowest in the nation.

Honourable members interjecting.

Mr HODGETT — Yes, if the member for Kororoit had bothered to listen to the debate that took place yesterday, he would realise that that is Labor's claim.

My concern is that payroll tax threshold levels should be lowered for small business. We have heard the mob on the other side saying, 'This is because there will be more people in work'. The government trumpeted the budget on 6 May. It said with great fanfare that it would cut the payroll tax rate from 5 per cent to 4.95 per cent, but the reality is that the government's overall take will be an extra \$360 million.

Yesterday the shadow Treasurer pointed out that on page 23 of budget paper 2 the government has forecast an increase in unemployment. The first response of those opposite is to say there will be more people employed, and that is why the payroll tax will be greater. But the reality is that the government is actually forecasting an increase in unemployment. The logic does not stand up.

Honourable members interjecting.

The ACTING SPEAKER (Dr Harkness) — Order! There is too much audible conversation. The member for Kilsyth, without the assistance of government members.

Mr HODGETT — I will give an example. We have a trailer factory in the electorate of Kilsyth, and the owners rang up very concerned about the levels of payroll tax. There is no incentive for them. They have got orders and could be producing trailers, putting people in work and churning it out, but there is no incentive for them with this government continuing to tax the hell out of them.

I move on to education and schooling. In a recent speech to Parliament the Premier declared, 'Education remains our government's no. 1 priority'. What a crock! The government school maintenance backlog has doubled to \$268 million over the life of the Brumby Labor government. Labor's much-publicised election commitment to rebuild every government school in Victoria over the next 10 years is shrouded in mystery, with the government failing to fund the project in the forward estimates beyond two years. I believe the education our children receive should be an all-inclusive process, not only focusing on what is taught in the classroom but also on the environment in which it occurs. I urge the government to fund immediate repairs to all schools in the Kilsyth electorate.

Let me highlight for those opposite the disgraceful situation of uncertainty that the Minister for Education

has created for Pembroke Secondary College. The school community of Pembroke college has been waiting six to seven years for the planned replacement of the Cambridge Road and Reay Road campuses. The college master plan planning stage was funded in 2006 to the extent of \$1 million, allowing the college to further plan for the replacement of the Cambridge Road and Reay Road campuses with a completely new facility. I am glad the Minister for Education has joined us in the chamber to hear this part of my contribution, because I want to make her aware of the disgraceful situation that has been created at Pembroke Secondary College. The government funded the master plan, so what comes next? State government funding has not been announced in this budget to date. It is best summed up by a letter from a year 12 student of Pembroke Secondary College.

Mr Nardella — How is your daughter going?

Mr HODGETT — It is not my daughter. His name is Troy Morton-Thick; he is a bloke. If the member for Melton will listen, I will read it to him. It is addressed to the Premier and is entitled 'Voters won't forget' and appeared in an opinion column of the *Lilydale and Yarra Valley Leader*. It says:

I am a VCE student at Pembroke Secondary College, Mooroolbark. Just before my arrival in 2003 we were promised the expansion of our senior campus site to incorporate a new junior school campus. In that time we have been promised the expansion as part of the past two state election campaigns. But every budget since 2003 we have been denied these funds.

There have been no significant upgrades to our school. In 2006 we received funds for the master plan but still nothing further.

I will be able to vote at the next election and won't forget the promises of the last five years. With four younger brothers still to come through, are they to receive an education in poorly maintained and equipped facilities?

So much for putting education first. It's time to do something about it, because the students of Pembroke Secondary College are fed up. It's unfortunate that I live and go to school in the wrong area.

That letter, written by Troy Morton-Thick of Mooroolbark, sums up the sheer frustration at this government's lack of commitment to education. I ask the minister to please give some certainty to Pembroke — —

Ms Pike interjected.

Mr HODGETT — The minister is agreeing with me. You should at least inform them. Go out and visit them. At a recent function where you spoke to the members of that school community you said you

understood the needs of Pembroke Secondary College and understood the needs of the Yarra Valley. Obviously you do not, because you did not bother telling them what they could expect or funding anything in the budget.

The ACTING SPEAKER (Dr Harkness) — Order! Through the Chair!

Mr HODGETT — Through the Chair, the minister should at least inform them, visit the school and give them some certainty of a time frame so the school can plan. The situation she has created is that they do not know whether to maintain the existing building. They do not know when the redevelopment process will go through. I raised this with the minister by way of an adjournment matter on 6 May but still have had no response. I look forward to that one. At least the minister could inform the schools in my electorate of Kilsyth of the timetable detailing when they should expect to have their maintenance issues dealt with. That is the least she could do.

Mr Nardella — That's what their total budget is about!

Mr HODGETT — Give them a budget; give them something to plan with! Instead the government is giving them about \$44 000 for some trade equipment, arguably whether they need it or not, and it is going to trot out one of the upper house members to give \$44 000 as a bit of a peace offering —

Mr Nardella — Don't you want it?

Mr HODGETT — No, they want the money for the redevelopment plan. Do not send out Brian Tee, for God's sake. They will eat him alive. Do not send him out. At least send Shaun Leane out. He will have some sort of chance of giving the government's spin or a chance of selling the message and the lies of the Brumby government.

In conclusion, in the time I have left, I will go back to the overall budget. Victorian Labor has been in office since 1999. It has had unprecedented financial resources, but the incompetence and irresponsibility of the Premier and his government have squandered the revenue. People still have lengthy delays on hospital waiting lists. People struggle to get a car park at the local railway stations in Mooroolbark, Croydon and Ringwood East —

Mr Nardella — True.

Mr HODGETT — True? The member for Melton is agreeing. He has been out to the electorate and seen

people struggling. They cannot get a car park at any of the local railway stations in Mooroolbark, Croydon or Ringwood East. Our roads and intersections are clogged with traffic. Where are our trains and bus services? People are still waiting for improvements in law and order and community safety. One of the biggest issues out there is police, but there is no commitment to providing more police, no commitment to the upgrade of the Mooroolbark police station and no commitment to community safety at all. Labor ignores our community needs. Schools have not been given funding to meet basic maintenance requirements and to address urgent safety issues.

The Premier is more interested in a greedy grab for cash from traffic camera fines from EastLink, having budgeted for millions of dollars in fines on the new road, which is yet to open, let alone demonstrate a speed problem. We have maximum taxes, minimum services, eight years of wasted opportunities, and a Premier more interested in being in government than in delivering good outcomes for the people of Victoria, more interested in advertising, media spin doctors and increases in the bureaucracy.

Mr Nardella — And your hospital?

Mr HODGETT — No, not all. As I said, the Premier is more interested in being in government than in delivering good outcomes for the people of Victoria; he is more interested in advertising, more interested in media, more interested in spin doctors and increases in the bureaucracy. Victorians deserve better. The hardworking, honest, decent people of my electorate of Kilsyth deserve better than what the Premier and his government are delivering.

Ms DUNCAN (Macedon) — It gives me great pleasure to rise in support of the Brumby government's state budget and to point out a couple of the benefits, particularly in the electorate of Macedon but across the state as well. It is always interesting, though, to follow contributions made by the opposition — in this instance the member for Kilsyth. I guess we can forgive the member for Kilsyth because he has only been here a very short time and has a very selective memory. When he laments all the issues that he says his electorate is suffering, one can only imagine how much worse it must have been before there was a doubling of education funding and a doubling of health funding.

One can only assume when all those different funds — the education and health budgets — were being cut over those seven years of the Kennett government that things must have been much worse in Kilsyth than they are today, and it would have been much worse prior to

the doubling of the funding that has occurred in that region across the education and health budgets in the eight years of this government.

It is always interesting to hear new members in this Parliament who really do not know much about the history of what has gone on before their arrival. Again, I am always amazed at how they can say these things with straight faces, how they can tell us, as the government, what we should do, because when they were in government they did the complete opposite. The irony of that seems to be completely lost on them. But we know that most of what they contribute they say with one face and that they are laughing and smiling with another, so we know how much we can take from what they say.

That distracted me from the great benefits that are in this budget for Victorians. As we know, this budget is in response to what is probably one of the biggest population booms Victoria has seen in its history. While this is great for the economy, it also places additional strains on our services and infrastructure, so this budget is seeking to manage those stresses and increased demands in infrastructure and resources. The government is taking action to meet those challenges associated with this increase in population, particularly the impact it is having in areas such as transport, education, health and water supplies. It also seeks to balance and manage what we know is an increasingly volatile global outlook.

As a result of that, despite what the opposition would like us to believe, we are continuing our prudent financial management, and again — despite what opposition members might say or might like to think — that is reflected in the confirmation of Victoria's AAA credit rating earlier in 2008. As part of this prudent financial management and in the light of what we may see as an increasingly volatile global outlook, the state budget sets a new target for budget surpluses that is at least 1 per cent of revenue to ensure that Victoria can continue to build and maintain the infrastructure that we will need in the coming years.

Again, despite what the opposition would like people to believe, the government continues to cut taxes, and we are seeing further cuts in land tax, a further reduction in payroll tax and the fifth consecutive reduction in WorkCover premiums, bringing the total tax cuts announced by the government to more than \$5.5 billion. The member for Kilsyth talked about his local trailer factory complaining about payroll tax. I suspect in that conversation it also applauded the continuing cuts in WorkCover premiums, because I

know that WorkCover premiums are a critical part of the costs in the manufacturing industry.

In regard to the tax cuts for business, what we have seen in this budget is \$1.43 billion in cuts to taxes and business costs. This is the biggest tax and business cost cut in decades. There are cuts in stamp duty of about \$490 million, land tax cuts and a further cut in payroll tax. As I said, there have been over \$5 billion in tax cuts since this government came to office, which is no mean feat, with an increasing investment in most government areas and more than a doubling of investment in health and education and a number of other areas.

The budget responds to the baby boom — the increasing number of babies being born in Victoria — that we are seeing and the increase in population through interstate and overseas migration. Again, that is fantastic news, but it brings with it some challenges for all governments to meet in the future. What we have seen in this budget is increases in maternal and child health services, an expansion of maternity wards, a boost for early childhood development services and more help for first home buyers.

We have also continued to fund the A Fairer Victoria action plan, which seeks to overturn some of the entrenched disadvantage that we see in our communities, and as a Labor government we see education as one of the key areas in which we can have an impact. It can have a dramatic impact on people's lives by turning around entrenched disadvantage. Again, in this budget we have seen \$592 million for the second stage of a 10-year plan to modernise all government schools.

I have been speaking in general terms, but I will now come to the seat of Macedon and to the specific funding it has received in this budget. The budget continues to invest in Victoria's health system. From my perspective one of the most significant investments in this budget is the \$14 million for the Sunbury day hospital. We have also seen redevelopments — —

Ms Pike interjected.

Ms DUNCAN — The Minister for Education, who was previously the Minister for Health, was present in Sunbury and saw the level of interest in our community for this new development. We have also seen continuing redevelopments at the Sunshine Hospital. Sunshine is one of the closest public hospitals to Sunbury and the Macedon Ranges, and upgrades at that major tertiary hospital bring great benefits to our communities as well. We have also seen

redevelopments at Warrnambool, and I will speak a little bit more about the cancer action plan and the continuing investment in ambulance services — the biggest investment in ambulance services this state has ever seen.

Meeting the increasing transport demand is a continuing issue. The increased demand is great and is the result of a number of factors. We have seen additional buses, and in my area we have seen upgrades to the Bendigo line. Some years prior to us being elected in 1999 the general view was that if someone did not spend millions and millions of dollars on that track the service was likely to close in a matter of years. Of course we now hear members of the opposition screaming about this investment when the fact is that when they sold off and privatised train services and public transport in this state they effectively wiped their hands of all responsibility for public transport. Now they sit in this chamber and without compunction scream and yell at us about what they say we are failing to do when they actually wiped their hands of the whole public transport issue.

We are seeing continued investment in public transport. We have seen \$1.7 billion allocated to continue major upgrades to the rail network, to improve the regional rail freight network and to reduce road congestion and upgrade roads across the state. Just a week or so ago I was pleased to be with the Minister for Roads and Ports in turning the first sod for the Vineyard Road duplication. It is a \$25 million project to improve road traffic flows in and around Sunbury.

Regional Victoria continues to benefit from the Brumby government's investment. As part of that we saw in this budget \$205 million for a new Future Farming strategy. We know that farmers are increasingly stressed because of the ongoing drought and a range of other national and international impacts, and we know farmers have done it hard over the last few years. In fact farmers have probably always had it fairly tough because they depend so much on environmental factors. The Future Farming strategy acknowledges that and seeks to work with our farming community, which is critical to our economy. It seeks to work with them to make sure that farming in Victoria is sustainable into the future despite some of the environmental challenges we face.

Just to come back to the seat of Macedon and some of the great projects in the budget for it, one of the greatest investments is \$40 million for the Sunbury day hospital. This will be a fantastic facility in Sunbury. We now have a site and planning continues on it. It will bring great benefit to Sunbury. It will mean that people who

might otherwise have had to leave Sunbury to get services will now be able to get them in Sunbury. Let us not forget also stage 2 of the Sunshine Hospital redevelopment, which will provide the first radiotherapy facility located in the western suburbs and a new teaching and training and research facility, which will also bring great benefits. While it is not in Sunbury or Macedon, it will bring great benefit to the people of those regions.

Funding for health is a key initiative in this budget. We have seen nearly \$703 million allocated for hospitals to treat an extra 16 000 elective surgery patients, an extra 33 500 outpatient appointments and an extra 60 000 patients in emergency departments, including, as I said, the Sunbury day hospital. A sum of \$73 million has been allocated for the stage 2 upgrade at the Sunshine Hospital. That is a phenomenal amount of money; it is fantastic. I am very proud to be part of a government that is providing the first radiotherapy facility located in the western suburbs of Melbourne.

We also have the \$2 million allocated for the replacement of relocatable buildings at Newham Primary School. That is a very small school community. The school does not have a lot of facilities, and the primary school would be one of the most important community facilities in that small town. For the school to have permanent buildings where it has never had them before will give it and the community confidence that the school is there to stay and that the government will continue to support it through the provision of ongoing and recurrent funding and also by improving its infrastructure. The \$2 million for the Newham Primary School is part of an \$815.6 million boost to education in this budget, which includes funds to rebuild, renovate or extend 128 schools and an education reform program to lift standards for students. So Newham Primary School is part of that larger and substantial increase in education funding.

Another investment we are very pleased about is in our ambulance services, which builds on previous investments. These services are critical for people who do not have the luxury of living around the corner from a large tertiary hospital, and they are critical generally in supporting our health services. In this budget we have seen a \$185.7 million boost to ambulance services — and we have heard previously about the rescue helicopters. That funding includes a \$350 000 upgrade to the Sunbury ambulance station, which builds on previous investment and increases the number of paramedics in Sunbury. Again building on previous increases in the number of paramedics in our region, there will also be additional paramedics in ambulance crews at Gisborne and Woodend.

As I mentioned earlier, we are also seeing importance given to rail services in our region. There is \$254.5 million for the renewal and maintenance of all regional passenger lines, and \$7.4 million for Bendigo corridor safety improvements. An additional 22 V/Locity middle carriages will be added across the V/Line network. With the upgrades we are seeing record numbers of people using our train services; they love the V/Locity trains. This is a fantastic investment for us to make and continues our commitment to public transport. There is also \$10 million for the upgrade of police stations, including a \$40 000 security upgrade to the new Romsey police station. Again, this builds on previous budget allocations that have seen in the Macedon electorate new police stations at Gisborne and Romsey and upgrades to many of our other stations. We are in the process of upgrading the Sunbury police station as well.

There is \$6.2 million to expand dispute resolution services in the Loddon-Mallee region. These are fantastic services which try to make legal services more accessible and affordable. There is money also for a regional food kitchen, which will also bring benefits to Macedon.

Mr EREN (Lara) — I am very pleased and proud to be speaking on the Appropriation (2008/09) Bill. I begin by congratulating the Premier for so seamlessly completing his transition from Treasurer to Premier. I have served in this house and in the other place for six years now, and for most of that time John Brumby always delivered the Labor government's budgets — and can I say that he did a fantastic job.

So the new Treasurer in the other place, John Lenders, had huge shoes to fill, and he did a magnificent job in bringing down the government's ninth and his first successful Labor budget. I must congratulate him on the professional manner in which he has conducted himself throughout the budget process. All who know Mr Lenders can see that level of professionalism in all he does. I want to thank also all the ministers who are part of the Bracks Labor team. They also did a magnificent job. Obviously it was a great budget overall for all Victorians, and those ministers need to be mentioned because they are part of the Brumby Labor government.

As I said last year — and I will say it again — AAA is here to stay. Opposition members hate to hear that, but they had better get used to it because it is here to stay. This budget has again delivered the goods for the Geelong region. In the nine years of the Labor government, Geelong has benefited from the Labor team's efforts to secure major funding initiatives and to

help make Geelong a fantastic place to live, work and raise a family.

This budget is the second budget that has come down while I have held the seat of Lara, and I am very grateful that I have again enjoyed the ongoing support of the Brumby Labor government. I represent a seat with strong support for Labor, and that support has often attracted cynicism, with my opponents claiming that, as a strong Labor seat, Lara will not get its share of funding. I am here to tell those cynics — and I said this last year and I will say it yet again — they are wrong, and I will tell them why.

This may take a while, but I would like to put on record how the seat of Lara and Geelong have benefited from the Brumby-Lenders Labor budget. They are benefiting through a \$110 million duplication of the Princes Highway west from Waurn Ponds to Winchelsea to cater for increased car and truck travel and to improve travel time, reliability and road safety; and \$65 million for section 4B, which will connect the Geelong ring-road to the Princes Highway west, which means west-bound freight and tourist traffic headed for the south-west coast can bypass the environmentally sensitive Waurn Ponds valley. What I just mentioned is on top of the \$380 million Geelong ring-road.

There is also \$24.5 million for the Geelong transit cities project; \$23.6 million for the hospital energy supply project, which will provide continuity of care in the event of power disruptions in hospitals across Victoria, including in Geelong; \$20 million for the Melbourne-Geelong water pipeline that will secure Geelong's water future; \$19.3 million for Victoria's port security to continue patrols of the ports, including Geelong's; \$16.5 million for the new Manor Lakes secondary school in Wyndham Vale and the select-entry school also to be built in Wyndham Vale; and a \$14 million upgrade of the Werribee Mercy Hospital that will impact on my Wyndham Vale residents. I had better take a breather!

There will also be \$12.4 million for an essential rail infrastructure upgrade, linking the northern part of the port of Geelong to standard gauge rail; \$8 million to establish a specialist sexual assault prosecution unit in Geelong; \$7.9 million for the development of an arts precinct in the centre of Geelong, which will centralise and modernise Geelong's cultural hub; and \$6.2 million for the modernisation of Lara Secondary College. The school's principal, Lyn Boyle, and the school council president, Daryl Spalding, do a great job there. Not only are they happy, the whole Lara community is very happy that the Labor government has funded the modernisation of this very important school it built.

There is also \$6.2 million to improve dispute resolution services in regional Victoria, including in Geelong, and \$6 million for the Geelong Innovation and Investment Fund, which was formed, as you may know, Acting Speaker, as a result of Ford's jobs cut announcement. There is \$6 million for a regional food kitchen, which will be developed and operated by a consortium of 14 councils, including the City of Greater Geelong, and which will provide affordable, high-quality and nutritious meals through programs such as Meals on Wheels; \$1.5 million to boost ambulance services in Geelong; funding for a new 24-hour mobile intensive care ambulance unit to operate in Werribee, which is part of the \$185.7 million boost to ambulance services — and these are record amounts — and \$70 000 for the refurbishment of the Corio police station.

All that major investment in Geelong comes on top of the substantial list of investments allocated to the seat of Lara over the last budget period, including \$40 million for the Norlane housing blitz project, which will provide 200 new affordable homes and upgrades to 100 public housing properties in the Norlane area. There was also \$2.91 million for the modernisation of North Shore Primary School — and I was very happy to be there with the Minister for Education when we turned the sod there — and \$1 million toward the D. W. Hope Centre, which is the northern community hub and a joint effort by three tiers of government, with the council providing the land, the federal government providing \$1.5 million and the state government providing \$1 million, as I, with former Minister Thwaites, announced in the period leading up to the last election. There was \$1.3 million for an upgrade to the facilities at Lara train station, providing an over 50 per cent increase in the number of parking spaces, plus a covered walkway, improved lighting — —

The ACTING SPEAKER (Dr Harkness) — Order! I interrupt the member. The time has come for the lunch break, and the member will have the call next time this bill comes before the house.

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

Business interrupted pursuant to standing orders.

DISTINGUISHED VISITORS

The SPEAKER — Order! I welcome to the gallery the Speaker of the Parliament of Papua Province of Indonesia, Dr Ibo, and members of the Indonesian consulate.

QUESTIONS WITHOUT NOTICE

Small business: FuelWatch

Mr RYAN (Leader of The Nationals) — My question is to the Minister for Small Business. Given that the Department of Prime Minister and Cabinet has advised that implementing Labor's FuelWatch scheme will cost petrol stations \$4000 a year in additional compliance costs, what action will the minister take to assist these Victorian small businesses in dealing with this FuelWatch impost?

Mr HELPER (Minister for Small Business) — I thank the Leader of The Nationals for his question. The first thing I would say is that whilst I am more than happy to respond to the to the question, it nevertheless is a federal government policy issue and therefore may be somewhat outside of, firstly, the Victorian state government's jurisdiction, and secondly, my portfolio. However, I am more than happy to make a number of comments, particularly having been a service station proprietor myself, so I do actually know of some considerable pressures that are associated with that industry. I can talk at length about my experiences in running a small business.

Honourable members interjecting.

The SPEAKER — Order! Members!

Mr HELPER — So with the indulgence of the house, I will commence highlighting the difficulties that face small business proprietors in the petroleum industry. It is an industry that operates on incredibly small margins. It is one where effectively, whenever I did my accounts — and that is something that small business proprietors, particularly hands-on ones such as I was, shy away from, but nevertheless we were prompted into doing every now and again — I realised the incredible tightness of the margins that exist on the retailing of fuel. It is something that made me evaluate on a regular basis whether I would continue to retail fuel go away and do something else, which of course I ultimately did. In many circumstances I say that some people will do anything to get out of being a service station proprietor, even becoming a politician, so that was the path I followed.

But in more direct response to the question from the Leader of The Nationals, after that slight preamble, I will just indicate the range of programs the state government provides to lift the vibrancy of the small business sector, which contributes significantly to Victoria's economic wellbeing. Our programs such as the lifting of business skills through the Energise

Enterprise month of August, for example — I hope the Leader of The Nationals will be able to join in some of the events that will be held right throughout regional Victoria during Energise Enterprise — will address subjects right across the board, whether it be compliance, occupational health and safety subjects such as the ones I referred to yesterday, or in the area of building the business skills of service station proprietors to actually respond to — —

Mr Ryan — On a point of order, Speaker, for a start the minister is debating the issue. While this ministerial statement is most informative, could I ask the minister to indicate in outlining these various programs if there is at least one that has some application to the question I have asked him, which dealt with the incredibly tight margins to which he has referred.

The SPEAKER — Order! I uphold the point of order and ask the minister to come back to answering the question.

Mr HELPER — Thank you, Speaker, and I take your guidance. I indicate that all of these programs, more of which I am happy to outline, actually do respond to the question that the Leader of The Nationals asked — that is, regarding the viability of small business, and in particular fuel retailers who were mentioned in his question. The programs in the small business sector, no matter what they are, do apply to that. If the Leader of The Nationals wants me to continue outlining those programs, I am certainly more than happy to do so.

The SPEAKER — Order! The minister has been speaking for 5 minutes. I ask him to conclude his answer.

Mr HELPER — Can I conclude my answer — with some trepidation because I do not want to venture into debating the question — by drawing a comparison? The support that this government gives to the small business sector, including service station proprietors, in many, many different ways far exceeds, far surpasses the support the previous government gave to the small business sector.

Honourable members interjecting.

The SPEAKER — Order! The minister will not debate the question. The minister, to complete his answer.

Mr HELPER — If I can finally conclude my question — —

Mr Ryan — Your answer.

Mr HELPER — My answer, sorry.

Mr Ryan — I asked and you are to answer.

Mr HELPER — Indeed, that is a fine point of differentiation. I conclude by saying that the Office of Small Business has a whole raft of programs that support the small business sector in Victoria, and there are of course macro initiatives that also go to the viability of the small business sector, such as the initiatives in the budget of continuing business tax reductions, of which I am more than happy to provide some further details if the member wishes.

Mr Ryan interjected.

The SPEAKER — Order! The Leader of The Nationals! Has the minister concluded his answer?

Mr HELPER — Yes.

Gippsland: government initiatives

Mr DONNELLAN (Narre Warren North) — My question is to the Premier. I refer the Premier to the government's efforts to revitalise regional and rural Victoria, and I ask: how has the government acted to rebuild Gippsland?

Mr BRUMBY (Premier) — The government said it we would restore pride in the country. We said we would restore pride in Gippsland, and we are very proud of our record in restoring confidence and prosperity in Gippsland.

We know the story under the previous government — we know it very well. We know how the previous government closed down schools, closed down hospitals, closed the rail line to Bairnsdale — it did all of those things — and sold off the power industry. It left the community there to sink or for people to leave it.

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

Mr BRUMBY — Faced with those circumstances when we were elected to government, we moved very quickly to put in place a recovery plan for Gippsland. We established the Regional Infrastructure Development Fund, we began the process of restoring and investing in public infrastructure, and today we have invested through the RIDF tens of millions of dollars into projects in Gippsland.

We also began the task of rebuilding our schools and hospitals. We established the Latrobe Valley Ministerial Taskforce and later Regional Development

Victoria to bring a whole-of-government approach to what we were doing there. The Latrobe Valley Ministerial Taskforce made 50 recommendations, and our government invested \$105 million in restoring confidence, particularly around the Latrobe Valley area.

I am particularly proud of our record in education. Since 1999 we have invested \$163 million in the Gippsland region to rebuild, renovate or extend 40 schools, which range from Orbost Secondary College through to Toora Primary School. I want to make sure that the house is aware of that figure: we have rebuilt or renovated 40 schools in Gippsland while under The Nationals watch the previous government closed 10 schools.

In health, within our first year in government we bought back Latrobe Regional Hospital, which had been flogged off by the former Kennett government, and put it in the hands of Victorians. Since then we have invested more than \$22 million in improvements, including to the Gippsland Cancer Care Centre.

We have seen a huge investment in roads under our government. We have upgraded the Great Alpine Road and the Princes Highway east, including the \$19.6 million Princes Highway east Bruthen realignment. I understand that traffic flow started on that last week. That has been a great Labor investment. We have duplicated the Bass Highway and have improved the South Gippsland and Strzelecki highways.

On top of all of that, we have worked with APM Maryvale to see a \$500 million reinvestment in its facility. We have put \$50 million into the Gippsland Water Factory. We have supported the Murray-Goulburn Leongatha water recycling project.

On top of all of those things, we supplied and brought natural gas to a whole range of towns throughout Gippsland which have never had it before: to Korumburra, to Leongatha, to Bairnsdale, to Paynesville, to Inverloch and to Wonthaggi. In Leongatha, when the gas was rolled out — —

Mr K. Smith interjected.

Mr BRUMBY — Plenty of hot air from the member for Gas!

I remember when we announced the rollout of natural gas to Leongatha the then mayor of Leongatha got up and said that bringing gas to Leongatha was as big an advancement for the town as electricity was when it came in 1906 — a great Labor initiative. We have redeveloped several ports — Port Welshpool, Port

Albert, the port of Sale, the Gippsland Lakes and the Port Albert wharf. On top of all of those things we have put in place the Gippsland Lakes rescue package.

It is not surprising after all the investment the Labor government has made in this area that the unemployment rate in Gippsland today is 5.4 per cent. When we came to office it was 11.2 per cent. In the year we were elected to office, building approvals in Gippsland were at \$273 million; today they have almost tripled, to \$769 million.

On population, we can remember that back in those days people were leaving Gippsland in droves. Today Gippsland is growing strongly, and the latest figures show the population growth rate to be 1.3 per cent. Most recently I was there with the Minister for Energy and Resources when we announced a package of \$127 million to secure clean coal for Victoria, with \$110 million allocated to projects in the Latrobe Valley.

I have the Leongatha *Great Southern Star* from January 1997. The headline, which the member for Gippsland South would remember, is ‘National embarrassment — Leongatha branch revolt threatens Liberals in Gippsland West’, but the article has the member for Gippsland West, at that stage, rejecting claims that the National Party MPs were not backing the bush. They were not doing too much backing the bush back in 1997 — —

The SPEAKER — Order! The Premier should confine his remarks to government business.

Mr BRUMBY — We have rebuilt opportunities in Gippsland. We have invested in the local economy. We have invested in tourism. We have invested in schools. We have invested in hospitals. We have invested in roads. We have extended the rail line. We have the Latrobe Valley task force. Gippsland today presents a very different picture from what it was like in the 1990s under the Liberal-National party coalition.

Consumer affairs: FuelWatch

Mr BAILLIEU (Leader of the Opposition) — My question is to the Premier. I refer to the Premier’s support for federal Labor’s FuelWatch scheme, and I ask: how will Victorian motorists benefit from the FuelWatch scheme when this scheme prohibits a reduction in the price of fuel within 24 hours of that price being posted?

Mr BRUMBY (Premier) — As I have indicated publicly on a couple of occasions, when the FuelWatch policy was announced I was interested in obtaining more information about how it would work and how

effective it would be. Last week I met with the chairman of the ACCC (Australian Competition and Consumer Commission), Graeme Samuel. Mr Samuel took the opportunity, upon my request, to express his views about FuelWatch, how it would operate and how it would benefit consumers. I might say for the benefit of the house that Graeme Samuel was appointed to the ACCC with the support of our government, but he was appointed by the then federal Treasurer, Peter Costello. I believe Mr Samuel has done a great job as chair of the ACCC.

Graeme Samuel explained to me all of the ways in which FuelWatch will operate. He is adamant that FuelWatch — —

Mr Baillieu interjected.

Mr BRUMBY — The Leader of the Liberal Party knows more than the chair of the ACCC.

The SPEAKER — Order!

Mr BRUMBY — You know more than the chair of the ACCC?

The SPEAKER — Order! The Premier!

Honourable members interjecting.

Mr BRUMBY — That is right, that is the problem.

An honourable member — I thought you said he was good.

Mr BRUMBY — He is good, because he was appointed by Peter Costello, so I know why you don't like his views.

The work the chairman of the ACCC has done suggests two things. Firstly, that FuelWatch will provide choice to consumers. For consumers who want to find out which service station has the lowest fuel, that fuel will be available for that 24-hour period. If someone wants to go that station and buy at that price, they can do that. It provides choice to consumers, and choice is what drives competition. Secondly, FuelWatch will provide a downward pressure on prices. The benefit of that has been calculated by the ACCC at 1.9 cents per litre. What the ACCC has always said, what the federal government has always said, is that FuelWatch will provide more choice and will lead to a lower price than would otherwise be the case for petrol.

In circumstances where, as I said yesterday in the house, the price of oil in the space of the last few years has gone up from US\$25 to more than US\$100 a barrel — —

Honourable members interjecting.

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

Mr BRUMBY — In those circumstances, and given the current price, any measure which is put in place which provides more choice for consumers and which puts downward pressure on prices is a good thing.

Questions interrupted.

DISTINGUISHED VISITOR

The SPEAKER — Order! I seek the indulgence of the house once again to welcome the Speaker of the House of Representations of the Papua Provincial Parliament in Indonesia, Dr Ibo.

Questions resumed.

Regional and rural Victoria: health services

Ms LOBATO (Gembrook) — My question is to the Minister for Health. I refer the minister to the government's commitment to make regional and rural Victoria the best place to live, work and raise a family, and I ask: what action is the Brumby Labor government taking to support health services in rural and regional Victoria?

Mr ANDREWS (Minister for Health) — I thank the honourable member for Gembrook for her question and for her interest in the best possible health services for her local community and other parts of regional Victoria. As a government we have very proudly supported each and every health service across our state. Most notably we have been keen to support the great work that is done right across rural and regional parts of our state — fine health services, great staff, with record budgets from this government, with record support, treating record numbers of patients and providing better care. That commitment extends not just to record ongoing funding but also to record support for the physical fabric, the infrastructure, that is so important not just in the bush but also in metropolitan Melbourne.

As a government we are very proud of the fact that, if you include the capital works investment program from this year's budget, we have invested \$780 million on 70 different capital works redevelopment projects, including medical equipment and other important asset boosts right across rural and regional Victoria. That is an important figure, because it means we are fast approaching a situation where this government will

have invested more in health assets in rural and regional Victoria than the previous government invested in health assets across the whole state.

That goes directly to the commitment of this government to supporting better health outcomes and better resourcing of rural and regional health services. We have been very proud to more than double recurrent funding to deliver that capital works boost I have just spoken about and deliver new models of care and improvements across rural and regional Victoria. For instance, rural and regional radiotherapy services in Victoria are better than they are in any other state. That is something we can all be proud of, knowing that cancer is a key challenge for our community.

What does that investment mean? It means that we are admitting 62 000 more patients this year than we did in rural and regional Victoria in 1999. There are substantial numbers of Victorians getting the care that they need and health services across rural and regional Victoria are meeting the demand challenges they face. I would say to you, Speaker, to the member for Gembrook and to all honourable members that those health services are best placed to provide the best care because this government has stood beside them and given them the record funding that they need.

This year's budget delivers a \$1.81 billion boost to health right across the state. That is important, but there is also a very substantial investment in capital works — and rural and regional Victoria will share in that, just as it has right across each of our years in office. There is \$137 million in capital with a number of large highlights, like \$70.1 million for the Warrnambool hospital to build on the \$16 million provided last year. This is a fine health service that will be upgraded as a result of Labor providing that additional funding. There is \$9.5 million for improvements to the emergency department at the Bendigo Health Care Group, and I will come back to that in a moment.

There is \$21 million to support the Latrobe Community Health Service, delivering in full on an election commitment we made in 2006. That is all about better supporting often very vulnerable members of that particular area. Right across the length and breadth of rural and regional Victoria there is additional recurrent funding, record recurrent funding, but also a capital works boost to ensure that the quality of our buildings matches the quality of care provided by our staff.

I mentioned an important boost — the \$9.5 million boost — to support the redevelopment and improvement of the emergency department at the Bendigo Health Care Group. There has been much

commentary about this. It has been very warmly welcomed by many. The *Bendigo Advertiser* called it a \$10 million booster. It was very warmly welcomed because it is about giving the Bendigo Health Care Group and what is one of the busiest emergency departments in rural and regional Victoria the support its staff need to treat more patients and provide better care. I have visited that health service four or five times, as have the Premier and others. Right across the Bendigo community and right across the region this investment has been warmly welcomed. It has been warmly welcomed by all but one.

It is important to acknowledge that the chief executive officer, who I think is well placed to be a good judge of these matters, was very clear about this. He indicated:

We are delighted to see that the Premier listened to our case and answered the call.

We are very pleased with that, because we did listen and we took action. This was the no. 1 priority of the Bendigo Health Care Group, and we funded it with \$9.5 million. One commentator who slipped into Bendigo while coming up the Calder said that this was just a patch-up job with patch-up money and that patch-ups were not good enough. This commentator has been doing a bit of a patching up himself lately — quite a bit of it. This is outrageous — a patch-up job! The no. 1 priority of the health service has been funded by our government — that was what the chief executive officer said, that was what the board said and that was what the community said, but someone else loped up the Calder Highway, old Cottees, and called it a patch-up job.

Mr Ryan — On a point of order, Speaker, the minister is debating the issue and has been speaking for more than 4 minutes. I ask you to have him deliver the punch line and sit down.

The SPEAKER — Order! I uphold the point of order and ask the minister to conclude his answer.

Mr ANDREWS — Despite the ill-informed commentary of those who did nothing to support country health, this government will continue to give our country health services the resources they need to treat more patients and to provide better care, which includes the Bendigo Health Care Group, which is very pleased to receive \$9.5 million from this government towards a better emergency department for its community. So there is no doubt about it, we know who made those comments — it was old Cottees from Hawthorn.

Gaming: public lotteries licence

Mr O'BRIEN (Malvern) — My question is to the Minister for Gaming. Will the minister inform the house why the government approved contract arrangements that allowed Intralot to charge existing lottery agents new up-front licence fees of up to \$10 000 plus a \$5000 bank guarantee?

Mr ROBINSON (Minister for Gaming) — I welcome the opportunity to address this question from the member for Malvern. Put quite simply, the reason the government permits a company operating a business in Victoria to charge a fee is that the company wants to stay in business. If a company provides a service — —

Honourable members interjecting.

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

Mr ROBINSON — I thought it was a rather elementary tenet of business practice that if you are providing a service you are entitled to receive a fee for it. I do not believe that it has ever been the case in Victoria that the government of the day has regulated the fees that lottery licensed companies can charge people who act as their agents. So far as I understand that has always been an arrangement between lottery companies and the agents, many of whom have been agents in many different forms over many years. Over the last few months I have been talking to many stakeholders in our gambling industry.

Honourable members interjecting.

Mr ROBINSON — I have. I have because we are engaged at the moment in the greatest reform of our gambling industry ever seen in Victoria, reform that is driven by the Brumby government's belief in competition, as the Premier said just a few minutes ago. In respect of lottery operations, it is the case and has been the case in Victoria for many years that the revenue generated from lottery activities goes overwhelmingly into our health system. I believe all Victorians support that very strongly. The desire of people, not just those in the gambling industry but their families, friends and people right across the state, is that the government put more money into the health system and improve what is already an excellent health service. The projections going forward with our reforms in the lotteries industry envisage that hundreds of millions of dollars extra will be available to put into vital health services.

I can say that wherever I go across the state. In recent weeks I have been to many places. I have been to Sale, Morwell and Benalla. I went to Wangaratta and was very pleased that the member for Murray Valley joined me at that forum with pub and club owners, and we had a very productive session. I have been to Hamilton, Stawell, Ballarat and the city. We did a forum at Greensborough, and we will do more forums. What we say to people in the industry and say more broadly is that competition is a good thing. Competition for licences is a good thing, because it helps us ensure that we get the best value for taxpayers.

In closing, I say that whether we are talking about football teams, whether we are talking about a business environment, whether we are talking about the best deal for taxpayers and what they expect us to deliver for the health system or whether we are talking about political parties, competition is a good thing. I know we all want to make our political parties more competitive. I agree with the Leader of the Opposition — that is, in order for his political party to become more competitive he needs to root out those traitorous cells. He desperately needs to root out those traitorous cells, and we support him.

Gippsland: Jayco Herald Sun Tour

Ms MARSHALL (Forest Hill) — My question is to the Minister for Sport, Recreation and Youth Affairs. I refer to the government's commitment to make regional and rural Victoria the best place to raise a family and work and live. I ask: what action is the Brumby Labor government taking to support sport in Gippsland?

Mr MERLINO (Minister for Sport, Recreation and Youth Affairs) — I thank the member for Forest Hill for her question. It is a timely question given that yesterday I announced the route for the 2008 Jayco Herald Sun Tour — a major event that the Brumby government supports to the tune of \$1 million per year. For the first time in the event's very long history the tour will begin its journey in Traralgon with a weekend festival of cycling before winding its way through many of Gippsland's historic towns en route to Melbourne. This is a fantastic win for Gippsland.

The tour is the highest ranked professional cycling event in the Southern Hemisphere. It has been a fixture on the national sporting calendar for 57 years, and it showcases the very best of regional Victoria. This will again be the case for the 2008 tour, which will be held in October and deliver enormous benefits to the Gippsland region. Day 1 is from Traralgon to Inverloch and will take in towns such as Boolarra, Mirboo North, Leongatha, Koonwarra and Tarwin, where my folks live. Day 2 from Inverloch to Warragul will take in

Wonthaggi, Kongwak, Korumburra and Drouin South. Day 3 from Warragul to Marysville goes through Rokeby, Neerim and Nayook. Days 4, 5 and 6 will then take in Alexandra, Mount Buller and the Yarra Valley.

The tour will deliver for the Gippsland community by giving it national exposure that will be second to none. Fox Sports will this year broadcast a 30 minute highlights package every day of the tour and Network 10 will screen an hour of live coverage of the opening weekend's racing in Traralgon. With many international riders expected, the region's beautiful towns, vineyards and landscapes will also be showcased to the international community. The economic spin-offs are significant. The value to each town that hosts an overnight stay of the tour is estimated to be around \$100 000, and I would have thought that would be a great thing.

This was not lost on the mayor of Latrobe City Council, Bruce Lougheed, who commented in today's edition of the *Latrobe Valley Express* that the tour would provide a huge boost to local economy and a chance to attract visitors to the city, and he is quoted as saying:

The tour attracts a multitude of visitors and around 100 of the world's top cyclists, including those who have competed at the highest of international levels in Olympic Games and Tour de France.

...

We are delighted to once again be involved in hosting the tour and look forward to the great sporting action that will be enjoyed by our community.

The Jayco Herald Sun tour is an outstanding opportunity for Gippsland in October, and builds on the Brumby government's proud history of delivering for sport in this region, with over \$6.5 million for sporting facilities, including \$435 000 to redevelop the Bairnsdale City Oval; over \$5 million in Better Pools funding, including \$2.5 million for the Sale pool; \$750 000 in country football and netball funding, including \$200 000 for an upgrade at Morwell City Oval which will bring Australian Football League football to Gippsland; and almost \$500 000 in drought relief for sports projects, including drought resistant turfs, boards and synthetics. Only the Brumby government understands how important sport is to our country communities and only the Brumby government can be trusted to make that investment, thereby ensuring that country Victoria is the best place to live, work, raise a family and play sport.

Clearways: small business

Mr MULDER (Polwarth) — My question is to the Minister for Small Business. How does the government propose to assist small business traders who will lose income as a consequence of the government's decision to extend clearway hours?

Mr HELPER (Minister for Small Business) — I thank the member for his question. I will not carry on from where I was rudely interrupted on the previous question but will come straight to the point in responding to the member's question. The clearway policy is one with a significant investment of \$112.7 million in a congestion plan called Keeping Melbourne Moving, which was announced by the Premier on 29 April. It is clearly a comprehensive strategy including clearway synchronisations and standardisations within a radius of the central business district. It is a policy which is about to —

Mr Mulder interjected.

The SPEAKER — Order! The member for Polwarth has asked his question and will not interject in that manner.

Mr HELPER — It is clearly a comprehensive strategy to address, in an immediate sense, the congestion issues that face Melbourne's inner urban areas. I would have thought that the member would realise that for businesses to operate, and to operate successfully, an important factor is that people are able to get to them. Congestion is not very conducive to people getting around a given area and being able to exercise their commercial activity. I am actually quite happy that congestion is addressed through this comprehensive approach so that the small business sector can benefit from a less congested inner urban area.

Gippsland: government initiatives

Mr PANDAZOPOULOS (Dandenong) — My question is for the Minister for Regional and Rural Development. Can the minister advise the house how Brumby government policies are supporting the Gippsland region and any other alternative approaches?

Ms ALLAN (Minister for Regional and Rural Development) — It is all about Gippsland!

As we have heard on a couple of occasions already this afternoon, this Labor government has worked very hard over the past eight years. We have been reinvesting and restoring services for regional Victoria. Supporting Gippsland has been this government's highest priority.

It is a shame, Peter, that it was not your government's highest priority as well.

Honourable members interjecting.

The SPEAKER — Order! The minister will not direct comments across the table.

Ms ALLAN — Envy is a wonderful thing!

The policies and programs that this government has put in place are delivering great results for Gippsland. For instance, in addition to some of the figures that we heard the Premier talk about earlier, as a result of direct government facilitation we have seen \$3.1 billion worth of new investment in the Gippsland region. When you bring investment, jobs follow. We have seen the creation of over 2290 jobs as a result of that government investment.

With jobs and investment comes strong population growth. The population of Gippsland now tops 250 000 people — over a quarter of a million people. In recent years we have seen growth across every one of the six local government areas in Gippsland. But as we on this side of the house know, there is always more that we can and should do for regional Victoria —

Mrs Victoria interjected.

The SPEAKER — Order! The member for Bayswater!

Ms ALLAN — Goodness me! We know there is more that we can and should do, and the Brumby government is going to do it.

Just last week I visited Wonthaggi where I announced \$1.5 million of funding from the Regional Infrastructure Development Fund to help with the reopening of the Wonthaggi State Coal Mine, which will provide a massive boost to tourism.

Mr K. Smith interjected.

Ms ALLAN — It is a shame that the member for Bass was not there. It is a massive boost for tourism in the region —

Mr K. Smith interjected.

The SPEAKER — Order! The member for Bass!

Ms ALLAN — He has got a lot to say for someone who was not there. The reopening of the State Coal Mine will bring a massive boost of tourism to the region, plus it will employ an estimated 70 people during the construction phase.

Also last week I visited GBP Exports, which is an export abattoir in Poowong. I announced a \$172 800 grant to help the company construct a non-potable water supply that will help save up to 100 litres of water annually and reduce the demand on Poowong's water supply by 80 per cent —

Honourable members interjecting.

Ms ALLAN — It is 100 million!

Mr Dixon interjected.

The SPEAKER — Order! The member for Nepean!

Mr Baillieu interjected.

The SPEAKER — Order! The Leader of the Opposition!

Ms ALLAN — I am sure members opposite will be delighted; it is 100 million litres of water per annum. Do members know why this water can be saved? It is because the Brumby government has delivered a grant to the abattoir to enable these works to be undertaken.

Also recently, and in addition to this, I visited East Gippsland with the member for East Gippsland. He is a good local member who stands up for local communities and represents his case to government. I announced \$791 000 for infrastructure upgrades to the important Mallacoota Airport. We know that Mallacoota is in one of the more remote parts of the state. That is why the Brumby government is backing this airport upgrade to enable the airport to operate 24 hours a day, which will provide a huge boost for emergency services, tourism and small businesses in this part of the state.

It is terrific to also hear the Minister for Sport, Recreation and Youth Affairs just recently announce that for the first time Traralgon is going to be hosting the opening stage of the *Herald Sun* tour. As it winds its way through Gippsland, there will be many benefits in the region because of it. That is why Regional Development Victoria has also supported the tour with \$400 000 in funding. This is the sort of growth and activity that comes when you have a Labor government that is looking after regional Victoria. You see jobs, you see investments and you see world class events. It is important to note that governments are judged on their record. Regional Victorians know very well the difference between our record on this side of the house and the record of those opposite when it comes to investing in infrastructure and services that regional Victoria needs.

This issue was referred to recently when it was said that political parties supporting regional areas is a matter of life or death. I happen to agree with this source from *The Nationals*, who told the *Australian* of 4 April that the Gippsland by-election was life or death. The article said:

If we can't hold Gippsland then we are ...

The source then mentioned an unparliamentary word that I will not use. But it essentially means that *The Nationals* will be finished as a federal force if they do not win Gippsland —

The SPEAKER — Order! The minister should come back to answering the question.

Ms ALLAN — It is right there; members can have a look at it, if they like.

This growth we have seen in Gippsland over the last eight years is no accident. It is a result of the sustained support from the Brumby Labor government. It is work we will continue, because we want to see Gippsland as one of the best places to live, work and raise a family.

Maroondah Hospital: dialysis unit

Mrs SHARDEY (Caulfield) — My question without notice is to the Minister for Health. I refer the minister to the 2006 election promise to provide a 12-chair haemodialysis centre at Maroondah Hospital to be completed and operational by the end of 2007, and I ask: given that the only evidence of this unit is a vacant block of land, will the minister inform the house when the government actually intends to provide this urgently needed facility?

Mr ANDREWS (Minister for Health) — I thank the member for Caulfield for her question. We are very proud of the support we have provided to Eastern Health. We have provided more than 100 per cent in additional recurrent funding along with substantial capital works upgrades and substantial support at each of the campuses of Eastern Health. We are proud of our record in relation to supporting Eastern Health and the fine care and treatment that the dedicated professionals at Eastern Health provide. I can only say to the member for Caulfield that we will continue to support Eastern Health and the patients it serves in record terms.

Racing: camels

Mr PERERA (Cranbourne) — My question is to the Minister for Racing. Can the minister inform the house what action the government is taking in relation

to recent applications to approve betting on camel racing in Victoria?

Mr HULLS (Minister for Racing) — I thank the member for his very important question. I advise the house that I recently received a request to allow a bookmaker to operate on camel racing in Victoria. Whilst no permit is needed to conduct camel races, the approval of the Minister for Racing is necessary if betting is to occur.

An application to conduct betting on camel racing was made by the Avoca Wool and Wine Festival, and I might add that that entire event is one that was very strongly supported by the local member, the Minister for Agriculture. Unfortunately on this occasion I understand that the current application has lapsed, although future applications will be considered, I might say, on their merits.

I can indicate, particularly after the strong representations of the local member, that the Office of Racing will assist the organisers of the Avoca Wool and Wine Festival to address integrity requirements in future applications, including, for example, betting under Calcutta sweepstakes, to assist the organisers in conducting a very successful event next year.

Nonetheless, the critical question for me as Minister for Racing is whether or not integrity can be assured. The Office of Racing has advised me that with the demise of the Australian Camel Racing Association and given our previous experience with camel racing in Victoria, serious questions exist about the integrity of the event and whether or not it could be guaranteed.

Integrity is of course a crucial issue in any sport where wagering is permitted. The last occasion when approval was given to conduct betting on camel racing in Victoria was in 1999, and I think Tom Reynolds was the minister at the time. That occasion — and this gets to the member's question — demonstrated the difficulties associated with betting on camel racing. A departmental officer from the Office of Racing attended that event and presented to the government of the time a very full, frank and liberal report. He detailed instances of camels running in the wrong direction, riders being thrown off during races and confusion about the posting of official placings. The departmental officer reported that, as is the case with any chaotic organisation, it was an entertaining spectacle but that public confidence in it could not be assured.

Whilst it is very difficult all these years later to know what happened in 1999, I understand from reports that

the camels that went the wrong way were named Young Blogger and Liberal Email — —

Honourable members interjecting.

Mr Mulder interjected.

The SPEAKER — Order! I warn the member for Polwarth. I seek all members' cooperation so that question time can conclude, including that of the Minister for Racing, and I ask him to conclude his answer.

Mr HULLS — I conclude on this note, Speaker. I understand also from reports at the time that there was one camel that did not move at all. It was called Big Ted, and it stood for nothing!

APPROPRIATION (2008/2009) BILL

Second reading

Debate resumed.

Mr EREN (Lara) — I will start where I left off before lunch. In the budget there is \$1.3 million for an upgrade of facilities at Lara train station, providing an over 50 per cent increase in the number of parking spaces, plus a covered walkway, improved lighting, a new passenger waiting area and toilets, structural improvements to the building and landscaping.

There is also \$9.2 million in state government funding to go towards the northern water treatment plant, which will convert recycled water into class A recycled water for use in industry, such as by Shell, with an annual saving of the equivalent of the drinking water for 10 000 homes. There is also \$600 000 towards Geelong Greyhound Racing Club's \$1.2 million Beckley Park redevelopment. The renovation means that the dogs will be more comfortable and the facility is safer for staff and greyhound handlers.

There is also \$175 000 to go towards a water-saving project for Barwon Prison and Elcho Park Golf club, whereby recycled water will be diverted from Barwon Prison to the golf club for irrigation purposes, which will save 87 million litres of water per year across the two facilities.

There is \$100 000 to go towards the Wauthorong Aboriginal Cooperative's children's services centre, and I am very happy about that. Once again, that was an effort by all tiers of government, and both the local council and federal government chipped in moneys

towards that project. There is a new fire station and a new ambulance station at Lara.

I could go on all day if I were to list all the funding that has occurred in my electorate, but I would like to mention Grow Your Business and the community regional industry skills program, because there are heaps of businesses that have benefited from those programs, which help manage change and attract new employees to the region.

In terms of the generics, there was a huge announcement in relation to first home buyers, particularly in regional areas. The state government is not only providing some stamp duty relief but people who purchase or build a new home in a regional area will attract a further \$3000 on top of the \$12 000 they would get from the federal government and state government in conjunction, bringing the grants up to a total of \$15 000, which would obviously make building a new home in regional areas much more attractive.

This government, unlike the previous government, has always concentrated on and made sure that regional areas are not forgotten. Therefore there is a huge concentration in regional areas, and as we have heard from previous speakers, there is certainly a lot of activity going on in terms of infrastructure to accommodate that growth. Population is growing every day at a rate of about 1000 per week, which is an indication that this government is headed on the right track in terms of Victoria's future.

People from all over the country and from overseas are very much attracted to living in Victoria because of our policies. There is record funding in relation to health, record funding in relation to education and further funding for police and for community safety, which I am particularly happy about.

This government has continued to invest in regional Victoria with a healthy focus on the Geelong region, which is one of the fastest growing regions in the country. This investment has not been spending for the sake of spending. This government's budgeting process has delivered economically responsible growth and investment without putting at risk the future viability of the Victorian economy. The Brumby government continues to spend to grow the Victorian economy, which is unlike what would happen under some of the policies of the opposition.

This government is able to invest in Victoria's future without compromising community services and essential services. I think we have proved that in the last nine years we have been in government. We have

proved that this government is indeed very good at handling the economy. The government's fiscal and financial policies have been very responsible and have been backed by the major financial institutions giving it a AAA rating. I know opposition members are eagerly looking to see whether the government will falter in its future economic management. I am certain they will be looking for a long time to come, because the combination of the Premier, who was obviously one of the best Treasurers we have had, and the best finance minister, who is now the Treasurer, means we have a dynamic team to make sure the economic security of this state is in very good hands.

For another year the winning formula of this Labor government has brought about a budget which supports all Victorians and which all Victorians can support. We have seen that through various media articles in both the Geelong newspapers and in the mainstream Melbourne newspapers. It is a budget specifically aimed at making sure that young families are catered for, and particularly those with young children. It is certainly a budget that makes sure the health system continues to treat the sick, and it is certainly a budget that makes sure the education system continues to support our students and our teachers. The investments we have made in police and in community safety will no doubt ensure the community is safe.

I am very proud to be part of this government. I am very proud of the fact that yet again the seat of Lara has received a fair bit of money from this budget, as it did from the last budget. I am certainly very happy about that, as are my constituents. As I indicated earlier a lot of cynics out there said Lara would not receive much money from this government because it is a safe Labor seat. I have certainly proved them wrong in my second budget for the seat of Lara.

Dr NAPHTHINE (South-West Coast) — I rise to speak on the Appropriation (2008/2009) Bill. I will make some comments on the budget strategy before talking about the impact of the budget on ports in Victoria and on my electorate of South-West Coast. The budget strategy outlined in the budget is fundamentally wrong. The budget is inflationary at a time when we should be doing everything we can to control inflation. It fails to invest properly in productivity and infrastructure, and it fails a fundamental test in that it fails to deliver on improvements to essential services such as health, education, public transport, roads and law and order.

It is extraordinary that in this budget there is not only a massive increase in state taxes and a record level of GST revenues but also a huge increase in state debt.

Despite this windfall gain of income the budget fails to deliver improved services and proper investment in infrastructure that will improve productivity for Victoria in the future.

The government has espoused its so-called tax cuts. These are nothing more than Clayton's tax cuts, and the facts are clear. If you compare the 2007–08 budget forecasts for state taxation revenue, which total \$11.6 billion, with the 2008–09 budget forecasts, which total \$13.3 billion, you see that there has been an increase of \$1.7 billion, or 14.7 per cent, in the budget-on-budget figures. How can you claim you are providing genuine tax relief to Victorians and to Victorian businesses when you are actually collecting nearly 15 per cent more in state taxes on the budget-on-budget figures? I know the government might claim that you should use the actual figures at the end of the year rather than budget-on-budget figures, but the history of this government is that each and every year it understates its level of taxation income. I think it is fair and reasonable for Victorians to compare budget-on-budget predictions, because at least then you are comparing apples with apples, and if you get windfall gains, as this government has had each and every year, you are making valid comparisons.

In the context of having a massive increase in state taxation which is hurting ordinary working families in Victoria, particularly those in country Victoria, and is hurting ordinary businesses in Victoria that are trying to compete in an increasingly competitive world environment and trying to create jobs and other opportunities for Victorians so that you are crippling them with those increased state taxes, this government is going further and further into debt. I never thought I would live to see the day when a Labor government in Victoria would be game to send Victoria massively back into debt and put that responsibility on our children, our grandchildren and future generations of Victorians.

In 2002 the debt responsibilities of this government across all sectors totalled \$3.5 billion. By 2012 it will be \$22.9 billion, close enough to \$23 billion, and getting up to the levels of the Cain and Kirner era in the mid-1980s. We have a massive debt. Worse still, it is an increasing debt — a debt spiral. On top of that the debt incurs interest payments. From 2012 Victorians will be required to pay at least \$1.8 billion each and every year in interest payments — and it is growing. That will cripple the capacity of the government of the day to deliver services to ordinary Victorians. That \$1.8 billion will be spent on interest payments to overseas financiers rather than on improving our local roads, building new schools, opening hospital beds and

providing much-needed public dental services to Victorians in need. This is a very, very bad direction for the Victorian government to go in.

I now move on to the issue of ports. I refer to page 377 of budget paper 3, where it says:

The proportion of freight transported to and from ports by rail will increase from 10 per cent to 30 per cent by 2010.

That target was set by the Victorian Labor government and outlined in the *Growing Victoria Together* statement in 2001. What is the reality of the situation in the middle of 2008? The budget papers give us the answer. They say:

Rail's share of freight transported to and from Victoria's commercial ports declined from 16 per cent in 2005–06 to 15 per cent in 2006–07.

In other words, we are going backwards. Not only are we not reaching the target, we are actually going backwards. The government is not delivering on improving rail freight services in Victoria, and it is certainly not improving on rail freight services to and from our ports. Its target of 30 per cent on rail to and from ports by 2010 has become an absolutely unachievable myth.

Why is this so? The reason is the failed rail standardisation project, announced with great fanfare in the budget of 2001, when \$96 million was announced for the standardising of the rail freight lines across regional and rural Victoria. The first line to be standardised was to be the Mildura–Portland line. Seven years later, not 1 centimetre of the Mildura–Portland line has been standardised under that program. That project failed. No wonder we are having problems getting goods onto rail to and from our ports.

Indeed, with respect to the port of Portland, the government through neglect, mismanagement and disinterest has virtually closed the rail line to that port. The rolling stock is being sold off, the line is deteriorating and the staff are being sacked. The government simply has deserted rail freight in western Victoria. On top of that, in February 2007 we had the closure of the rail shuttle service from the port of Melbourne to Altona. This was an absolutely vital service that took containers to Altona from where they were distributed by road and rail across Victoria and Australia. That service was closed down. A government that purported to care about putting freight on rail allowed that shuttle service to close down.

There has been a distinct lack of vision for and investment in port rail services in and around the port of Melbourne. There has been a lack of commitment to

rail shuttle services and other outer urban intermodal terminals, despite there having been a mountain of reports, consultation drafts, development plans and strategic frameworks all purporting to back increased use of rail to and from our ports. Under this government, which does not care about rail services to our ports, we are getting a declining percentage of freight going to and from our ports on rail — despite the government's much-lauded target.

The result of this will be a significant increase in congestion in and around the port of Melbourne, which congestion will be exacerbated by the increased port activity as a result of the channel deepening project. This will cause delays to people involved in the freight industry, increased costs to those involved in the freight logistics industry and a significantly decreased quality of life for those people who live in that area.

I was disappointed that the port of Hastings was not even mentioned in this budget. That is an absolute disgrace! In September 2006 the *Report on the Port of Hastings Land Use and Transport Strategy* was released, but there has been no action nor any response from the government on it. There is a need to develop the port of Hastings. I say to the government that what is needed there is a commitment to that development, but what we need first and foremost is an independent and comprehensive environmental, social and economic study involving genuine local consultation and independence. That is the first thing that should happen, and that is what the government should announce.

The government should then absolutely rule out the stupid proposals in that strategy for port rail freight for the Stony Point–Frankston–Melbourne line, which is absolutely ludicrous and unworkable, and the even more ridiculous proposed Gippsland rail corridor. The government should make a commitment to upgrade road and rail services to the port of Hastings using the Western Port Highway corridor. Unfortunately there has been no mention of the port of Hastings in the budget, despite the fact that we know that even with the Port Phillip Bay channel deepening the port of Melbourne will very quickly become overcrowded, costly and inappropriate. We need a real vision and plans for the port of Hastings.

Let me refer to some issues in my electorate. I welcome the budget funding for the south-west emergency helicopter. This is a very good announcement that comes after a long and sustained campaign, which I was heavily involved in and which was supported strongly by the local community, because it was based on a genuine need. This south-west helicopter will save

lives. This is a welcome decision, and I would urge the government to commit to establishing the chopper service as early as possible, certainly by early 2009.

With respect to schools, I welcome the funding for the Koroit and District Primary School redevelopment, although I am concerned the press release refers to stage 1 of that redevelopment, when the school advises me there is only one stage. The school is concerned that it will be duded and that the whole job will not be done, and I ask that that commitment be fulfilled.

I am disappointed there was no funding for the Portland Special Developmental School, which has had a significant increase in enrolments, is grossly overcrowded and certainly has no space for young children with disabilities to effectively learn and play in. There is also no funding for much-needed work at Grasmere and South Portland primary schools.

I now turn to the Warrnambool hospital. It was interesting that this was raised in question time today. This is another case where the Labor Party has conned, lied to and duded the people of Warrnambool. The Labor Party promised in its 2006 election policy to rebuild the Warrnambool hospital. It said it would fully fund stage 1 which consisted of, according to its policy, new wards and a 'new integrated care centre'. That is what it said it would fund in stage 1. However, the fact of the matter is that in this budget the Labor Party allocated \$70 million, which is only to develop the new wards.

Labor has deleted the integrated care centre from its promise and from stage 1 of the project, which was committed to by the community, the hospital board and all those stakeholders. This integrated care centre is absolutely vital, so there is a \$25 million black hole in what the government has promised the people of Warrnambool and the Warrnambool hospital. Without this funding there will be no integrated care centre, meaning allied health, community health, mental health, rehabilitation services and public dental services will be forced to continue to operate in overcrowded and inadequate rooms, houses, rented premises and assorted nooks and crannies for many years to come.

This is absolutely unacceptable for the community, and it is unacceptable for the health professionals. It is another broken promise of the Labor Party made to the people of Warrnambool and the people of south-west Victoria. It is absolutely unacceptable, and it is about time this government kept its promises. With respect to the Warrnambool hospital, what we need is a genuine commitment to complete the entire redevelopment of

the hospital from the very first brick to the very last lick of paint.

It should also include radiotherapy services in that redevelopment. We heard the minister in question time talking about radiotherapy services in regional and rural Victoria. It is redeveloping the Warrnambool hospital, the largest hospital in south-west Victoria, and when the hospital has asked for radiotherapy services to be incorporated in the redevelopment the government has said no. So much for the minister crowing about regional and rural radiotherapy services. There are certainly none in south-west Victoria. Cancer victims and their families have to go to Geelong, Ballarat or Melbourne for treatment and service, which is totally unacceptable with an ageing population and increasing incidence of cancer.

Finally, on that hospital rebuild, there needs to be a helipad. If you are going to have an emergency helicopter in the region it is absolutely essential that you put a helipad at the hospital, so that if it is bringing patients into the hospital from a road accident or some other area it can land at the hospital and the patients can be delivered directly into the hospital wards; and similarly, if a patient is in the hospital and has to be transferred to Melbourne, the patient can be transferred directly to the helipad and taken directly to Melbourne. Under the government's proposal patients will have to be put into a road ambulance, taken 20 minutes out to the Mailors Flat airport and then taken to Melbourne. That is absolutely stupid and puts patients' lives at risk. The minister initially said it was against Civil Aviation Safety Authority rules to have a helipad at the hospital. Now CASA has said that is absolute rubbish — that is bulltish — and now we have the Metropolitan Ambulance Service saying it cannot be done. It can be done, and it should be done.

Ms KOSKY (Minister for Public Transport) — I certainly welcome the opportunity to speak on what I think is a fantastic budget that was delivered earlier this month — the 2008–09 budget. It very much focuses on the fact that we are a growing state and our population growth is quite extraordinary. That has impacted on my own portfolio of transport, where we are now experiencing the impact of that population growth and the jobs growth, the economic growth, particularly within the central business district (CBD), in the form of patronage increases. We now have more people travelling on our metropolitan train system than ever before.

The budget provides a record amount for public transport: \$1.8 billion is being invested in transport and that will deliver extra morning peak train services,

station upgrades, road projects and new services. There are quite a number of projects that are about removing some of the bottlenecks that we have in the train system, particularly in the rail system, as well as having station upgrades and other investments. I refer to the remarks of the previous speaker, who talked about rail freight. This budget makes a major commitment to rail freight around the state of Victoria.

We had the Fischer review report to me by the end of last year and I am really delighted that this budget has been able to act so quickly on the recommendations that were provided to us by the Fischer review, particularly in relation to both access charges and also the investment in what would be considered to be the gold lines, or the very high priority lines, in terms of improving them. Almost \$50 million is being invested in the upgrade of our rail freight network. This comes on top of the \$133 million that was spent last year from last year's budget to buy back the track lease. We have acted very quickly. As I have noted, I think, in the Public Accounts and Estimates Committee hearing, I did receive a visit from Tim Fischer thanking me for the quick, swift action that we took in terms of the investment in the budget for the gold lines; and to thank me he provided some gold — well, yellow — roses and flowers, which I was very happy to accept as well particularly on behalf of government.

This budget very much delivers for public transport, but I want to particularly take the opportunity that I have today to talk about what this budget provides for my electorate of Altona. It is a fantastic budget for the people of Altona. Members will not be surprised to hear that the first initiative I would like to mention relates to public transport, and that is the Laverton rail upgrade. This is providing for third track works and an extra platform which will provide for what are called short starters, which means trains can be stabled there overnight and travel from Laverton and go through what is called the Altona loop. That will actually remove some of the crossovers that occur on the track which interfere particularly with the Geelong V/Line trains and also the Werribee trains. The budget provides \$92.6 million for this purpose.

Once the works are completed it means we will be able to provide additional services along that section of track. But it also means that the Werribee trains, rather than having to go through the Altona loop, will be able to provide express services, and takes about 10 minutes off the train trip for people in Werribee. So it will provide extra services and it will reduce the time taken for that trip as well. As I mentioned before, the budget also provides \$32 million of funding for park-and-ride facilities, and some of that funding will provide

park-and-ride facility spaces in my electorate. Laverton station will receive 317 spaces, and that is a very, very busy station now.

As part of all the works that are occurring, the upgrade and the provision of extra car spaces will make that an even more popular station. Hoppers Crossing station is also receiving 271 spaces, and Aircraft station, 110 spaces. We have people who travel quite a long distance to park at these stations and to use the trains to get to work, and I know these spaces will be very much welcomed by the people who at the moment are probably parking some way away from the station. I should mention that as part of the upgrade at Laverton station bike storage facilities will be provided. That also allows for more people to park their bikes and then ride the trains into the city.

I am very pleased to note that this budget also provides for the construction of two new schools. Whilst most people think the seat of Altona is an older community, I have very large growth areas within my electorate. Point Cook, Sanctuary Lakes and Boardwalk are all growing areas in terms of population, so we will have the construction of two new schools that have been announced in the budget — Point Cook North P-9 and Truganina South P-9 — and that is part of the \$171 million public-private partnership that was announced by the Minister for Education earlier. I know those communities will be delighted to have those schools. At the moment they are travelling further afield, and their children will be able to go to their local schools when they are completed. It will respond to the growing population within the community and with people moving into the area every day.

We have also seen in this budget funding for stage 2 of the Altona bayside regeneration of Altona Secondary College and Altona West Primary School. I am particularly proud of this project. I have been very closely involved with this project both as the local member and previously as Minister for Education. But I am really delighted this funding will be provided. A lot of work has been done within the school communities in this area. A lot of thinking work has occurred about how they teach their children. Certainly these upgrades will very much match the sort of thinking that has been done about how they want the children to learn within Altona. A merger is involved in this. The schools are very old and they are in need of upgrading anyway, but to be able to upgrade them to match the new teaching standards is really important.

Also in this budget is \$48.5 million for the duplication of the remaining portion of Kororoit Creek Road. That is a very busy road both for passenger vehicles but also

for trucks. That will remove some of the bottlenecks that exist particularly in peak times on this very busy road. It is in need of upgrading and I am very pleased that will occur. It also includes a grade separation — it crosses a railway line — and this is a very important project to reduce some of the hazards along that road and obviously improve safety.

You will probably be getting jealous by this point, Acting Speaker, and I know your electorate will also benefit from this budget, but the budget also funds a Monash–West Gate upgrade which will increase throughput by 50 per cent and reduce casualty rates by 20 per cent. That is part of a \$363 million project. That is really critical for people from my electorate who are travelling into the CBD or in fact across town.

It will really reduce their journey times and be important in terms of how they connect to other communities. It is very welcome not only in my community in Altona but in the communities in the western region.

Also included in the budget is a regional food kitchen. A consortium of 12 local councils, including Hobsons Bay City Council, will operate the kitchen. This \$6 million initiative will be based in my electorate. Hobsons Bay City Council has been active in getting this project up and running. It has worked with the local councils. The kitchen will operate from Hobsons Bay and will be able to provide meals to all of the western region, which is important.

I am delighted that the 12 local councils have come together, and I am particularly pleased that this will be located in my electorate, as I said earlier. It will provide jobs for people in the electorate and obviously provide jobs for people who will then travel into the electorate and be part of the Altona community. It is a welcome initiative. I take the opportunity to congratulate Hobsons Bay City Council and in particular its chief executive officer, Bill Jaboor, who has worked tirelessly and in conjunction with the other councils to get this project up.

The budget includes \$6.14 million for a boost to the Victorian ambulance service in my electorate. New 24-hour paramedic teams will be based in Laverton. It is part of the major commitment announced by the Minister for Health and the Premier, and it will make a big difference to issues of health and ambulance response times within the electorate of Altona. It is terrific that the teams will be based in Laverton. We certainly need additional jobs within the local community so people travel less distances to get to work and are able to get to work and live in their local

community. Certainly having this extra funding will not only provide jobs but incredibly will also increase the safety and health of the community.

There has also been a boost to the Victorian ambulance service. New MICA (mobile intensive care ambulance) single responder units will be provided for Laverton. The boost is part of the \$185.7 million initiative in this budget that will certainly provide improvements in ambulance services. The ambulance service across the state provides a fantastic service delivery. It is important in my community, which has particular health needs. It is terrific to have the boost, and it will make a difference to all families across Laverton.

This budget has been terrific for my community, because it provides in those critical areas that the community so keenly focuses on — health, education and transport — and all of these issues are important in terms of the way we live in our communities. As I said, Altona is a growing community. The population is expanding, so having those services delivered responds to the population growth but also to the fact that the previous government did not provide a lot of services, and we now are able to not only catch up but to get ahead in the provision of services. A large amount of funding is provided through this budget for my electorate, but it reflects the large amounts of funding that are provided right across the state.

The funding provided for first home buyers will be welcomed by my community. We not only have the Boardwalk estate and Sanctuary Lakes, with a lot of development there, but we have got a key focus on the Williams Landing area, which has just received planning approval. That will be another area of significant housing and commercial development in my electorate. I was down at Boardwalk recently. The amount of work that is going on, in terms of both housing and retail, is quite extraordinary.

The new assistance to first home buyers will be very much welcomed. We certainly welcome it because it means that people who have grown up in the west can afford to buy a property in the west. That new assistance to first home buyers will represent a 17 per cent saving — \$2460 on a median first home — and includes stamp duty cuts and new eligibility for stamp duty and first home buyers assistance. That will be very much welcome.

As I said, additional funding is provided for education. The budget is a huge boost for education capital. This government has increased funding for improving our schools right across the state, but this additional boost in the budget, which is part of the commitment we

made at the election to upgrade all of our schools across the state, is particularly welcome in my electorate with some older schools and with the need for brand new schools to cater for the increased population and growing communities.

We see extra money in the budget for hospitals to treat an extra 16 000 elective surgery patients and an extra 33 500 outpatients. Whilst I do not any longer have a hospital in my electorate, I know that people in the electorate will appreciate the additional funding provided to Sunshine, Williamstown and other hospitals so that they can access high-quality health services.

This is a great budget and has certainly been welcomed by my community. It is also a great budget for public transport. I am happy to commend the bill to the house.

Mr CLARK (Box Hill) — In speaking on a previous Bracks-Brumby government budget I drew the analogy with a fun park roller-coaster: when the roller-coaster is at the top of the rise and starts to dip down, you get a sickening feeling in the stomach because you know what is going to follow. With this budget we are not just starting to dip down into the plunge of ever-increasing debt, we are hurtling downwards at an ever-increasing rate and we should all be screaming loudly in fear and in even greater fear, than usual because unlike the fairground roller-coaster where you can have a fair degree of confidence that you will soon be sweeping upwards again after the downward plunge, on a Labor government roller-coaster there is a very severe risk indeed that you will end with an enormous crash at the bottom. Of course the problem with debt is not just the crash at the bottom, because on the way down the higher your debt gets, the less money you have available to meet other pressing needs.

We saw that effect reversed under the Kennett government which was able to dramatically reduce debt over its term in office so that in its second term from 1996 it was able to dramatically increase the amount of funds that were available for areas such as education, health and welfare, because the interest debt was reduced by hundreds of millions of dollars.

For those comrades opposite who like to rewrite history and talk about slashing and burning, I commend to them the time series figures at the back of the budget papers so they can go and see for themselves that what I am telling them is correct. However, we are now going back into reverse with ever-rising debt, an ever-rising interest bill and an ever-tightening squeeze on the

capacity of government to attend to pressing community needs.

I have also said on previous occasions that debt is like wine — it is something to be enjoyed in moderation. If you have had a problem with alcohol in the past, you should not be getting back on the bottle. I would have thought that given Labor's experience of being on the debt bottle when it was last in government, it would be forswearing excessive debt on this occasion, because of the enormous risks involved and the damage it will do to the state.

Members do not need to simply take my word for that. They can look at what members of the Labor Party have had to say about debt in successive budgets since they came to office. In Labor's early budgets the boast was that it was going to continue to reduce debt. Then the boast became that it was keeping the debt level. Then Labor was boasting that although the debt was increasing in nominal terms, it was still falling as a percentage of GSP (gross state product) and therefore everything was okay. Now Labor admits debt is increasing as a proportion of gross state product, but it says, 'There is nothing wrong with that, so there is no cause to worry'.

Mr Nardella — Absolutely correct.

Mr CLARK — Let me quote, for the benefit of the honourable member for Melton and others, what a senior Labor Party minister had to say on this subject in relation to the 2001–02 state budget. This minister said:

State government net debt, excluding Growing Victoria, will decline from \$4.9 billion at June 1999 to \$2.5 billion by June 2005.

Lower net debt means a reduced interest burden for the state, freeing up our capacity to improve services in the government's priority areas of health, education and community safety.

Honourable Speaker, under the Bracks government, Victoria's net debt will be cut by half.

Who gave us this tribute to the virtues of reducing debt? It was none other than the then Treasurer, our current Premier. How the words have changed over the years. We are not now reducing net debt from \$4.9 billion to \$2.5 billion, we are increasing net debt from \$3.5 billion to \$22.9 billion in 2011–12. How the story has changed over the years. Once more we have seen how correct George Orwell was in his novel *Animal Farm* and his tale of the pigs coming out with the bucket of whitewash in the night to rewrite the inscriptions on the wall to suit the changing needs of the time.

This unsustainable increase in the rate of debt that we are experiencing and this flying blind by the government in terms of what it is doing — making its decisions year by year with no proper audit or inventory of our across-the-board infrastructure needs and no decent multi-year forward plan for infrastructure — means we just cannot get a grip on the challenges that we face. We cannot work out what money needs to be set aside for, for example, anything that might arise out of the Eddington report or for the elimination of railway level crossings, because it is all being decided year by year.

We said in the 2006 election campaign that Labor had made promises in that campaign that it would not be able to fulfil and would end up breaking. We have seen no better example of that than what has happened in my electorate of Box Hill. In its eastern suburbs election policy in 2006, Labor promised:

The first stage of the Box Hill Hospital redevelopment will be completed in 2008 and the staged redevelopment of the hospital will be continued until a new facility is completed.

The first stage of the preliminary works is now almost complete, but the government has not provided any funds to continue with the next stage, which is the main project. That means that the project will come to a halt and the problems the hospital is experiencing will continue to get worse. Residents of the eastern suburbs are entitled to be both disappointed and angry that the Bracks and Brumby governments have broken their election promise to rebuild Box Hill Hospital.

The situation is made particularly acute when you look at the latest figures on hospital waiting lists and waiting times. They make it clear that the old and inadequate facilities at the hospital cannot cope with growing numbers of patients, including elderly patients and young families. The waiting list for elective surgery at the hospital reached an all-time high of 2613 patients as at December last year, of whom 1543 were waiting for urgent or semi-urgent surgery. That is also the highest number on record.

The hospital has the worst or near worst performance of any of the 27 major hospitals on which the government reports individual performance in respect of ambulance bypass, emergency waiting times, patients waiting more than 8 hours for admission or non-admitted emergency patients waiting more than 4 hours for treatment. Almost half the patients who needed a bed waited in emergency for more than 8 hours, and almost half of those who did not need to be admitted waited for more than 4 hours.

The need for the redevelopment to get under way as soon as possible is urgent indeed. The community should not be fobbed off with the sort of statements that have been made to it recently, such as that made by the Minister for Gaming who said he was confident that the funding would be available shortly — the Minister for Health would not back up that statement and would not commit the government to proceeding with the redevelopment, leaving the entire project in limbo.

The Box Hill electorate missed out in many respects in this budget. To add insult to injury in relation to health, the *Whitehorse Leader* of 30 April reported:

The much-heralded overhaul of the ambulance service will actually leave Box Hill worse off, the paramedics' union claimed this week.

...

... Box Hill is one of 10 areas across Melbourne where mobile intensive care ambulance units ... will be replaced by single paramedics ...

There is nothing in the budget for the Box Hill transport interchange, even though Box Hill was declared a transit city in 2001 and was supposed to get funding to upgrade public transport. Improvements to tram route 109 have totally disappeared from the government's radar screen, despite the angst which the community was put through a few years ago by some unacceptable proposed tram stop designs. We also heard nothing about extending tram route 48 to Doncaster.

In relation to schools, at long last the Surrey Hills Primary School has received funding to upgrade very old buildings on a very small site. The last substantial funding the school received prior to this was back in 1998 when it received a major maintenance grant. However, Koonung Secondary College received no funding despite the very poor facilities in which it delivers its very well-regarded teaching. Across the board there was no additional funding in the budget beyond the current year to help any schools in the electorate cope with rising maintenance requirements.

When one looks at what the budget provides in relation to the Attorney-General's portfolio, one sees the Attorney-General belatedly reacting to the report by the Auditor-General that exposed serious problems in court security in the Magistrates Court. However, no Magistrates Court in country Victoria has received any funding for security upgrades, even though the Auditor-General found that many courts did not have a police presence continuously during court sitting times, no country courts had protective services officers,

41 courts around the state do not have security cameras and 43 do not have access to electronic hand wands.

Unfortunately there are many courts with serious gaps remaining and a lack of protection for those attending. Waiting lists in our court system are getting as bad as the waiting lists in our hospital system. There is an enormous criminal case backlog of Supreme Court appeal and non-appeals cases and County Court appeal and non-appeal cases. In the Magistrates Court there is the largest backlog of any jurisdiction in Australia. There are also very long waiting lists for Supreme Court civil appeals. It is unlikely that the measures announced in the budget will make any inroads into those huge backlogs.

It seems that the Attorney-General's proud boast about a legal precinct for Melbourne has also disappeared, with no additional funding allocated for that. Instead there is a departure from the precinct plan with proposals to upgrade the lower floors only of the closed asbestos-ridden old County Court building. Despite the Attorney-General's claims about existing funds still being available for the legal precinct master plan, the bulk of the money that was provided several years ago appears already to have been expended.

In relation to family violence we have seen no sign of the legislation that the Attorney-General is supposed to be bringing to this house to implement the Law Reform Commission report of 2005 or the government's own announcement of mid last year of a pilot program for interim intervention orders to protect families at risk.

In relation to the energy portfolio, we have seen a sneaky and convoluted introduction of a solar feed-in tariff scheme of 60 cents a kilowatt hour per net unit put into the network but also with a 2-kilowatt capacity limit on top of that and another limit that is expressed to be a 100-megawatt limit, for which the people I have spoken to are unable to provide an explanation. To add insult to injury federal Labor has scrapped for households on incomes above \$100 000 access to the \$8000 rebate announced by the then federal Treasurer, Peter Costello, under the Howard government for the installation of solar panels, just about crippling the solar panel industry around the nation and in Victoria. So much for Labor's commitment to solar energy.

The budget contains no mention of what else the minister is doing on energy. He is continuing to blunder on with his trouble-ridden mandatory rollout of smart meters. This has the potential to impose around \$2 billion worth of costs on Victorian consumers and make the minister's previous regional fast train and myki debacles look small by comparison, if it

continues. There is also no evidence that the government realises the urgency of clearing the way to get increased base-load capacity in Victoria.

In relation to industrial relations, there are no new initiatives whatsoever in the budget. We saw the Minister for Industrial Relations missing in action when it came to various public sector wages issues. We need to ask why we bother to continue with a Minister for Industrial Relations at all.

Mr HAERMEYER (Kororoit) — I have to say that the problems that this government confronts are problems that most state governments around Australia and most state governments in this state throughout history would like to have. They are problems of strong economic growth and the problems created by a growing level of confidence in the public transport system that is reflected in record numbers of people turning to public transport. Those are the sort of problems that most governments would wish they had.

I listened very carefully to the opposition's lead response to the budget delivered by the member for Scoresby. I read it again very carefully this afternoon, because I was looking for an alternative. I could not find a single policy, a single alternative or a single novel idea. What we got from the member for Scoresby and what has been reflected by all the members on the other side who went after him was a dreary dirge of whingeing, moaning, whining negativity.

Mr Helper — That is on the upside!

Mr HAERMEYER — That is on the upside, absolutely. When I worked through the contribution I wondered what they were saying. To an extent I think the member for Box Hill captured some of this. He said we should spend more on everything — which is quite contrary to what opposition members did when they were in government — cut taxes even more and reduce debt. How does that work? Spend more, tax less and reduce debt! It does not add up. It leads me to really wonder where the magic pudding is? I ask the opposition to please provide it.

The member for Kilsyth said earlier today that the Liberals were the good economic managers. They want us to cut taxes, spend more, yet reduce debt. That proposition fails the most fundamental test of simple arithmetic. It is a logically a complete non sequitur. It really shows that the opposition is not ready to govern. It has no policies, no ideas and no hope. Opposition members are too busy fighting among themselves; they are preoccupied with staking all on a fight to the death in an internal civil war, a cannibalistic party jihad. I

understand that the Leader of the Opposition has the lowest approval of any leader in the country. It is lower than Troy Buswell's — and he has not even gone near a quokka or smelt a single chair that I am aware of, but he has an abysmally low approval rating. As the member for Kilsyth said earlier, they are good economic managers!

Good grief! If you cannot — with apologies to John Howard — manage your party, you cannot aspire to manage the state. At the moment people have absolutely no confidence in this lot opposite because they are so focused on stabbing each other in the back that they cannot come up with a single policy alternative to any of the measures in this government.

This is a budget that has delivered substantially to the people of Victoria, including \$179.2 million in maternity and child services. This is a budget that has made a huge commitment to young families and the difficulties that they face. There is a \$3000 bonus for people purchasing a new home in regional Victoria which will accelerate the resurgence that we have seen in regional Victoria since this government came to office. We saw under the coalition government — we had the Liberal Party and The Nationals, which claims to be the party of rural Victoria — the closure of schools and hospitals. People were voting with their feet and walking out of regional Victoria in droves. Now the reverse is the case.

The budget provides \$1.43 billion in new tax cuts. We have had this lot opposite talking about cutting tax more, but the reality is that what opposition members did in government was to increase tax rates at every opportunity. What they do not seem to understand or they do not want to understand, as they keep talking about the amount of tax revenue, is that it is a function of the health of the economy. We have cut tax rates across virtually all tax categories on a number of occasions and we have made this a good place to do business and a good place to invest, unlike the members opposite who actually pushed taxes through the roof when they were in government. For them to come in here and bleat on about being a low tax party is breathtaking hypocrisy.

We as a government have reduced business costs. Again, people are voting with their feet. We can see it by the level of investment in this state and by the level of business activity. That is an indication of the policies of this government, not the self-centred negativity of members opposite. We have another \$94 million in the budget to improve workforce skills. One of the challenges that does confront economies worldwide is the issue of the skills shortage and there are two ways

that we can deal with that. One is through putting money into education and training, and the other is to boost our population. Our government is addressing that on both those fronts.

Some \$115 million has been provided to boost education. We can contrast that with 370 school closures, and with thousands of teachers having been given the flick. Again, I say it is not what you come in here and say that is important, it is what you actually do when you are in government. If you look at the record of this government and compare it with the government that preceded it, we have the runs on the board and not a lot of empty rhetoric. We have put \$702.9 million into hospitals. Of all of the catastrophes of the previous government, the closure of hospital beds and the sacking of nurses is probably the biggest. We remember people dying on hospital trolleys.

We have also poured significant resources into the ambulance service — an amount of \$185.7 million. I remember in my previous electorate in Craigieburn there were people waiting sometimes 70 or 80 minutes or more for an ambulance to arrive. We have substantially boosted resources to the ambulance service, and in my own area in the western suburbs, at Hillside, which is a growth area, it is receiving a new paramedic service with a mobile intensive care ambulance (MICA) officer based there as well. This is the sort of commitment that this government is making to health. We are putting \$233 million into preventive health, something the previous government never thought of. Our health costs are going to go through the roof as the population ages, and all governments have to confront that, but by focusing on prevention we actually save a lot of money down the track in not having to respond after the horse has bolted.

Members opposite also like to carry on about law and order. We remember what they did in government: 800 police were given the sack; 36 police stations were earmarked for closure; and police officers were voting with their feet as well. We had nearly 1 in 10 police officers in this state every year walking away from the police force because of the atrocious morale and the atrocious way that police were being treated under the previous government. Under this government we have people applying to join the police force in record numbers. It has been boosted by 1400 police officers. They have been given state-of-the-art accommodation, new police stations and state-of-the-art equipment. They have been brought into the modern age with digital communications technology when under the previous government they were working with the IT and communications equivalents of a quill pen.

This government has the runs on the board. In the western suburbs we have \$7 million in a growth area like Caroline Springs for stage 2 of the Springside campus, and \$73 million as part of a master plan development of the Sunshine Hospital. There has never been that sort of investment in the western suburbs by any government. The Liberal Party regarded the western suburbs as that place that you just race through in your beemer on your way to the house at Aireys Inlet. That was their attitude to the western suburbs and this government is investing big time in the western suburbs. I mentioned already the MICA and paramedic commitment to Hillside that is provided in this budget. We have delivered a new police station again in a growth area like Caroline Springs and this government has come out with a plan to address the issue of the level crossings at Taylors and Main roads in St Albans and at Furlong Road. The first stage of that is being delivered and that is the Taylors Road grade separation — —

The DEPUTY SPEAKER — Order! The time set down for the consideration of items on the government business program has arrived. The member for Kororoit will have the call the next time this bill is before the house.

Business interrupted pursuant to standing orders.

NATIONAL GAS (VICTORIA) BILL

Second reading

Debate resumed from 27 May; motion of Ms MORAND (Minister for Children and Early Childhood Development).

The DEPUTY SPEAKER — Order! The question is:

That this bill be now read a second time.

Those of that opinion say aye, to the contrary no.

Honourable members — Aye.

Mr Ingram — No.

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

Mr Ingram — The noes have it.

The DEPUTY SPEAKER — Order! A division is required. Ring the bells.

Bells rung.

House proceeded to divide on motion:

The DEPUTY SPEAKER — Order! Under standing orders, it is obvious that there is only one member voting ‘no’ on this motion. Therefore I declare that the motion before the house — that the bill be read a second time — is carried. The member for Gippsland East may call for his vote to be recorded.

Mr Ingram — On a point of order, Deputy Speaker, I understand the relevant standing orders, but I would like this section of it to be reviewed because if you look at — —

The DEPUTY SPEAKER — Order! There is no point of order at this time. If the member wishes to see the standing orders changed, I suggest he put forward that proposition outside the chamber. I am asking him at the moment if he wishes to have his vote recorded.

Mr INGRAM (Gippsland East) — I would like to have my dissent recorded.

The DEPUTY SPEAKER — Order! The Clerk will record the dissent of the member for Gippsland East. As the required statement of intent has been made under section 85(5)(c) of the Constitution Act 1975, the third reading of the bill is required to be passed by an absolute majority.

Third reading

Motion agreed to by absolute majority.

Read third time.

STATE TAXATION ACTS AMENDMENT BILL

Second reading

Debate resumed from 27 May; motion of Mr HOLDING (Minister for Finance, WorkCover and the Transport Accident Commission).

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

**DRUGS, POISONS AND CONTROLLED
SUBSTANCES (VOLATILE SUBSTANCES)
(REPEAL) BILL**

Second reading

**Debate resumed from 27 May; motion of
Ms NEVILLE (Minister for Mental Health).**

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

APPROPRIATION (2008/2009) BILL

Second reading

**Debate resumed from earlier this day; motion of
Mr BRUMBY (Premier).**

Mr HAERMEYER (Kororoit) — As I was saying before I was rudely interrupted, this budget has delivered not only to the people of Victoria, but it has delivered big time to the people of the western suburbs. I was previously going through a number of initiatives. I have to say that the Labor Party is the only party that has actually delivered to the western suburbs. As far as the Liberal Party is concerned, the western suburbs is a place where you just put toxic waste dumps and that is all you ever do there. The Liberal Party has never delivered a thing.

Then we have the Greens, the people who do not want us to have an alternative to the West Gate Bridge, the people who talk about extending rail lines without doing the basic infrastructure work downstream that Eddington has recommended and which would make that possible. These inner city latte sippers might want to come out of the latte shops of Lygon Street some time and come and visit the western suburbs. They might do it via the West Gate Bridge at peak hour, and then they might realise what the real needs of the western suburbs are. This government has a commitment to the western suburbs, the Greens do not; and their bedmates, the Liberals, have demonstrated a total contempt for the western suburbs in history.

Coming back to where I started, if you want to be an alternative government, you have got to present alternative policies. You have got to present alternative

ideas. The only alternatives the Liberals are focused on is whether it is the member for Polwarth, whether it is the member for Hawthorn or whether it is the member for Malvern. They are the three alternatives they are focused on. They are not thinking about a single alternative other than that. Until they do, until they start putting alternatives to the people of Victoria, they are not going to be ready to govern.

Whilst they come into this house with stupid notions like spend more, tax less and have lower debt — what is that about? — the opposition is not going to be ready to govern in anybody's language — people are going to continue to treat them with contempt, the Leader of the Opposition is going to continue to have a lower approval rating than Troy Buswell and quokkas will remain unsafe.

**Debate adjourned on motion of Mr INGRAM
(Gippsland East).**

Debate adjourned until next day.

**COURTS LEGISLATION AMENDMENT
(JURIES AND OTHER MATTERS) BILL**

Statement of compatibility

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

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Courts Legislation Amendment (Juries and Other Matters) Bill 2008.

In my opinion, the Courts Legislation Amendment (Juries and Other Matters) Bill 2008, as introduced to the Legislative Assembly, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of bill

The bill contains amendments to the Constitution Act 1975, the Juries Act 2000 and the Magistrates' Court Act 1989.

The amendment to the Constitution Act 1975 will preserve the entitlement to a pension at age 60 and after 10 years service for County Court judges appointed to the Supreme Court after the commencement of section 18 of the Judicial Remuneration Tribunal Act 1995 but who before that commencement had service as a County Court judge.

The amendments to the Juries Act 2000 will place beyond doubt the power of the juries commissioner to exercise a power to excuse or not excuse a pool member from being part of a pool from which a panel would ultimately be chosen, to provide for the juries commissioner to be able to receive complaints from current or former jurors about jury

irregularities, to prohibit panel member and juror investigations, and to repeal section 51 of the Juries Act 2000 and replace it with an amended section to enable the relevant minister to set the rates for payment of jury remuneration and allowances and vary such remuneration and allowances and notify such rates in the *Government Gazette*.

The amendment to the Magistrates' Court Act 1989 will provide that only persons prescribed by the rules of court can witness a statement to be tendered at committal proceedings.

Human rights issues

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

Section 11: freedom from forced work

Section 11 of the charter provides that a person must not be held in slavery or servitude and must not be made to perform forced or compulsory labour.

Clause 5 of the bill provides for remuneration and allowances for jury service. Section 11(2) of the charter is engaged. However, section 21(3)(c) provides that forced or compulsory labour does not include work or service that forms part of normal civil obligations. Jury service is part of normal civil obligations and therefore the right is not limited.

Section 12: freedom of movement

Section 12 of the charter provides that every person lawfully in Victoria has the right to move freely within Victoria and to enter and leave it and has the freedom to choose where they live.

The right is limited by clause 7 of the bill which inserts a new section 78A in the Juries Act 2000. Section 78A limits the right to the extent that it prohibits a person who is on a panel for a trial or a juror in a trial from 'viewing or inspecting a place or object that is relevant to the trial', which may restrict a person from travelling to particular locations.

However, the limit upon the right is clearly reasonable and justifiable in a free and democratic society for the purposes of s 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 purpose of the limitation is to ensure the ability of parties to obtain a fair trial and the effective administration of the criminal justice system. The right of a person charged with a criminal offence or a party to a civil proceeding to have the charge or proceeding decided by a competent, independent and impartial court after a fair and public hearing is enshrined in section 24 of the charter and is a fundamental right in the legal system. The purpose of the limitation on the right to freedom of movement is therefore very important.

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

The right is limited only to the extent that a person is prevented from travelling to locations to view a place or object which is relevant to the trial.

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

The limitation on the free movement of a person is directly and rationally connected to the purpose of ensuring the effective administration of the justice system and the right to a fair hearing.

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

There are no less restrictive means of achieving this purpose.

(f) *Other relevant factors*

Nil

(g) *Conclusion*

The limits upon the right are reasonable and justifiable.

Section 13: privacy and reputation

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

Clause 6 of the bill inserts a new section 78(4A) into the Juries Act 2000 which provides that if a complaint about the deliberations of a jury or the disclosure of information about those deliberations is made to the Juries Commission during the course of a trial, the Juries Commission must refer the complaint to the trial judge. This may interfere with a person's information privacy where the complaint contains personal information, and also a person's communication privacy including privacy of mail.

The right to privacy concerns a person's 'private sphere', which should be free from government intervention or excessive unsolicited intervention by other individuals. An interference with privacy will not be unlawful provided it is permitted by law, is certain, and is appropriately circumscribed. An interference will not be arbitrary provided that the restrictions on privacy are reasonable in the particular circumstances and are in accordance with the provisions, aims and objectives of the charter. The purpose of the interference is to ensure a fair trial which is reasonable and consistent with the charter right to a fair hearing. The extent of the interference is circumscribed and clear. Accordingly, clause 6 does not provide for the unlawful or arbitrary interference with privacy and there is therefore no limitation on the right to privacy.

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 to seek, receive and impart information and not to express.

Clause 7 of the bill engages the right in two ways:

The new section 78A engages the right to the extent that it prohibits a person who is on a panel for a trial or a

juror in a trial from making an inquiry for the purpose of obtaining information about a party to the trial. Making an inquiry includes 'consulting with another person', 'conducting research by any means', 'viewing or inspecting a place or object that is relevant to the trial', 'conducting an experiment' or 'requesting another person to make an inquiry'.

The new section 78B engages the right to the extent that a person may be forced to express information to a judge under examination. The right to freedom of expression includes the right not to express.

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. Clause 7 interferes with freedom of expression with the aim of protecting a party's ability to obtain a fair trial and the effective administration of the justice system. These are key elements of public order. Clause 7 therefore constitutes lawful restrictions on the freedom of expression under section 15(3) of the charter.

Section 21: right to liberty and security of the person

Section 21 of the charter provides that every person has the right to liberty and security, that a person must not be subjected to arbitrary arrest or detention and that a person must not be deprived of his or her liberty except on grounds, and in accordance with procedures, established by law.

Clause 7 inserts a new section 78B into the Juries Act 2000 which engages the right to liberty because a person who is on a panel for a trial or a juror may be required to be physically present at the court or another location for a limited time for the purpose of giving evidence on examination, and to this extent constitutes a detention.

However, the detention cannot be regarded as arbitrary as it is for a reasonable purpose (to ensure that the court is able to examine a person in relation to a contravention of the new section 78A, in order to ensure a fair trial). The right is not limited as the deprivation of liberty will be on grounds and in accordance with procedures established by law.

Section 25(2)(k): right not to be compelled to testify against oneself

Section 25(2)(k) of the charter provides that a person charged with a criminal offence is entitled not to be compelled to testify against himself or to confess guilt. At the time a person may be compelled to provide information under oath to a judge under examination, pursuant to the new section 78B, he/she will not have been charged with an offence. On this basis the right in s 25(2)(k) of the charter would have no application.

Conclusion

I consider that the bill is compatible with the charter.

ROB HULLS, MP
Attorney-General

Second reading

Mr HULLS (Attorney-General) — I move:

That this bill be now read a second time.

The bill contains three distinct sets of amendments regarding the operation of the Victorian justice system. These amendments rectify an anomaly concerning the pension entitlements of some judicial officers, streamline the operation of the Victorian jury system and promote efficiency in ensuring rules of court are used effectively.

I will address each set of amendments in turn.

Constitution Act amendment

The first amendment rectifies an anomaly concerning the pension entitlements of former judges of the County Court of Victoria who have been subsequently appointed to the Supreme Court of Victoria.

In 1995, section 18 of the Judicial Remuneration Tribunal Act 1995 amended the County Court Act 1958 and the Constitution Act 1975, to raise the minimum age of entitlement to a pension to age 65 for subsequent appointees to the Supreme and County courts. Existing judges retained their entitlement to a pension at age 60, with 10 years or more of service.

In 2003, the Courts Legislation (Amendment) Act 2003 amended the Constitution Act 1975 to recognise the prior service of judges from courts other than Victorian courts.

The amendment in 2003 to the Constitution Act 1975 inadvertently disadvantaged judges appointed to the Supreme Court of Victoria from the County Court of Victoria by not recognising previously existing pension entitlements.

The amendment will give former County Court judges the same rights as have been given to judges from other jurisdictions.

Juries amendments

I turn now to the amendments in this bill which are designed to streamline and improve the efficiency of Victoria's jury system.

Jury service is the cornerstone of our legal system and these amendments are designed to ensure those who perform this important function have an enhanced and fulfilling experience as a juror.

Under the Justice Legislation (Further Amendment) Act 2006, the Juries Act 2000 was amended to allow the juries commissioner to inquire as to the availability of persons called to a jury pool to sit on lengthy trials. The juries commissioner relied on this section in preparing for an eight-week trial. The validity of the juries commissioner's action was challenged and ruled upon by Justice Coldrey, who recommended that the section be amended to place beyond doubt the power available to the juries commissioner.

The second amendment to the Juries Act 2000 will enable the juries commissioner to act as a point of contact for current or former jurors who have concerns about jury irregularities. If the juries commissioner is satisfied that a legitimate allegation exists, he or she will refer the matter to Victoria Police to be investigated.

In light of advances in technology, there are ever-increasing opportunities for jurors to undertake research relating to trial participants and events. A number of appeals in New South Wales have emphasised the damage caused by undirected juror investigations, not only to the viability of public prosecutions, but also to the peace of mind of victims of crime. Such investigations can lead to jurors accessing potentially irrelevant and prejudicial material, which will affect the result of the trial. The bill prohibits jurors from undertaking investigations to ensure that a jury's decision is based solely on the evidence heard and seen in court.

Juror allowances recognise the contribution made by members of the public to Victoria's justice system. Historically, any adjustment to the rates of juror remuneration and allowances has required the preparation of a regulatory impact statement and regulations, both of which require significant financial and time resources. The amendment to section 51 of the Juries Act 2000 will provide the flexibility required to enable the responsible minister to pass on increases in allowances in a timely and cost-effective manner.

Magistrates' Court Act 1989

This amendment will ensure that the rules of court are used exclusively as the method for authorising persons to witness statements tendered at committal proceedings. Amending the rules of court is a much more efficient mechanism than ad hoc legislative amendments.

I commend the bill to the house.

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

Debate adjourned until Thursday, 12 June.

CRIMES (CONTROLLED OPERATIONS) AMENDMENT BILL

Statement of compatibility

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

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Crimes (Controlled Operations) Amendment Bill 2008.

In my opinion, the Crimes (Controlled Operations) Amendment Bill 2008, as introduced to the Legislative Assembly, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of bill

The bill removes all references to the Australian Crime Commission (ACC) and the commonwealth Ombudsman from relevant definitions in section 3 of the Crimes (Controlled Operations) Act 2004 (the act).

The bill also makes consequential amendments to the act and to the Major Crime Legislation (Office of Police Integrity) Act 2004.

The underlying purpose of the bill is to remove a constitutional impediment to the act commencing operation.

The bill will enable, as an interim measure, the implementation of the controlled operations regime in Victoria, and will enable Victorian law enforcement agencies to conduct controlled operations under the regime contained in the act.

In due course, if and when the commonwealth Parliament amends its own controlled operations legislation, the Victorian government proposes to introduce complementary and constitutionally valid amendments enabling the ACC to avail itself of the Victorian controlled operations regime.

Human rights issues

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

The provisions of the bill do not affect any human rights protected by the charter.

Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities because it does not limit, restrict or interfere with any human rights protected by the charter.

ROB HULLS, MP
Attorney-General

Second reading

Mr HULLS (Attorney-General) — I move:

That this bill be now read a second time.

This bill will enable the Crimes (Controlled Operations) Act 2004 (the act) to be commenced in Victoria.

The act is one of four cross-border investigative powers acts enacted in Victoria in 2004, that were based on model laws developed as part of a national initiative to combat cross-border criminal activity.

This initiative recognised that, while organised criminal networks such as drug cartels are able to operate across the nation, police have often been hampered in investigating cross-border crime because the laws on police investigations vary across Australia.

The act delivered in part on Victoria's commitment to implement cross-border investigative laws at the leaders summit on terrorism and multijurisdictional crime in 2002. It was based on model laws developed by a joint working group of the Australasian Police Ministers Council (APMC) and Standing Committee of Attorneys-General (SCAG).

These model laws reflected the need for a nationally coordinated approach to law enforcement, and were designed to cover controlled operations, surveillance devices, assumed identities and witness identity protection, and to enable relevant authorities or warrants issued in one jurisdiction to be recognised as valid in participating jurisdictions.

A controlled operation is an investigative method where an operative (who can be a law enforcement officer or a civilian who is assisting a law enforcement agency) conceals his or her identity in order to associate with people suspected of being involved in organising or financing crimes.

As part of the investigation, it may be necessary to authorise the operative to commit an offence (such as to purchase drugs) in order to gather evidence or intelligence. Controlled operations can play a particularly important role in the investigation of organised crime such as drug trafficking, where it can be difficult to obtain evidence by other means.

The act, once it commences, will implement the model controlled operations laws in Victoria. It will apply the model provisions to regulate both cross-border investigations and investigations that occur wholly in Victoria. It will largely replace the existing patchwork of legislative provisions that govern controlled

operations in this state with a more comprehensive, regulated scheme.

The Australian Crime Commission (ACC) was included under the definition of 'law enforcement agency' in the act, so that the ACC could avail itself of Victorian controlled operations powers when investigating any relevant state offences without a federal aspect. The act also establishes an inspection and reporting regime in relation to law enforcement agencies' use of controlled operations, including monitoring of the ACC's use of Victoria's regime by the commonwealth ombudsman.

After the model bill was enacted in Victoria, the commonwealth raised concerns about the constitutional validity of the states' monitoring and reporting arrangements in the model bill that had originally been agreed by the APMC and SCAG. These concerns arose from the High Court's decision in *R v.*

Hughes (2000) 202 CLR 535 that provisions that seek to confer functions, duties or powers on a commonwealth body will be of no effect until the commonwealth consents to those provisions.

Accordingly, in November 2006 the commonwealth introduced a Crimes Legislation Amendment (National Investigative Powers and Witness Protection) Bill 2006 (cth), which sought to address this issue by giving the commonwealth ombudsman oversight of the ACC's use of state and territory-controlled operations legislation.

In response, the Victorian government considered drafting legislation amending the act to accommodate the commonwealth's proposed monitoring and reporting regime. However, the commonwealth amendment bill lapsed with the calling of the federal election in late 2007.

As an interim measure, this bill removes all references in the act to the ACC and the commonwealth ombudsman. Once enacted, these amendments will enable the Victorian act to be proclaimed and commence operation in relation to Victorian law enforcement agencies in advance of the commonwealth passing its amending legislation.

There are two important potential uses of the controlled operations regime contained in the act: firstly, its potential use by Victorian law enforcement agencies for investigations including cross-border investigations, and secondly, its potential use by the ACC to investigate Victorian offences without a federal aspect across borders. The purpose of this bill is to disable the second potential use in order to enable the first to commence operation.

If and when the commonwealth enacts amendments to its controlled operations regime to address the constitutional issue I have outlined, the Victorian government intends to introduce complementary and constitutionally valid amendments to enable the ACC to use the Victorian controlled operations regime to investigate Victorian offences without a federal aspect. In other words, the government proposes to legislate to enable the second potential use of the principal act I have mentioned to be achieved in a constitutionally valid way, as soon as it is in a position to do so.

I commend the bill to the house.

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

Debate adjourned until Thursday, 12 June.

UNCLAIMED MONEY 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 (the charter), I make this statement of compatibility with respect to the Unclaimed Money Bill 2008.

In my opinion, the Unclaimed Money 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 Unclaimed Money Bill 2008 is to safeguard unclaimed money and ensure that the rightful owners of unclaimed money can be identified and located. The bill rewrites the Unclaimed Moneys Act 1962 in modern drafting style using plain English.

The bill also makes a number of changes to the administration of unclaimed money designed to reduce regulatory burden on Victorian business, and secure a contemporary policy and legislative framework which best achieves the purposes of the bill. In particular the bill:

- removes the requirement that business advertise unclaimed money in the *Gazette*;

- reduces the time that business is required to hold unclaimed money to one year;

- modernises compliance and enforcement powers in a manner which is consistent with best practice;

- gives clear protection to information obtained in relation to the administration of unclaimed money and prescribes when this information may be disclosed; and

- facilitates the transfer of the administration of unclaimed superannuation to the Commonwealth.

Human rights issues

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

Right to privacy

The right to privacy is protected by section 13 of the charter. In accordance with this right a person must not have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with.

An interference with privacy will be unlawful if it is not permitted by law, or it is not certain and appropriately circumscribed. An interference will be arbitrary if the restrictions on privacy are unreasonable in the circumstances and not in accordance with the provisions, aims, and objectives of the charter.

Clause 12 of the bill requires business to pay unclaimed money and lodge a return with the registrar, which includes information about unclaimed money held by the business. Clause 14 requires a trustee to lodge a statement with the registrar which includes details of unclaimed trust property converted into money pursuant to the bill. Clauses 28 and 94 require the registrar to advertise or publish details of unclaimed money and unclaimed superannuation benefits respectively. All of these requirements raise the right to privacy.

These clauses do not, however, limit the right to privacy under the charter. The details of unclaimed money and unclaimed superannuation benefits provided and published are fundamental to the bill achieving its purpose of identifying and locating the rightful owners of those moneys, and the relevant requirements will be permitted by law. Furthermore, clauses 28 and 94 provide that only the minimum amount of information necessary to locate and identify the rightful owners of unclaimed money will be published. In these circumstances the provision of and publication of details about unclaimed money and unclaimed superannuation benefits is not arbitrary and is clearly lawful.

The bill also contains certain safeguards concerning the use of information obtained under or in relation to the administration of the bill. For example, clause 76 makes it an offence to disclose this information except in the limited circumstances prescribed by the bill.

To the extent that the confidential information is also personal information, the Information Privacy Act 2000 provides a further safeguard that will assist in ensuring that the right to privacy is not unlawfully or arbitrarily interfered with.

Part 6 division 1 of the bill also engages the right to privacy to the extent that it provides authorised officers with the power to conduct investigations, enter, search and inspect premises and apply for a search warrant. In particular:

Clause 69 provides that a person may be required, by written notice, to provide written information, produce a document, or attend before the registrar to answer questions.

Clause 70 provides that an authorised officer may enter, search and inspect a premises for the purposes of an authorised investigation.

Clause 71 provides that an authorised officer may apply for a search warrant in relation to the premises where an authorised officer believes on reasonable grounds that there is, or may be within the next 72 hours, on the premises a thing relevant to the administration of the bill.

Notwithstanding that these clauses raise the right to privacy they do not limit that right because they are neither unlawful nor arbitrary.

The bill establishes a self-assessment regime for the collection and payment of unclaimed money to the registrar. Non-compliance with these obligations may result in a business or trust receiving a windfall from money to which it is not legally entitled. Therefore, it is reasonable that authorised officers have sufficient powers to enable effective monitoring, compliance and enforcement of the bill. In this context the powers serve a legitimate purpose and are not arbitrary. The powers are also consistent with the charter insofar as they help to protect the property rights of the lawful owners of unclaimed money.

The powers conferred under the bill will be permitted by law and subject to additional constraints. For example, the powers of investigation and entry, search and inspection can only be used for the purposes of an authorised investigation. An authorised investigation is confined by clause 68 to monitoring compliance, investigating suspected offences or other matters reasonably related to the administration of the bill. An authorised officer may enter premises for the purpose of an authorised investigation, but only with the consent of the occupier or on the authority of a warrant. A warrant must be issued by a magistrate, in accordance with rules relating to search warrants under the Magistrates' Court Act 1989. The exercise of a warrant is further circumscribed by clause 72 which provides that an announcement must be made before entry, and clause 73 which provides that a copy of the warrant must be given to the occupier. Any information obtained in the exercise of powers is also protected by clause 76, which makes unauthorised disclosure an offence. For these reasons the powers in clauses 69 to 71 are clearly lawful and not arbitrary.

The requirement under clause 70(4) that an authorised officer may not exercise the power to enter and inspect premises if that officer fails to produce, on request, his or her identity card is a further constraint on the power under the act. Under clause 10 this identity card must contain the officer's name, signature and photograph. This requirement may be said to engage an authorised officer's right to privacy. However, given the powers of an authorised officer, the requirement to carry and produce an identity card is reasonable and is not of itself an unlawful or arbitrary interference with the right to privacy.

Clause 77 of the bill specifies a number of circumstances in which information obtained under or in relation to the administration of the bill can be disclosed. In each instance the disclosure permitted may engage the right to privacy but does not limit that right because the disclosures are neither unlawful nor arbitrary. Each disclosure will be permitted by law and will be appropriately circumscribed. For example, clause 79 prohibits the disclosure of information provided by an authorised person unless disclosure is necessary to enforce

a law or protect the public revenue and the registrar consents to the disclosure. A criminal sanction is imposed for unlawful disclosure. The reasons the permitted disclosures in clause 77 are not arbitrary are set out below.

Clauses 77(1)(b) to (d) permit disclosure in connection with the administration of the bill, a taxation law, the First Home Owner Grant Act 2000 and corresponding laws in other Australian jurisdictions. The registrar of unclaimed money is the Commissioner of State Revenue (the commissioner). In this context it is not arbitrary that information obtained under the bill may be disclosed when necessary to assist in the administration of other laws administered by the commissioner. Making this information available in respect of equivalent laws in other jurisdictions is consistent with the government's commitment to increased harmonisation and inter-jurisdictional cooperation.

Clause 77(1)(e) permits the disclosure of information obtained under the bill in accordance with an order made under the Family Law Rules 2004 of the commonwealth. This disclosure is not arbitrary because the registrar may be ordered by the Family Court to pay unclaimed money to a person other than the legal owner as part of a property settlement. This provision ensures that any information disclosed in compliance with a Family Court order is not disclosed unlawfully.

Clause 77(1)(g) specifies a number of 'authorised persons' to whom the registrar is permitted to disclose information obtained under or in relation to the administration of the bill. These include the ombudsman, the Auditor-General and the privacy commissioner. In each instance the disclosure is not arbitrary because it recognises the registrar has an obligation to provide information to these bodies in accordance with their specific powers and functions. Clause 77(1)(g) also permits disclosure to a member of the Victoria Police, a member of the Australian Federal Police, the director of consumer affairs and the Victorian WorkCover Authority. These disclosures are not arbitrary because issues may be identified in the administration of the bill, which are outside the registrar's jurisdiction, but are in the public interest to be further investigated by the relevant regulator. For example, a visit to a business premises may reveal workplace safety or consumer protection issues. Similarly, information obtained by the registrar may be relevant to criminal investigations being conducted by the Victoria or Australian Federal police. Importantly, disclosure in these circumstances may also help to protect and promote other rights protected by the charter.

Clause 92(2) provides that the application form for the payment of unclaimed superannuation benefits may include a request for a person to provide his or her tax file number (TFN). While this clause engages the right to privacy it does not limit that right. The requirement is not arbitrary because it reflects a requirement of commonwealth law and under clause 92(3), a person is not obliged to provide their tax file number and non-compliance does not prevent the person from being paid an unclaimed superannuation benefit. Finally, Clause 93(3) permits the registrar to give the commonwealth commissioner of taxation information contained in the unclaimed superannuation register. While this clause engages the right to privacy it does not limit that right because it is neither unlawful nor arbitrary. Clearly, the disclosure will be permitted by law. In addition, disclosure is not arbitrary because the commonwealth and states have historically shared administration of unclaimed superannuation.

Right to property

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

Clause 69 of the bill engages this right because it permits the registrar to compel a person, by written notice to produce a document. Similarly, the power of entry and inspection in clause 70 raises the right because a person may be required to produce a document for inspection, and an authorised officer may retain a document for inspection, to make a copy of it, or take extracts from it. Clause 71 is also relevant because, under the authority of a warrant, it permits an authorised officer to seize or secure against interference, a thing named or described in the warrant and, if reasonably necessary, to break open any receptacle for those purposes.

Notwithstanding that the exercise of these powers may result in the deprivation of property they do not limit the right to property because in each instance the deprivation will not be unlawful or arbitrary. That is, each deprivation will be permitted by law and is appropriately circumscribed for the reasons set out above in relation to the right to privacy. The deprivation is not arbitrary because in a self-assessment regime it is essential to have sufficient powers to investigate and collect evidence to enable effective monitoring, compliance and enforcement. These powers also help to ensure that the registrar can adequately protect the property rights of the rightful owners of the unclaimed money.

Freedom of movement

In accordance with section 12 of the charter 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.

Clause 69 provides that the registrar may require a person to attend at a specified time or place to answer questions relevant to an investigation. To the extent to which this provision may require a person to move to, or from, a particular location it may represent a limit on that person's freedom of movement.

Freedom of expression

Section 15(2) of the charter gives a person the right to freedom of expression, which includes the freedom to seek, receive and impart information and ideas of all kinds, whether within or outside of Victoria in a variety of forms. The right to freedom of expression encompasses a freedom not to be compelled to say certain things or provide certain information.

Clause 69 of the bill provides that the registrar may, by written notice, require a person to provide written information, attend before the registrar to answer questions, or to produce a document. Similarly, in the exercise of the registrar's powers of search, entry and inspection under clause 70(1) the registrar can require a person to produce a document, or answer questions relevant to an investigation.

To the extent these clauses compel a person to provide information or answer questions they may represent a limit on that person's freedom of expression.

Clauses 76, 79 and 80 of the bill may also engage the right to freedom of expression so far as they prohibit the disclosure of

certain information by authorised persons, and the secondary disclosure of information which is obtained from authorised persons under the bill. 'Authorised persons' are defined in clause 3 of the bill to mean an authorised officer or any other person engaged in the administration of the bill.

Clause 76 prohibits the disclosure of information obtained under or in relation to the administration of the bill, except where expressly authorised. Clause 79 then prohibits a person who obtains information as a result of an authorised disclosure from disclosing that information to others. A further restriction on disclosure is provided by clause 80, which sets out that an authorised person is not required to disclose or produce certain information to a court except as provided by the bill.

In each instance, these clauses prevent a person from imparting information. Therefore, clauses 76, 79 and 80 limit the right to freedom of expression.

Clause 70(7) also engages the right to freedom of expression because it makes it an offence to use threatening language to an authorised officer carrying out an authorised investigation, or a person assisting an authorised officer. In creating this offence clause 70(7) restricts the things a person may say during the conduct of an investigation. Therefore, clause 70(7) is a limit on the freedom of expression.

Presumption of innocence

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

The bill creates a number of offences, which include the defence of 'reasonable excuse'. In particular, clause 17 provides that a person must not fail, without reasonable excuse, to make entries on their unclaimed moneys register. Clause 18 provides that a person must not, without reasonable excuse, fail to pay an amount or lodge a return with the registrar. Clause 19 provides that a trustee must not, without reasonable excuse, fail to comply with the trustee's obligations in respect of unclaimed trust property. Clause 70(6) provides that it is an offence for a person to refuse or fail, without reasonable excuse, to comply with a requirement made by an authorised officer in the exercise of that officer's powers of search, entry and inspection. In each instance the offence attracts a monetary penalty.

These clauses require the person charged to point to evidence that he or she had a reasonable excuse for failing to comply with certain requirements under the bill. This may limit the right to be presumed innocent, because in the absence of any evidence of reasonable excuse, a conviction may ensue without the prosecution proving all the elements of the defence in the usual way. Accordingly, clauses 17, 18, 19 and 70(6), which include the defence of 'reasonable excuse', limit the right to be presumed innocent under section 25(1) of the charter.

Clause 26 may also engage the right to be presumed innocent under section 25(1) of the charter. Clause 26(1) provides that if a body corporate, contravenes a provision of the bill, a person who is concerned in, or who takes part in the management of the body corporate will be deemed to have contravened the same provision. However, clause 26(2) goes on to provide there is no deemed contravention if the person charged can produce evidence of certain matters. These

matters include that the body corporate contravened the offence without the person's knowledge, the person was not in a position to influence the conduct of the body corporate in relation to the contravention, or that the person used all due diligence to prevent the contravention by the body corporate.

To the extent that clause 26(2) requires the person charged to adduce evidence of certain matters to avoid liability it may limit the right to be presumed innocent under section 25(1) of the charter.

Recognition and equality before the law

Section 8(3) of the charter provides that every person is equal before the law and is entitled to equal protection of the law without discrimination. Discrimination, in relation to a person, means discrimination within the meaning of the Equal Opportunity Act 1995 on the basis of an attribute set out in section 6 of the act.

Clause 87 of the bill provides that money paid into court which has not been claimed after a period of 15 years is required to be paid into the consolidated fund. However, where a person entitled to the money is under the age of 18, the 15-year period does not start running until that person has turned 18. Likewise, where a person entitled to money has a disability within the meaning of the Guardianship and Administration Act 1986, the 15-year period does not start running until such time as that person becomes a 'represented person' under that act.

To the extent that clause 87 provides more favourable treatment to persons under the age of 18, and certain persons with an impairment, it may limit the right of recognition and equality before the law.

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

Freedom of movement

The right to freedom of movement under section 12 of the charter may be limited by operation of clause 69 of the bill.

(a) What is the nature of the right being limited?

The right to move freely within Victoria encompasses a right not to be required to move to, or from, a particular location.

(b) What is the importance of the purpose of the limitation?

The bill establishes a self-assessment regime for the collection and payment of unclaimed money to the registrar. The limitation is important because it forms part of the suite of powers required for the registrar to effectively monitor, investigate and enforce compliance with the bill where cooperation with an investigation is not forthcoming.

(c) What is the nature and extent of the limitation?

A person may be required to attend before the registrar at a specific time or place to answer questions relevant to an investigation. The limitation only extends to that individual who is required to attend before the registrar at the specified time and date and the limitation only operates for the period of time a person is required to attend before the registrar or an authorised officer.

(d) What is the relationship between the limitation and the purpose?

Given the bill establishes a self assessment regime it is essential that the bill has sufficient powers of investigation to ensure the registrar can identify and treat non-compliance. This provision recognises there may be circumstances where a person withholds or demonstrates reluctance to answer questions relevant to an investigation. In these circumstances it may be necessary to require that an individual attend before the registrar to answer questions. In this context, the limit is proportionate because it will apply only to an individual in the specific circumstances outlined above.

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

Ordinarily, a person will be asked to answer questions relevant to an investigation on a voluntary basis, or provide the relevant information in writing. However, attendance may be considered necessary where a person withholds or demonstrates reluctance to answer questions relevant to an investigation, and the relevant information cannot be obtained from other sources. In these circumstances there is no less restrictive means reasonably available to the registrar to obtain the information necessary to monitor, investigate and enforce compliance with the bill.

(f) Conclusion

The limitation is reasonable and necessary to achieve the legitimate aim of establishing a compliance regime which operates effectively in a self assessment environment. In doing so it is necessary to have some powers which can be used where cooperation with an investigation is not forthcoming. Ultimately, these powers will help to ensure that unclaimed money is protected for its rightful owners.

Freedom of expression

The right to freedom of expression under section 15 of the charter may be limited by the operation of clauses 69 and 70 of the bill.

(a) What is the nature of the right being limited?

The freedom of expression is a right of fundamental importance in our society and is an essential foundation of a democratic society. It encompasses the right not to be compelled to express information of all kinds, including in documents.

(b) What is the importance of the purpose of the limitation?

To the extent that clauses 69 and 70 compel a person to answer questions, provide information or produce documents, they may limit the right to freedom of expression. The purpose of this limitation is to ensure that the registrar can effectively monitor, investigate and enforce compliance with the bill where cooperation with an investigation is not forthcoming. The ultimate purpose of those powers being to ensure the registrar can safeguard and protect unclaimed money for its rightful owners.

- (c) What is the nature and extent of the limitation?

Under clauses 69 and 70 a person may be compelled to answer questions, provide information or produce documents. However, the circumstances in which a person can be asked to do so are limited to during the exercise of the registrar's search, entry and inspection powers, or upon written notice from the registrar. In each instance the request can be made only in relation to matters relevant to an authorised investigation. In addition, these powers are generally reserved for circumstances where an individual has failed to cooperate with an investigation by withholding information or demonstrating a reluctance to answer questions. In addition, the use of information gathered under these clauses is further limited by clause 74, which provides that the information cannot be used against the person in any proceeding in respect of an offence against the bill. In this context the limitation is considered proportionate.

- (d) What is the relationship between the limitation and the purpose?

The limitation is the registrar's ability to compel an individual to answer questions, produce documents or provide information. This is directly related to the purpose of that limitation, which is to ensure that the registrar can obtain the information, which is necessary to monitor, investigate and enforce compliance with the bill, and ultimately protect and safeguard unclaimed money.

- (e) Are there any less restrictive means available to achieve its purpose?

No other means are considered reasonably available to achieve the purpose of the limitation imposed.

- (f) Conclusion

The limitation is reasonable and necessary so that the registrar can gather the information necessary to effectively administer the bill where cooperation with an investigation is not otherwise forthcoming.

The right to freedom of expression under section 15(2) of the charter may be limited by clauses 76, 79 and 80 of the bill.

- (a) What is the nature of the right being limited?

The freedom of expression is a right of fundamental importance in our society and is an essential foundation of a democratic society. It encompasses the right not to be compelled to impart information of all kinds, including in documents.

- (b) What is the importance of the purpose of the limitation?

The purpose of the limitation is to ensure that an individual's right to privacy is protected by restricting the disclosure of information that has been obtained in relation to the administration of the bill. This limitation is important because the registrar has an overarching duty to maintain an individual's right to privacy.

- (c) What is the nature and extent of the limitation?

Clauses 76, 79 and 80 of the bill limit the right to freedom of expression by restricting the disclosure of information obtained in relation to the administration of the bill, unless that disclosure is expressly permitted by the bill. The limitation only applies to authorised persons or the authorised recipients of information under the bill. The information to which the restriction relates is limited to information obtained under or in the administration of the bill, and does not apply to other information that an authorised person or authorised recipient may wish to impart. The bill also provides several significant exceptions to the general prohibition. For example clause 77 prescribes a number of circumstances where disclosure is permitted, and clause 78 provides for certain disclosures which are of a general nature. Accordingly, the nature and extent of the limitation is confined.

- (d) What is the relationship between the limitation and the purpose?

There is a direct relationship between the limitation and the purpose of ensuring the privacy of information obtained in relation to the administration of the bill is protected.

- (e) Are there any less restrictive means reasonably available to achieve its purpose?

No other means are considered reasonably available to achieve the purpose of the limitation imposed.

- (f) Conclusion

The limitation is reasonable and necessary to ensure personal information obtained in the administration of the bill is adequately protected. In this case it is necessary to balance the right of an authorised person or authorised recipient to freedom of expression with an individual's right to privacy.

The right to freedom of expression may also be limited by clause 70(7) of the bill.

- (a) What is the nature of the right being limited?

The freedom of expression is a right of fundamental importance in our society and is an essential foundation of a democratic society. It encompasses the right to impart information and ideas of all kinds both orally and in writing.

- (b) What is the importance of the purpose of the limitation?

The purpose of this limitation is to provide a penalty for the use of threatening language in the conduct of an authorised investigation under the bill. The importance of this limitation is to protect authorised officers from threatening behaviour in the conduct of an authorised investigation.

- (c) What is the nature and extent of the limitation?

Clause 70(7) limits a person's freedom of expression by making it an offence to use threatening language. However, the limitation applies only during the conduct

of an authorised investigation, and in relation to the use of threatening language to an authorised officer or an assistant. In addition, the limitation only applies in relation to language which is threatening, being language which amounts to a declaration of the intention to inflict harm, or that indicates that harm, danger or pain are imminent.

- (d) What is the relationship between the purpose and the limitation?

The purpose of the limitation is to protect officers from the use of threatening language during an investigation. This purpose is directly related to the limitation on the freedom of expression which arises by making it an offence for a person to use threatening language to an authorised officer carrying out an authorised investigation, or an assistant.

- (e) Are there any less restrictive means reasonably available to achieve its purpose?

No other means are considered reasonably available to achieve the purpose of the limitation imposed.

- (f) Conclusion

The limitation is reasonable and justified to protect authorised officers from threatening language in the conduct of an authorised investigation under the bill.

Presumption of innocence

The right to be presumed innocent under section 25(1) of the charter may be limited by the operation of clauses 17, 18, 19 and 70(6) of the bill.

- (a) What is the nature of the right being limited?

The right to be presumed innocent is a fundamental common-law principle that requires the prosecution to prove all elements of a criminal offence beyond reasonable doubt.

However, the courts have recognised that this right may be subject to limits particularly where, as here, defences have been enacted for the benefit of the defendant in respect of what would otherwise be an absolute liability offence.

- (b) What is the importance of the purpose of the limitation?

The importance of the purpose of this limitation is to enable a person who has a 'reasonable excuse' to escape liability for what would otherwise be unlawful conduct. The limit recognises that individuals may make honest and reasonable mistakes, or fail to comply because of circumstances which are beyond their control. These are facts that are within the knowledge of the defendant and therefore it is reasonable that the defendant adduce or point to the evidence which puts these matters in issue.

- (c) What is the nature and extent of the limitation?

The relevant clauses require the defendant to point to evidence that he or she had a reasonable excuse for failing to comply with particular provisions in the bill. This may limit the right to be presumed innocent if the

effect of the defence is that, in the absence of any evidence of reasonable excuse, a person can be convicted without the prosecution proving all the elements of the offence in the usual way. The limitation will only apply where a defendant is charged with an offence under clauses 17, 18, 19 and 70(6). In addition, when evidence of reasonable excuse is adduced the prosecution will have the burden of disproving the matters raised beyond reasonable doubt. In this respect, the nature and extent of the limitation are confined.

- (d) What is the relationship between the limitation and its purpose?

The purpose of the limitation is to enable a person to escape liability for an offence where that person has a reasonable excuse. The imposition of the evidential onus on the person charged is directly related to the purpose of that limitation.

- (e) Are there any less restrictive means reasonably available to achieve its purpose?

Less restrictive means would not achieve the purpose of the limitation. The matters pertaining to reasonable excuse are in the knowledge of the person charged and therefore it is reasonable that they point to evidence which puts this matter in issue. Removing the defence altogether would mean that the relevant clauses no longer imposed a limit on the right to be presumed innocent, but this would defeat the purpose of the limitation, because a person charged could not avoid liability even if they could point to a reasonable excuse for non-compliance. In the context of the bill, this would result in an unfair outcome for the defendant. To the extent the limitation requires the defendant to meet an evidential onus, rather than requiring that matter be proven on the balance of probabilities, the limitation already represents a less restrictive means of achieving the purpose.

- (f) Other factors

The offences provided for in clauses 17, 18, 19 and 70(6) are regulatory and not of a serious criminal nature. Contravention of these offences attracts only a small fine.

- (g) Conclusion

The limitation is necessary to provide a means for an individual to escape liability for an offence, where he or she can provide a reasonable excuse for non-compliance. Given that the circumstances giving rise to a reasonable excuse are known principally to the defendant it is reasonable that they point to the evidence which puts these matters in issue.

The right to be presumed innocent under section 25(1) of the charter may also be limited by the operation of clause 26 of the bill.

- (a) What is the nature of the right being limited?

The right to be presumed innocent is a fundamental common-law principle that requires the prosecution to prove all elements of a criminal offence beyond reasonable doubt.

However, the courts have recognised that this right may be subject to limits particularly where, as here, defences have been enacted for the benefit of the defendant in respect of what would otherwise be an absolute liability offence.

- (b) What is the importance of the purpose of the limitation?

Under clause 26(1) if a body corporate contravenes a provision of the bill, a person who is concerned in, or takes part in the management or control of the body corporate, is deemed to have contravened the same offence. This provision is necessary so that a person cannot avoid liability by hiding behind the corporate veil. In this context, the purpose of the limitation in clause 26(2) is to ensure that there is no deemed contravention if a person charged can produce evidence that they had no knowledge of the contravention, they were not in a position to influence the contravention, or they used all due diligence to prevent the contravention. The limitation is important, because it would be unreasonable to convict someone of an offence if there was evidence of any of the matters referred to above, and this evidence could not be disproved beyond reasonable doubt.

- (c) What is the nature and extent of the limitation?

Clause 26(2) requires the person charged to give evidence of certain matters to avoid being convicted of an offence. This may limit the right to be presumed innocent if, in the absence of evidence of those matters, a person is convicted without the prosecution proving all the elements of the offence in the usual way. The limitation will only apply where a defendant is charged with an offence under clause 26 and only relates to matters which are principally in the knowledge of the person charged. If the person charged adduces evidence of one of the relevant matters, it will be up to the prosecution to prove those matters beyond reasonable doubt. Accordingly, the nature and extent of the limitation are confined.

- (d) What is the relationship between the limitation and the purpose?

The purpose of the limitation is to enable a person to escape liability under clause 26(2) where it would be unreasonable for that person to be deemed to have committed an offence. It would be unreasonable to deem an offence where a person had no knowledge of the contravention, was not in a position to influence the contravention, or took all due diligence to prevent the contravention. These are all matters which are in the knowledge of the person charged. In this context, the limit, being the imposition of the evidential onus on the person charged, is directly related to the purpose of that limitation.

- (e) Are there any less restrictive means reasonably available to achieve its purpose?

Less restrictive means would not achieve the purpose of the limitation. The matters which indicate a person should not be convicted are principally in the knowledge of the defendant. Therefore, it is reasonable that they adduce evidence which puts these matters in issue.

Removing the defence altogether would mean that the relevant clause did not impose a limit on the right to be presumed innocent. However, removing the defence would defeat the purpose of the limitation since liability could not otherwise be avoided resulting in an unjust outcome for the defendant. To the extent the limitation requires the defendant to meet an evidential onus, rather than requiring that matter be proven on the balance of probabilities, the limitation already represents a less restrictive means of achieving the purpose.

- (f) Conclusion

The limitation is necessary to ensure a person is not deemed to have contravened a provision under clause 26 where the defendant can show evidence of one or more of the matters described in clause 26(2). Given that the circumstances giving rise to these matters are known principally to the person charged it is reasonable that they point to the evidence which puts these matters in issue.

Recognition and equality before the law

The right to recognition and equality before the law under section 8 of the charter may be limited by the operation of clause 87 of the bill.

- (a) What is the nature of the right being limited?

The right to recognition and equality before the law is one of the cornerstones of human rights instruments and this is reflected in the preamble to the charter. However, the right is not absolute and can be subject to reasonable limitations in section 7 of the charter.

- (b) What is the importance of the purpose of the limitation?

The purpose of the limitation is to ensure that the 15-year period after which moneys in court are required to be paid into the consolidated fund does not start running until the person entitled to that money is legally capable of claiming it. This limitation is important because it protects the rights of those who are more vulnerable due to their lack of independent legal standing because of age or impairment. It ensures money is retained in court for those persons until they have attained the legal capacity necessary to take action to recover it.

- (c) What is the nature and extent of the limitation?

The nature of the limitation is the favourable treatment provided to those under 18 and to those with certain disabilities, because it provides them with extra time to recover unclaimed money from the court into which it was paid. The favourable treatment does not extend beyond those persons who are not otherwise legally capable of recovering money in court. In addition, even where the 15-year period has run against a person, clause 89 of the bill allows that person to recover that money out of the consolidated fund. Therefore, the primary benefit of the limitation is that those people to whom it applies can claim the moneys from the court rather than taking action to recover that money from the consolidated fund. The limitation does not in any way affect an individual's fundamental entitlement to the

money. Accordingly, the nature and extent of the limitation is confined.

- (d) What is the relationship between the limitation and its purpose?

There is a direct relationship between the more favourable treatment of persons under the age of 18 and persons with certain disabilities, and the purpose of protecting the rights of those who are more vulnerable because of age and impairment.

- (e) Are any less restrictive means available to achieve the purpose?

No other means are considered reasonably available to achieve the purpose of the limitation imposed.

- (f) Conclusion

The limit on the right to recognition and equality before the law is reasonable and justified because it protects the rights of persons under the age of 18 and persons with certain impairments by ensuring the 15-year period after which moneys in court are required to be paid into the consolidated fund does not start running until those individuals have the legal capacity to recover those funds.

Conclusion

I consider that the bill is compatible with the charter of Human Rights and Responsibilities because, even though it does limit a human right this limitation is reasonable.

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

Second reading

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

That this bill be now read a second time.

This bill rewrites the Unclaimed Moneys Act 1962 and seeks to ensure the effective and efficient administration of the unclaimed money regime. The rewrite in legislation has occurred following consultation with a selection of those businesses affected by the legislation and is in accordance with the government's dual commitments to modernising the Victorian statute book and reducing the regulatory burden on Victorian business.

The overall purpose of the bill remains to safeguard unclaimed money and ensure that the rightful owners of such money can be identified and located. The types of unclaimed money dealt with under the bill remain the same — money paid into court, general unclaimed money such as share dividends, salaries and wages, rent and bonds, debentures and interest and unrepresented cheques and unclaimed superannuation benefits.

The administration of unclaimed money is an important public service designed entirely to benefit those who have somehow lost touch with money to which they are legally entitled. In the 2006-2007 financial year the State Revenue Office collected over \$25 million in general unclaimed money and, to date, has been able to return \$15 million to the rightful owners.

The current act was introduced in 1962 and, while it has been amended over time, numerous opportunities for further modernisation and improvement have been identified. This bill makes a number of changes to the administration of unclaimed money. These changes are designed to reduce the regulatory burden for Victorian business and secure a contemporary policy and legislative framework, which best achieves the purpose of the bill. The key changes include:

removing the requirement that business advertises unclaimed money in the *Government Gazette* and introducing a more effective advertising regime;

reducing the time that business must hold unclaimed money from two years to one year;

modernising the registrar's compliance and enforcement powers in a manner consistent with current best practice;

giving clear protection to information obtained in relation to the administration of unclaimed money and setting out the circumstances in which this information can be legally disclosed; and

facilitating the transfer of the administration of unclaimed superannuation to the commonwealth.

Removing the requirement that business advertises unclaimed money in the *Government Gazette* and introducing a more effective advertising regime

Under the 1962 act, a business is required to advertise details of unclaimed money in the *Government Gazette* annually. The bill transfers this requirement for advertising from Victorian businesses to the registrar of unclaimed money, a role currently undertaken by the commissioner of state revenue. In doing so, the regulatory burden for Victorian business will be reduced.

The bill requires the registrar to advertise, but provides more flexibility to use contemporary means of advertising, such as electronic publication on the SRO website and advertisements in major regional and metropolitan newspapers sooner in the unclaimed money process. Electronic advertising provides a much more modern, effective and efficient vehicle for owners

to locate money, thereby fulfilling one of the predominant purposes of the act — to identify and locate rightful owners of unclaimed money.

Additionally, the bill enables the registrar to advertise earlier in the process (after one year instead of two) thereby increasing the potential for owners to be reunited with their money sooner.

A reduction in the time that business must hold unclaimed money

Under the 1962 act, a business is required to administer and retain unclaimed money for at least two years before that money can be paid to the registrar. The bill reduces this period to just over one year, thereby further reducing the regulatory burden on Victorian business.

Modernising the registrar's compliance and enforcement powers in a manner consistent with current best practice

The bill updates the powers of investigation by adopting powers typical of other acts which protect public money — for example the First Home Owner Grant Act 2000. These include the powers to require a person to give information and to attend to answer questions or produce documents, the power of entry and inspection and the power to apply for a search warrant.

Non-compliance with the requirements of the bill may result in a business receiving a windfall from money to which they are not legally entitled. Therefore, it is important that the registrar has effective means for monitoring compliance and investigating suspected offences. These powers have been designed with the public benefit purpose of the bill in mind, and are circumscribed to ensure an adequate balance between the interests of business and the registrar's obligation to protect unclaimed money on behalf of legal owners.

The enforcement provisions in the bill have also been modernised to ensure they provide an effective deterrent for non-compliance. The bill introduces administrative penalties for failure to comply, and new offences have been created for failing to keep records and providing false and misleading information. The new offences will help ensure that details of unclaimed moneys are accurate and verifiable, and are a necessary and integral part of a self assessment regime.

To complement the introduction of administrative penalties, a business will now have the right to seek review in the Victorian Civil and Administrative Tribunal or the Supreme Court in relation to certain

decisions made by the registrar about unclaimed money.

Giving clear protection to information obtained in relation to the administration of unclaimed money and setting out the circumstances in which this information can be legally disclosed

The privacy provisions in the bill will protect the confidentiality of all information obtained in the administration and execution of the bill, and will clearly prescribe when such information may be disclosed. Only the minimum information necessary to identify and locate the owners of unclaimed money will be published by the registrar. Provision will also be made for the sharing of information with other agencies where this is in the interest of the greater public benefit.

Facilitating the transfer of the administration of unclaimed money to the commonwealth

The bill makes changes to provisions dealing with unclaimed superannuation. These changes will give effect to an agreement between the Victorian and commonwealth governments for the transfer of administration of unclaimed superannuation to the commonwealth. This transfer will make it easier for individuals searching for lost superannuation by providing a single access point and a simpler national claims process. This approach will also avoid the duplication of administration costs inherent in the current system, which divides administration between the commonwealth and the states.

The Victorian government is committed to the effective administration of unclaimed money. This bill makes important changes which will enable the registrar to better safeguard such money and increase the prospect of rightful owners being reunited with their funds. The bill also represents an important step in reducing the regulatory burden on Victorian business which has long been associated with the administration of unclaimed money.

I commend the bill to the house.

Debate adjourned on motion of Mr WELLS (Scoresby).

Debate adjourned until Thursday, 12 June.

MELBOURNE CRICKET GROUND AMENDMENT BILL

Statement of compatibility

Mr MERLINO (Minister for Sport, Recreation and Youth 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 Melbourne Cricket Ground Amendment Bill 2008.

In my opinion, the Melbourne Cricket Ground 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 purpose of the bill is to amend the Melbourne Cricket Ground Act 1933 to facilitate the proposed widening of the southern concourse of the Melbourne Cricket Ground from gate 1 to light tower 4.

The purpose of widening the concourse is to improve pedestrian flows during peak crowd times and in the event of an emergency evacuation.

The outcome of the project will be to widen the concourse by up to 6 metres, extending over Brunton Avenue. This structure will be supported by existing columns and a small number of additional columns on the northern (MCG) side of Brunton Avenue and a new concrete wall erected on the southern side of Brunton Avenue.

The wall will be built on a narrow section of unpaved land between Brunton Avenue and the railway line that is an isolated part of Yarra Park ('the unpaved land'). As Brunton Avenue is still formally part of Yarra Park, the platform of the extended concourse over Brunton Avenue will be built in air space that is currently also part of Yarra Park.

The bill relates to a new Crown allotment 2065 on the plan numbered OP112691 which contains a stratum comprising a number of parcels that are required to accommodate all elements of the construction including wall, columns, platform and footings. The stratum is above ground, at site level and below the ground.

New subsections 11F(3) and 11F(4) revoke an order in council and Crown grant in relation to the stratum included in the Crown allotment.

The bill permanently reserves the stratum in the Crown allotment as part of the site for the Melbourne Cricket Ground under the Crown Land (Reserves) Act 1978 and deems the relevant stratum to be part of the land reserved as the ground under the order in council dated 20 February 1934 and referred to in Crown grant volume 5925 folio 1184828 (new subsection 11F(5)).

To avoid doubt, new subsection 11F(6) of the bill removes any right of way in relation to any stratum in the Crown

allotment that is, or is being used as, a road. There are, however, no known rights of way in relation to the stratum.

Human rights issues

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

The right under the Charter of Human Rights and Responsibilities Act 2006 upon which the bill would have an impact is identified as:

Section 12: freedom of movement

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

This right would be limited because the bill blocks access to the unpaved land, by making it part of the MCG reserve and subsequently the site for a wall, and removes any right of way in relation to any stratum in the Crown allotment that is, or is being used as, a road.

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

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

The right to freedom of movement is an important right in international law. It includes freedom from physical barriers and procedural impediments. It can be engaged by proposals that involve changes in land use that limit the ability of individuals to move through, remain in, or enter or depart from areas of public space.

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

The purpose of the limitation on freedom of movement is of critical importance to the efficient operation of the Melbourne Cricket Ground. It is necessary to facilitate the widening of the concourse to improve pedestrian flows during peak crowd times and in the event of an emergency evacuation.

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

The nature of the limitation is to make the unpaved land part of the MCG reserve and subsequently the site for a wall, making it impassable to pedestrians. However, there will be no significant deprivation on freedom of movement because the unpaved land is currently rarely accessed by pedestrians as it is a very inconvenient and dangerous place to walk with poor amenity due to its location. Further, the removal of any right of way in relation to any stratum in the Crown allotment that may be a road is unlikely to limit freedom of movement as there are no known rights of way in relation to the stratum.

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

There is a rational and proportionate relationship between the limitation imposed by the bill and the purposes of the limitation. The limitation on freedom of movement is directed towards the important purpose of improving access, movement and safety on the MCG concourse, and the limits are reasonable. Unlike the unpaved land, the MCG concourse is frequently used by members of the public and it is here that the community requires improved access, movement and safety.

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

There are no practicable less restrictive means available that would achieve the purpose of the limitation on freedom of movement.

Conclusion

I consider that the Melbourne Cricket Ground Amendment Bill 2008 is compatible with the Charter of Human Rights and Responsibilities because it does limit, restrict or interfere with a human right, being the right to freedom of movement under section 12 of the charter, but the limitation is reasonable and proportionate. This is in view of the important objective of the legislation, which is to improve the convenience and safety of patrons on the MCG concourse.

JAMES MERLINO, MP
Minister for Sport, Recreation and Youth Affairs

Second reading

Mr MERLINO (Minister for Sport, Recreation and Youth Affairs) — I move:

That this bill be now read a second time.

The MCG is an iconic sporting arena that is well renowned throughout the world. The stadium's close proximity to the CBD and the quality of its facilities add enormously to Melbourne's ability to host major events and accommodate the elite teams who utilise this world-class facility.

The MCG hosts two of Australia's most important annual sporting events — the AFL Grand Final and the Boxing Day test match. It has also hosted huge international events such as the 2006 Commonwealth Games and of course the 1956 Olympic Games.

The MCG is widely known as 'the people's ground'. Central to the MCG's reputation is its ability to provide a comfortable and safe environment for the public to attend events.

It has recently become apparent that the narrowness of some sections of the concourse on the southern side of the MCG is affecting the flow of patrons in and out of the ground. The area in question runs behind the Great Southern Stand from gate 1 to light tower 4.

The width of the concourse in this area is a particular problem when the ground is hosting events that attract large crowds. But it can also be an issue with smaller crowds if patrons arrive or depart from the ground at the same time. For example, for Friday night AFL matches when patrons are attending after work, the concourse can become heavily congested even if the venue is only half full.

The proposal to expand the width of the concourse will also be of benefit should an emergency evacuation of the MCG be required. Of course we all hope that this never happens. However, it is prudent to plan for the possibility of incidents occurring similar to the scoreboard fire in 1999 which required a section of the ground to be evacuated.

As the manager of the MCG, the Melbourne Cricket Club (MCC) has developed a proposal to expand the width of the narrow sections of the southern concourse. The state government has agreed to provide the funds to enable this project to proceed expeditiously.

The proposed expansion will add up to 6 metres to the width of the concourse at its narrowest point. According to specialist consultants this will greatly assist the MCC to safely manage an emergency evacuation at the ground as well as significantly improve the flow of patrons around its exterior.

The MCC would like to start work immediately after the 2008 grand final to ensure completion of the extension in time for the Anzac Day AFL match in 2009.

In order to enable the widening of the concourse to occur, it is necessary to ensure that the additional concourse space and its footings are added to the area defined as the MCG under the relevant legislation.

The proposed amendment to the act will incorporate stratum title provisions over Brunton Avenue. The ongoing management arrangements for Brunton Avenue itself are not proposed to be altered.

It is not proposed to build in the rail reserve and therefore none of the rail reserve area is proposed for inclusion.

Similar amendments to those proposed in the bill have been made in the past, such as in 2004 when parts of the roof of the Great Southern Stand were required to be added to the area defined as the MCG.

It is also proposed to include the footings that will support the new concourse deck as part of the MCG. This is the most efficient way in which to facilitate commencement of work on the footings as well as to ensure that the footings can be properly managed and maintained by the MCC in the future.

These footings will be located in the narrow strip of land between Brunton Avenue and the fence on the railway land on the southern side of Brunton Avenue.

Because the area of the MCG is defined in legislation, an amendment is required to add these additional areas to it.

In summary, the bill amends the Melbourne Cricket Ground Act 1933 to:

revoke the existing order in council and Crown grant in relation to the area required for the construction of the expanded concourse; and then

permanently reserve the area required for the construction of the expanded concourse under the Crown Land (Reserves) Act 1978 as part of the Melbourne Cricket Ground.

In conclusion, this is a straightforward and sensible amendment to the Melbourne Cricket Ground Act 1933 aimed at facilitating improved patron comfort and safety at one of Melbourne's sporting icons.

I commend the bill to the house.

Debate adjourned on motion of Ms ASHER (Brighton).

Debate adjourned until Thursday, 12 June.

WILDLIFE AMENDMENT (MARINE MAMMALS) 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 Wildlife Amendment (Marine Mammals) Bill 2008 ('the bill').

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

Overview of bill

The bill amends the Wildlife Act 1975 ('the act') to implement Victoria's commitments to the Natural Resources Management Ministerial Council in respect of whales, dolphins and seals, to provide long-term business certainty for marine mammal tourism operators, to improve the protection of whales in emergency situations and to otherwise simplify and improve the operation of the act.

Human rights issues

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

The bill engages three of the human rights protected by the charter.

Section 12: freedom of movement

Section 12 of the charter establishes the right for every person lawfully within Victoria to move freely within Victoria and to enter and leave it and have the freedom to choose where to live.

The proposal in clause 25 (proposed sections 81(3) and (4)) for authorised officers to be able to direct persons or vessels to cease approaching, or move away from, whales for up to 500 metres could lead to limitations on the right to freedom of movement in circumstances where such a direction is given. A person's freedom of movement would be limited where they might otherwise have continued to freely approach the whale or remained in the vicinity of the whale, as the case may be.

Section 25(1): the right to be presumed innocent

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

Clause 25 (proposed section 81(6)) provides that a person who has been given a direction by an authorised officer under proposed sections 81(3) or (4) must comply with the direction unless the person has a reasonable excuse for not doing so.

Because proposed section 81(6) imposes an evidential burden on the accused should they wish to raise the defence of reasonable excuse, it may be viewed as a 'reverse onus' provision. Courts have found that provisions of this kind may limit the right to be presumed innocent until proven guilty, because they effectively require an accused to point to facts which establish their innocence, rather than leaving the entire evidential and legal burden of proving guilt with the prosecuting authority. This may engage section 25(1) of the charter.

The defence of reasonable excuse in proposed section 81(6) does not rely on any presumed facts, nor requires an accused to disprove any elements of the offence, nor imposes a legal burden on an accused to prove any fact. In accordance with section 130 of the Magistrates' Court Act 1989, an accused may present or point to evidence which merely raises a reasonable possibility that they have a reasonable excuse. Upon the defendant doing so, the legal onus of disproving the existence of a reasonable excuse beyond reasonable doubt falls to the prosecuting authority.

Accordingly, it is arguable that the right to be presumed innocent is not limited by proposed section 81(6). However, to the extent that it may be, the limitation is reasonable and justifiable, having regard to the factors in s. 7(2) of the charter, as explained under part 2, below.

Section 20: property rights

Section 20 of the charter provides that a person must not be deprived of their property except in accordance with law. A deprivation of property is in accordance with law where the

deprivation occurs under powers conferred by legislation pursuant to a law which is formulated precisely and is not arbitrary.

Clauses 27 and 30 of the bill provide for the issuing of whale and seal tour permits. While the act already provides for the variation, suspension and cancellation of whale tour permits, clause 30 inserts new provisions (sections 85J, 85K and 85M) of this kind in relation to seal tour permits. The provisions to be inserted by clause 30 may engage the right to property to the extent that such permits are 'property' within the meaning of section 20 of the charter. However, the preferred view is that when permits of this kind are varied, suspended or cancelled by the same body that issued the permits (which is the case here), then the right to property under the charter is not engaged. This is because the permit would be granted pursuant to a regulatory regime which encompasses the ability to alter conditions, suspend or cancel permits in certain circumstances, all of which would be consistent with section 20 of the charter.

Even if the right to property were engaged by these provisions, the right is not limited. The discretion to cancel licences is not arbitrary: it may be exercised if a licence condition has not been complied with, the licence-holder has not complied with wildlife protection laws or for seal protection purposes. If a licence is suspended, the licence-holder may make a submission to the secretary to review the decision (section 85L), may make further submissions if it proposed that the licence be cancelled (section 85M), and may subsequently seek a review of a decision to suspend or cancel a permit (existing section 86C(1)(c)). Permits held by current whale tour operators will be protected by transitional provisions in clause 34 of the bill.

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

To the extent that the bill results in a limitation of the right to freedom of movement, I consider that the limitation will be reasonable, in accordance with section 7(2) of the charter. I provide the following reasons for this view.

Section 12: freedom of movement

(a) The nature of the right being limited

The right to freedom of movement protects against restrictions on people's ability to move freely within the state.

(b) The importance of the purpose of the limitation

The purpose of proposed sections 81(3) and (4), which will provide authorised officers with a power to direct a person or vessel to cease approaching within 500 metres of, or to move up to 500 metres away from, a whale is to promote human safety and the welfare and conservation of whales by enabling a buffer zone to be created around a whale in critical situations. Human safety and the welfare and conservation of whales are both of high importance.

(c) The nature and extent of the limitation

A limitation on freedom of movement will only occur when an authorised officer gives a direction to a person or vessel to cease approaching, or to move away from, a whale. The conditions precedent to an exercise of power under proposed

sections 81(3) or (4) mean that the circumstances in which a direction is given will be relatively few; directions are only expected to be given under these proposed sections in emergency or other critical situations.

Further, when a direction is given, its application will be limited to an area no greater than 500 metres away from the whale in question, which will invariably be a very small part of Victoria in each instance. Moreover, a person will still be free to choose where to move to, provided it is at least the distance away specified by the authorised officer. Additionally, a direction will not affect people's ability to move between all other parts of Victoria. Having regard to the overall breadth and nature of the right to freedom of movement, and the factors outlined above, the extent of the limitation on the right is not significant.

(d) The relationship between the limitation and its purpose

The relationship between the limitation and its purpose is rational and proportionate. The bill stipulates that the ability to require people to cease approaching or to move away from the immediate vicinity of a whale can only be used for the purpose of promoting human safety or the welfare of a whale, and these purposes are directly promoted by the use of the power.

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

It would not be possible to ensure human safety and the welfare and conservation of whales by creating a buffer zone around a whale if there was no ability to require people to cease approaching or move away from the vicinity of the whale.

Accordingly, there are no less restrictive means reasonably available to achieve the purpose of the limitation.

Section 25(1): the right to be presumed innocent

(a) The nature of the right being limited

The right to be presumed innocent reflects a fundamental common-law principle. However, the courts have recognised that the right may be subject to limits and have held that the reverse onus provisions are more likely to be consistent with human rights if they require the accused to prove an exception, proviso or excuse rather than disprove an element of the offence; where the conduct regulated by the offence is generally unlawful; where the information required to exonerate the defendant is readily available to the defendant; and where the penalty is at the lower end of the scale.

(b) The importance of the purpose of the limitation

The purpose of the limitation of the right is to reduce the scope of the offence under proposed section 81(6). A person should not be guilty of an offence if they have a reasonable excuse for failing or refusing to comply with a direction of an authorised officer. Whether or not a person has such an excuse will be a matter peculiarly within the knowledge of the accused, such as whether the person or their vessel was unable to move due to physical inability or safety concerns particular to that person or vessel. In the absence of a requirement for an accused to point to facts relating to a reasonable excuse, it would be difficult, if not impossible, for

a prosecuting authority to investigate and prove a negative, that is, the absence of any lawful excuse.

(c) The nature and extent of the limitation

The evidential burden in proposed section 81(6) only applies to the defence of reasonable excuse. It does not relate to the central elements of the offence — they must still be proved by the prosecuting authority beyond reasonable doubt. Further, it only places an evidential burden on the accused. Once the accused presents or points to sufficient evidence to raise the defence, the burden is on the prosecution to disprove the lawful excuse beyond reasonable doubt. If this is a limitation on the right to be presumed innocent, it is not a significant limitation.

(d) The relationship between the limitation and its purpose

The placing of an evidential burden on an accused to point to facts relating to a reasonable excuse is directly related to the purpose of providing a defence of reasonable excuse, thereby reducing the scope of the offence under proposed section 81(6).

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

It would not be possible to provide a statutory defence of reasonable excuse without requiring an accused to point to facts relating to a reasonable excuse. Accordingly, there is no less restrictive means available.

(f) Any other relevant factors

With reference to the factors noted under (a), above, it is relevant to note that the penalty for an offence under proposed section 81(6) is at the lower end of the scale relative to other offences (20 penalty units) and that information as to whether an accused has a reasonable excuse is likely to be readily available to an accused.

Conclusion

I consider that the bill is compatible with the charter because, although it does limit freedom of movement and it may limit the presumption of innocence, the limitations are in each instance reasonable under section 7(2) of 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.

Since its introduction, the Wildlife Act 1975 has provided for the protection, management and sustainable use of wildlife in Victoria. The Victorian government is committed to the continued sustainability of recreational and commercial industries associated with wildlife. This bill strengthens Victoria's legislation to improve the protection of whales, dolphins and seals by minimising adverse human

interactions with these species. In doing so, the bill ensures the long-term sustainability of industries associated with whale, dolphin and seal tourism.

Victoria is fortunate to attract a diverse whale and dolphin population to our coastal waters. Blue whales, which are the world's largest mammals, gather at the Bonney upwelling, near Portland in western Victoria. Other whale species, including humpbacks and the large sperm whale, can often be seen off the coast near Warrnambool. Victorian waters also host numerous populations of common and bottlenose dolphins.

Victoria is also home to Australia's largest fur seal colony at Seal Rocks. Other key populations are present at The Skerries, Kanowna Island and Lady Julia Percy Island.

In recent years, the popularity and economic value of whale, dolphin and seal watching has increased. In turn, this has led to the development of new niches in marine mammal tourism. These include seal-watching, seal-interaction tours and whale watching from aircraft. These niches are largely unregulated, and this may lead to the disruption of marine mammal populations.

Social shifts have been driving these developments. There is a growing public understanding of the complexity of Victoria's marine ecosystems, which results in ever-growing public interest. There is also a natural and universal curiosity about the complex lives of whales, dolphins and seals. A flow-on effect of this rising interest and activity is increased pressure on marine mammal populations.

The government recognises the need to protect the future sustainability and development of marine mammal tourism industries in Victoria. In responding to the development of these niches, this bill builds upon the existing provisions of the Wildlife Act. The bill introduces new provisions to:

enhance the protection of our wildlife;

protect humans in their interactions with wildlife; and

support the development of new and innovative tourism.

I now turn to the bill.

All whales, dolphins and seals are currently protected under the Wildlife Act. Improved measures in this bill will ensure that any adverse effects from tourism or contact with commercial and recreational vessels are

managed appropriately to ensure the long-term conservation of these iconic species.

As a member of the Natural Resource Management Ministerial Council — or the NRMCC for short — Victoria has endorsed the Australian National Guidelines for Whale and Dolphin Watching 2005. The amendments to part X of the act will enable Victoria to implement these guidelines through the establishment of additional measures to manage interactions with whales and dolphins.

Aircraft-based whale watching has the potential to significantly disrupt the normal behaviour of whales. Repeated disturbances may negatively affect feeding, reproduction, access to habitat and socialising. This can lead to negative consequences for the health of individual animals, as well as general population size and distribution.

To address these issues, the bill does three key things. Firstly, the bill introduces a permit system for aircraft-based whale-watching tour operators. Secondly, it enables control of the number of operators in environmentally sensitive areas — areas which are fundamental to the life cycle of whales, such as along the Bonney upwelling. Thirdly, it enables permit conditions to control the frequency of tours and manage the amount of time that an operator can spend in the vicinity of a whale. For these reasons, similar provisions already apply to sea-based whale watching such as whale swim tours.

Clause 27 of the bill implements these amendments by inserting a new and restructured division 2 of part X in place of the majority of the existing provisions. The redrafting of division 2 has enabled the new permit regime for aircraft-based whale-watching tour operators to sit alongside the existing provisions for the current sea-based permit regime. This has avoided the need for an all-new division 2A. As a result, the bill provides greater simplicity and accessibility in these provisions. The restructuring retains all of the existing provisions of division 2 and extends them to aircraft-based commercial whale tour operators. The bill implements these new policy objectives whilst enhancing the structure of the legislation.

The bill will also improve Victoria's ability to assist whales or dolphins in distress, such as during strandings and entanglements in fishing gear. Wildlife officers will be able to direct a person or vessel to cease approaching within 500 metres of, or move up to 500 metres away from, a whale or dolphin.

The Department of Sustainability and Environment is the key control agency for whale emergencies in Victoria. These new provisions will assist the department's wildlife officers in effectively managing these situations. The new emergency management powers will build upon the existing minimum approach distances for whales and dolphins for vessels, aircraft and people. The current minimum approach distance on the ground or water is 100 metres. This distance is inadequate in emergency response situations where rescue operations involve numerous rescue vessels. Strandings and entanglements tend to become public events and emotions can run high. Onlookers in recreational or commercial vessels can inadvertently hamper rescue efforts. The safety of onlookers, as well as media and pleasure-boat traffic, can also be an issue if a whale behaves unpredictably and moves quickly. Blue whales can power along at speeds in excess of 35 kilometres per hour.

The success of rescue operations is critical to the conservation and welfare of whales and dolphins. These new provisions will ensure that when faced with critical incidents, wildlife officers have the powers necessary to intervene. In turn, this will reduce the stress experienced by wildlife during these operations, and will provide safer working conditions for officers.

With a view to modernising Victoria's wildlife legislation, the bill also removes an outdated provision of the Wildlife Act. The provision — section 78(1)(b) of the act — provides for the issuing of licences to take or kill whales in the course of licensed commercial operations. Given Victoria's strong opposition to the commercial hunting of whales, the government has seen fit to remove this inappropriate provision from the act altogether. The provision will be repealed by clause 23 of the bill.

I now turn to another key aspect of the bill. In 2006, again as a member of the NRMCC, Victoria endorsed the National Strategy to Address Interactions between Humans and Seals: Fisheries, Aquaculture and Tourism. This is also known as the 'National Seal Strategy'. This bill will enable Victoria to implement the tourism component of this nationally agreed strategy.

Seal populations in Victoria are slowly recovering from overexploitation by furriers in the late 18th and early 19th centuries. Disruption during the breeding season may affect this recovery, especially when tourism occurs near 'haul-out' areas where pups may be trampled. Seals are vulnerable to infectious diseases carried by domestic animals and may become

dangerous when they lose their fear of humans as a result of feeding.

The bill introduces a framework for licensing commercial seal tourism operators. It introduces a power to make regulations for interactions between people and seals, as a means of implementing the national seal strategy.

To provide longer-term certainty for small businesses, maximum permit terms for all types of marine mammal tourism under this bill will be 10 years. This is a significant increase on the existing two-year maximum. In doing this, the bill will contribute to regional economic development by providing commercial operators with clearly defined rights and responsibilities. Longer-term operator permits will enable businesses to plan and invest in vessels and aircraft with greater confidence.

In accordance with national competition policy, it is important to ensure fair and equitable access to whale and dolphin watching tourism markets in areas where ecological sustainability requires the number of permits to be limited. In these cases, permits will be issued by a competitive tendering process. This will ensure that there is equal opportunity for access to permits by those who wish to enter the industry. The bill retains the existing provisions in division 2 of part X of the act which provide for public notice and will now also provide for community engagement around these processes.

These provisions will help contribute to the long-term viability of the whale and dolphin watching tourism industries in Victoria by ensuring that interactions between humans and iconic species are sustainable. The bill does not seek to limit the number of seal tourism operators.

With a view to streamlining the legislation, the bill also makes a range of amendments to simplify and improve the operation of the act.

The first of these amendments is to enable better protection of threatened species. The bill simplifies the offence regime which currently operates in relation to 'endangered wildlife', 'notable wildlife' and 'protected wildlife'. These three categories no longer reflect current wildlife classifications in Victoria and accordingly the bill will reduce the number of categories from three to two. The new categories are 'protected wildlife' and 'threatened wildlife'. The level of protection afforded to 'protected wildlife' remains the same, while 'threatened wildlife' will be given the

highest degree of protection, currently applicable to 'endangered wildlife'.

To remove inconsistencies, align policy objectives and further simplify the act and improve its accessibility and currency, the existing processes for declaring 'notable' and 'endangered' wildlife will be replaced by directly linking the definition of 'threatened wildlife' to the list of threatened species made under the Flora and Fauna Guarantee Act 1988. This amendment will also ensure consistency in the treatment of threatened wildlife under these two acts.

Although there is no change to the existing maximum penalties for related offences under the act, the consolidation of 'notable' and 'endangered' wildlife into 'threatened wildlife' will result in a greater number of species falling into the highest category of protection under the act. This means that higher penalties can apply to offences relating to some species. The government believes that the higher penalties are more consistent with the conservation status and significance of these threatened species, and will more accurately reflect the environmental cost of the offences.

The second of these amendments is concerned with simplifying and improving the way the act is used to manage and control wildlife. The bill does this by removing administrative duplication in the processes for the issuing of authorisations to control wildlife. Clauses 4(1) and 17 will avoid the need for researchers and rescuers to seek a separate authorisation to mark or identify wildlife in addition to an authorisation for their primary work.

Additionally, clause 4(2) will modernise authorisations to control wildlife by enabling the authorisation of non-lethal means to control wildlife. This will only apply for the purposes of mitigating damage to property or as part of a wildlife management program — such as the scaring of wildlife by use of noise or light. The bill refers to this with the generic term of 'disturbing'. This amendment will enable the use of more humane methods to control wildlife, in addition to the existing lethal methods permitted under the act. The use of non-lethal methods will reduce the incidence of damage to property and at the same time minimise harm to wildlife. Strict conditions will be imposed on these authorisations to ensure that the methods used are humane.

Clause 5 will further streamline processes by enabling particular classes of persons to carry out activities permitted under section 28A of the act by means of a single authorisation granted by the Governor in Council on the recommendation of the minister. This

amendment will reduce red tape by removing the need for individual members of those classes of persons to make applications to the department under section 28A(4) of the act. Examples of classes of persons may include zoos, wildlife sanctuaries and schools.

The bill also makes a range of other minor amendments to the act to remove existing anomalies. Clause 22 relocates the existing offence in section 83 to a new section 77A. Relocating this offence will place it in a more appropriate part of the act, thereby again improving the accessibility of the act. Clause 22 also makes it clear that authorised officers can approach whales at closer than the minimum prescribed distance in the course of their duties. Clause 21 rectifies an anomaly in section 76(4) of the act where the act currently allows authorised officers to permit members of the public to carry out certain animal welfare acts in relation to whales — but the provision does not apply to authorised officers themselves. Clause 33 clarifies that the power to make regulations with respect to the entry of persons and their vessels or aircraft inside wildlife sanctuaries also applies to those persons' conduct while inside wildlife sanctuaries.

Together, these amendments enable Victoria to implement its commitments to the NRMCMC, to provide greater protection for whales, dolphins and seals, to provide long-term business certainty for marine mammal tourism operators, to improve the protection of whales in emergency situations and to improve the operation of the act.

I commend the bill to the house.

Debate adjourned on motion of Ms ASHER (Brighton).

Debate adjourned until Thursday, 12 June.

Remaining business postponed on motion of Mr WYNNE (Minister for Housing).

ADJOURNMENT

The SPEAKER — Order! The question is:

That the house do now adjourn.

Leongatha nurse: registration

Mrs SHARDEY (Caulfield) — I raise an issue with the Minister for Health and ask him to take action to remedy the situation I am about to describe.

I raise a concern expressed to me by Rahnee Jenkins, a division 1 nurse from Leongatha, who has encountered tremendous difficulties and obstacles when it comes to re-registering her credentials with the Nurses Board of Victoria.

Ms Jenkins has been given three different and extremely varied requirements for registration from three different sources within the organisation, and there seems to be no continuity or standardisation of the rules when it comes to these matters. Considering the fact that Victoria is crying out for nurses to re-enter the workforce and that Ms Jenkins is living in country Victoria, an area of need, one has to shake one's head in wonder at the inefficiency of this system.

Ms Jenkins has been trying to re-register since October 2007 until today, without any progress or assistance, and has endured seven months of being given the run-around and being forced to fill out copious amounts of paperwork. Today she is no closer to being re-registered as a nurse than she was at the end of last year.

Strangely enough she received a letter in February stating that following a lapse in practice of five years or more she had to complete either a re-entry program, a period of supervised practice or return-to-practice program. Ms Jenkins has not had a lapse in practice of five years — merely three years — yet one of the criteria is that she completes supervised practice of some 240 hours unpaid work. I ask the minister: is this fair? How can a woman who is trying to re-enter the workforce be forced to work that length of time, pay for petrol to get to work, and effectively be out of the paid workforce in order to try to get her registration without being reimbursed or paid for her labour?

This poor woman is being shunted from pillar to post, and even the director of nursing for Warragul hospital, another area of need, has been unable to make sense of the Nurses Board of Victoria's fluctuating criteria. It seems that five years or more of lapsed registration is the only criterion it is able to work from, not Ms Jenkins's three years.

I ask the minister to intervene and put this poor woman out of her misery by informing her what the actual criteria are, so that she can effectively re-enter the workforce.

Senior Victorians: strength training programs

Ms MARSHALL (Forest Hill) — I wish to raise a matter for the attention of the Minister for Senior Victorians. As the minister is no doubt aware, it is

vitaly important for our physical, emotional and mental health that we remain active throughout life. This is increasingly important as we age. However, access and affordability are serious barriers to participation.

The action I seek is for the minister to provide more financial assistance to enhance strength training programs in the Whitehorse area, especially for residents who may be isolated, frail, suffering with mental illness, economically disadvantaged, from different cultural backgrounds, or even early retirees.

My electorate of Forest Hill has one of the highest populations of people aged 65 years and over — around 18 per cent of my constituency is in the over-65 age bracket — and one of the biggest challenges facing this age group is keeping active and healthy. Staying active with exercise is not only important for senior citizens physically but it also helps them mentally. As a former athlete, I know the benefits of an active lifestyle, and while I am long retired, lead a busy lifestyle and am raising a young family, maintaining exercise and staying healthy is still a priority to me. I expect it still will be when I am 70.

The Bracks and Brumby Labor governments have had a strong legacy of helping senior Victorians, and with an ageing population and people increasingly living longer it is vitally important that we plan for the future. I believe that helping senior Victorians stay active through funded programs will also help them socially. In particular, this may be the case where senior citizens are isolated, perhaps through the unfortunate passing of their partner, or if they are originally from a different cultural background.

I hope the minister urgently addresses this issue in the Whitehorse area so that our senior Victorians can benefit from a healthier and longer life expectancy.

Police: Benalla electorate

Dr SYKES (Benalla) — My issue is for the Minister for Police and Emergency Services. I request that the minister provide me with a schedule for the upgrade and replacement of a number of police stations in the Benalla electorate, specifically: Mount Buller, Benalla, Euroa and Nagambie.

The attracting of police to communities in north-east Victoria and their retention in those local communities is critical to providing a safe environment in which to live, work and raise a family. One of the considerations which potential recruits to an area take into account is the standard of workplace accommodation. I acknowledge the current government's efforts in

upgrading or replacing police stations in places such as Violet Town, Eildon, Mount Hotham and Murchison. However, in the government's own words, more needs to be done.

The workplace and accommodation arrangements at Mount Buller are appalling, and local officers are reluctant to do their turn on rotation at Mount Buller because of the appalling conditions which involve operating from an ancient portable classroom. Mount Buller is a fantastic ski resort, which accommodates thousands of people each night during the ski season, and many thousands more make the day trip to Mount Buller and adjoining Mount Stirling to enjoy two of Victoria's winter wonderlands. Whilst the vast majority of visitors enjoy the mountain in a law-abiding way, there is always a minority for whom a police presence is necessary to maintain the peace. It is therefore critical that the Mount Buller police station and police accommodation are urgently upgraded to ensure that a willing and effective police presence is retained.

Benalla police station is a 24-hour station with over 60 staff servicing a community of over 10 000 people as well as being the office of Inspector Frank Johnson, who is in charge of the Benalla police service area.

I have lived in Benalla since 1975 and the Benalla police station was substandard in 1975; now, more than 30 years later, with little or no upgrading it is totally inadequate. As the minister would know, there is a strong local desire for the co-location of emergency services in Benalla. There is a great opportunity to address the growing needs of all our police and emergency services by the construction of a new police and emergency services precinct.

Euroa police station and officer housing are also appalling. Six officers are expected to work from facilities constructed over 30 years ago. As with Benalla, there is a strong community push for co-location of police and emergency services in Euroa and also at Nagambie.

In conclusion, my request of the minister is quite simple — that is, that he provide me with a schedule for the upgrade and replacement of the police station at Mount Buller and the construction of combined police and emergency service precincts in Benalla, Euroa and Nagambie.

Balmoral Callisthenics Club: emergency grant

Mr LIM (Clayton) — I raise a matter for the attention of the Minister for Sport, Recreation and Youth Affairs. I make a representation on behalf of one

of the many sporting clubs in my electorate, the Balmoral Callisthenics Club.

The club has brought to my attention the fact that it has suffered tremendously because of the flood that occurred as a result of the downpour earlier this year. The house will recall that we had a deluge of rain — consistently, almost every day — during the second week of February, and while we were pleased to know that this water was filling our dams, the unintended consequence and the damage done to the club is heartbreaking.

This hardworking, popular club takes part in many local community festivals and parades, including Moomba. The club stored its equipment at Oakleigh South Primary School. The school is unique in the sense that it inherited its campus from the former secondary college, so it has a big hall. Members of the callisthenics club train and rehearse in the hall. On the fateful night of the downpour, the entire storage area was flooded and the club's equipment, props and costumes were completely destroyed. The club was unable to salvage anything, so it had no other choice but to throw everything away.

I ask the minister to consider providing assistance from emergency grants for sports equipment funds. It is important that a vibrant and dynamic young group of athletes and active members of our community, such as the Balmoral Callisthenics Club, is able to replace essential equipment. I hope the minister takes this request very seriously.

Police: Geelong

Mr McINTOSH (Kew) — I have a matter for the attention of the Minister for Police and Emergency Services. The issue I wish to raise with the minister is a chronic lack of police resources in the city of Greater Geelong. The action I wish the minister to take is to provide urgently required police resources to meet this desperate and chronic need in the city of Greater Geelong. The word 'chronic' was recently used in a headline in the *Geelong Advertiser*. Indeed a recent article reported that a police officer had indicated there may be a shortage of some 200 police officers for Geelong and the whole of the Bellarine Peninsula.

If the minister is not prepared to listen to me in this regard, on 27 May the *Geelong Advertiser* reported comments of the mayor of the City of Greater Geelong, Bruce Harwood. The article states:

'The city has lobbied very hard to increase police presence in Geelong. The ball is back in the court of the state government and police command', Cr Harwood said.

'There needs to be a greater police presence'.

That is where the quote stops but presumably that means in Geelong.

This issue was highlighted recently by what can only be described as a debacle or a fiasco when the new federal member for Corio, Richard Marles, matching some \$300 000 from the former federal government, announced \$300 000 in federal cash to be used in Geelong for safety measures. Part of that was for a police kiosk in the middle of Little Malop Street. This was certainly welcomed by Cr Harwood, by the police and by many of the traders, and I am sure it was welcomed by all citizens of Geelong as a move to address a significant problem with violent crime. Regrettably, however, some two or three weeks later the police announced that they could not participate in the kiosk because of a lack of resources. What we had was a police kiosk being promised but no police resources to devote to it. This was a matter of deep regret for a number of the local traders and citizens. Cr Harwood also regretted the move.

Poor old Richard Marles is no doubt working hard for his electorate in getting this money, but the state government is not matching the commitment of the federal government in relation to the resources devoted to public safety. As I said, this is not something new. It has not just been created in the last two to three weeks since the announcement of the kiosk by Mr Marles. No doubt it is a matter of some embarrassment to him that his Labor Party colleagues in this state cannot provide the resources, so we essentially had the prospect of a kiosk with no police.

Housing: Northcote estate community room

Ms RICHARDSON (Northcote) — The matter I wish to raise is for the Minister for Housing. It concerns the Walker Street estate on the corner of High Street in Northcote. The action I seek is that the minister ensure that a community room is established at the estate. The minister will recall that I wrote to him about this matter a little while ago on behalf of the Jika Jika community centre. It has been brought to my attention that there is a vacant room on the estate that could be converted. It is a space that is unsuitable for accommodation; however, it would be ideal as a community room. Last week I met with residents at the estate and shared morning tea with them. It was terrific to meet them directly, but we were outside and it was a little chilly — it was first thing in the morning. It occurred to me as I huddled with them that I should take the opportunity this week in Parliament to raise the matter directly with the minister. I am very pleased that the Minister for

Housing is in the house tonight to respond to this concern.

However, I take this opportunity to congratulate the minister and thank him on behalf of Effie Stephanadis, who is a resident of the Walker Street estate and was at the morning tea. I met Effie during the morning tea and she invited me back to her home. She wanted me to inspect her stove, which was suffering a gas leak. She had been trying to get the stove fixed for some considerable period of time but all her attempts to have it repaired had come to naught. I rang the minister's office that very day because I agreed with Effie that something had to be done. The Minister for Housing's office organised a person to go out that very same day. The new stove will be delivered next week. That will be the same week that Effie turns 70, so it is a very great birthday present for her. She wanted me to thank the minister personally for his work and the work of his department in ensuring she has a safe environment in which to live. This illustrates this minister's commitment and Labor's commitment to ensuring that people live in housing estates in a comfortable and safe manner.

I ask the minister to take action to ensure that the next time I meet residents it will be in a brand-new community room, so that other residents who have concerns about gas stoves and the like can have their issues addressed by the minister with the same sort of urgency with which he dealt with Effie's concerns.

Narcissus Avenue–Tormore Road–Boronia Road, Boronia: safety

Mrs VICTORIA (Bayswater) — I rise to ask the Minister for Roads and Ports to provide immediate funding for the intersection of Narcissus Avenue and Tormore and Boronia roads in Boronia. I also invite the minister to attend the site and see for himself the need for action. There is a considerable volume of traffic through this intersection as it services the Boronia West Primary School and the Boronia football and cricket clubs, as well as the always busy Knox LeisureWorks recreational complex. This traffic problem is aggravated by the location of the intersection on the crest of a hill, resulting in a blind right-hand turn for commuters from Tormore Road into Boronia Road.

This matter has been raised before in this place, as the member for Ferntree Gully and I have been working together on this important issue for some time. Many concerned local residents have taken to the streets of late to demand action. Most notably a community action group has been established and is gathering supporters by the day. There have been meetings,

demonstrations and many letters to local papers. I commend all those who turned out on a cold night this week to demonstrate their desire for a safer intersection.

This intersection is used heavily, with the action group counting 12 038 cars going through the intersection in 4 hours. Estimates put the number of cars on that section of Boronia Road at nearly 30 000 daily. Children and pensioners cross throughout the day. Sometimes drivers are so focused on squeezing through gaps in the traffic when turning either way that they do not see people crossing the road and near misses are a regular occurrence. When we put the blind hill into this equation, it literally adds up to an accident waiting to happen. Simply because there has not been a death at this intersection does not justify inaction. Usage of this road and intersection will only increase as commuters make their way to EastLink — unless of course they cannot afford the tolls! Perhaps the government will solve the number of commuters on Boronia Road by making it a toll road too.

There are other occasions when community action has demanded a similar response, such as near the Waldreas retirement village on Wantirna Road and at the Coleman and Stud roads intersection. This Labor government has chosen to do nothing on each of these occasions. Why should we in the outer east have to wait until someone is killed before action is taken? We should not have to wait for the seemingly required death before a site such as this is deemed worthy of funding. This is an opportunity for the government to be proactive for once in its life and prevent the many accidents that already occur at this intersection before one is fatal.

The member for Ferntree Gully and I campaigned on this issue prior to the last election — and we have been asking the government for action ever since. One need only read the local papers to see how the local community feels about this intersection. Once again I ask the minister to visit the Tormore and Boronia roads intersection and provide funding for a set of traffic lights. I will be happy to show him the problems so he can see firsthand what needs to be done.

Racism: awareness

Mr DONNELLAN (Narre Warren North) — My request is for the Minister Assisting the Premier on Multicultural Affairs. The action I seek is for the minister to fund a community education campaign on the evils of racism. I want to go through a couple of local examples. I want to read an extract from an article by Michael Bachelard that appeared in the *Age* in October 2006 about statements made by Gary

Anderton, a former candidate for the Liberal Party. These statements were made on a website Mr Anderton ran. It states:

But in printed copies of the defunct web pages, obtained by the *Age*, Mr Anderton tells in an entry called 'Anglo-Saxon Doctor Please' of going to the GP and being seen by 'an Indian doctor, of all things, that absolutely stunk and obviously received a full-fee degree. In other words, (he had) no idea'.

After asking the clinic for an 'Australian doctor, that could speak English and was youngish (hopefully female)', he was treated by an 'Asain (sic), male, 50s, and had a speech lingo (sic) as good as Melbourne Lord Mayor (John) So'.

'One warning for this general practice, one more dud, and it (sic) three strikes (and) your (sic) out', he wrote in the posting on October 25, 2004.

I want to look at an extract from an article by Brad Kingsbury that appeared in the *Berwick Gazette* of 21 May. It states:

Pauline Hetherton, a former secretary of the Pakenham Football Club and wife of Edrington ward councillor, Brian Hetherton, has been accused of calling Mr Burns a 'black thing' during a confrontation with Mr Jensen on High Street in Berwick Village last Thursday morning.

Shocked witnesses included Mr Jensen's wife, Christine, and indigenous former AFL player Kevin Caton who had just flown in from Perth to act as master of ceremonies at Mr Burns' wedding on Friday.

The trio was sitting outside Gloria Jeans coffee shop when the exchange occurred as Mrs Hetherton returned to her car parked outside the business.

After Mr Jensen acknowledged Mrs Hetherton, she accused him and others of ruining the Berwick Football Club and made a number of allegations about the operation of the club.

'I was about to walk away and then she said 'and you want to get rid of that black thing Ronnie Burns out of your club, too', Mr Jensen said.

I refer to a report in the *Australian* of 19 May by Rick Wallace regarding the Holt preselection. It states:

The Prime Minister and the Treasurer yesterday warned Liberal MPs that Ken Aldred's preselection must be overturned, as party insiders warned his endorsement could cost the party up to \$1 million in donations, particularly from Jewish business leaders.

Mr Aldred, who has been linked with many things, including the far right United States-based LaRouche organisation and its Australian arm, the Citizens Electoral Council, was endorsed last weekend by Liberal branches in the federal Victorian seat of Holt.

There is one common theme in all this. All these people are associated with a member for South Eastern Metropolitan Region in the other house, Inga Peulich. I

condemn this type of behaviour locally in my electorate. It is totally inappropriate to call people 'black things'. It is totally inappropriate to make accusations against doctors that they are black, Indian and that they do not know what they are talking about.

Motorcycles: safety

Mr BURGESS (Hastings) — I raise a matter for the attention of the Minister for Roads and Ports. I ask the minister to urgently meet with representatives of my local branch of the Ulysses Club for older motorcyclists to discuss serious concerns they have with the way the Brumby government is approaching motorcycle safety in Victoria.

I have spoken with many representatives of the Ulysses Club and they have expressed very serious concerns about a variety of matters, including the Brumby government's push to impose a requirement for motorcycles to display front-mounted identification plates.

In looking forward to the minister's meeting with them, representatives of the Ulysses Club have indicated that they will be seeking answers to the following issues, and I will submit these as issues for the minister's attention as questions on notice. They ask the following questions. What evidence-based research exists for a road safety benefit from the introduction of frontal identification for motorcycles? What are the implications of fitting frontal identification to motorcycles on the manufacturer's warranty? Have all or any motorcycle manufacturers been consulted? If so, what was their response? Has the state government's Motorcycle Advisory Council been consulted? If so, what was the evidence-based response from VMAC?

Did Minister Pallas receive written advice from the chairman of VMAC in April 2007 advising strongly against the fitting of frontal identification for motorcycles? If so, why is that advice being ignored? What provision for fitment and what indemnity will be offered against any deleterious effects of fitting frontal identification on motorcycles now and in the future? If the state government is serious about motorcycle safety, why would it not immediately cease installing wire rope barriers that have been proven to be unsafe for motorcyclists and in fact are banned in most developed road safety conscious countries?

Other matters that the Ulysses representatives will want to discuss with the minister include the state government's failure to ban the installation of wire rope barriers, called motorcycle shredders by people who take a real interest in motorbike safety. I am advised

that these dangerous devices have been banned in some of the more safety-conscious countries. The government placed an impost of more than \$50 on motorbike riders; if the government insists on continuing to impose this discriminatory tax, why will it not commit to using it in areas that actually improve the safety of motorbike riders?

I ask that the minister make the effort to meet urgently with the representatives of my local branch of the Ulysses Club and seriously consider the concerns these people have regarding motorbike safety. After all, these people are truly experts in their field.

Organ donation: kidney disease

Mr PERERA (Cranbourne) — I wish to raise a matter for the attention of the Minister for Health. The action I seek from the minister is to present a strong case to the Australian Health Ministers Conference to take the necessary steps to ensure overseas kidney donors are adequately supported by the commonwealth government.

In the current wisdom an incentive to donate a kidney is regarded as an unacceptable practice, but thinking through the ethical issues without prejudice, in an Australian setting, it would seem to make good sense. Today's debate on increasing the available kidney transplants from the general population is about an opting-out system, as the opting-in to be a kidney donor did not really make much difference. It is doubtful that the opting-out system will make much difference either because, in the Australian medical climate, the relatives at the bedside make the ultimate decision, and they have a track record of not allowing a kidney donation. The debate on donor kidney availability has been elitist and has excluded pragmatic and practical arguments in favour of a cosy conservatism.

Some Australian patients with means choose to go to a Third World country and get a kidney transplant done at a huge cost to them while providing peanuts to the donor. These schemes always benefit the unscrupulous middle person. These countries do not have the ethical, moral or compensatory infrastructure to make such a practice workable and appropriate. Australia does have such an infrastructure, and I strongly advocate for the Australian government to take over the full responsibility of reimbursing kidney donors. When kidney transplantation takes place in Australia, the donor's long-term health and wellbeing is assessed and ticked before approval for the transplant is granted. By nature we are born with excess kidneys, but many of us in this world lead lives well below the poverty line without three meals a day, no roof over their head and

without any means to provide a basic education for their children.

In 2005–06, 358 000 chronic kidney disease patients were admitted to Victorian hospitals. New dialysis patients are increasing by an average of 6 per cent a day at a cost of \$72 000 per patient per year to the Australian taxpayer. It is the seventh most frequent cause of death in Australia, with over 40 people dying each day and 11.3 per cent of all deaths due to or associated with kidney disease. On the other hand, many of those who have two perfect kidneys die of starvation or lead a very miserable life beyond comprehension. What crime is it to offer a one-off generous reimbursement package of thousands of dollars to kidney donors to save millions of dollars of taxpayers money and restore the quality of life to patients with chronic kidney disease.

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

Responses

Mr WYNNE (Minister for Housing) — I thank the member for Northcote for raising the matter of the residents at the Walker Street estate, where she is a very active member. It has been a pleasure to work with her over this term of government on public housing issues because we have some very good results coming forward.

Community facilities, as the house will be aware, are an important resource that provides the opportunity for community development and engagement, particularly among our public and social housing tenants. Across Victoria we have about 240 of these community facilities and most are located on or near concentrations of public and social housing. They are used for a whole range of purposes: social functions, training, meeting rooms, office space and for service delivery to improve tenant access to community services. They are all very good.

We are currently looking at community facilities across Victoria to better support them as they continue to meet the needs of our public tenant population. This will include identifying space that is currently underutilised and exploring future uses and management arrangements. As the member for Northcote indicated, she made representations to me to ask for Jika Jika community centre to take up space at the housing estate on the corner of High Street and Walker Street, Northcote, known locally as 11 High Street.

My department advises that the committee facilities, although currently managed by HomeGround Services, will be handed back to the Office of Housing in July of this year. There is space at the community facility that is currently being used as storage only by the local neighbourhood renewal project. It is my view that there is scope for this space to be used for a community facility going forward.

I have asked my department to discuss future management of the community centre with Jika Jika community centre and other relevant agencies in the area to establish an appropriate governance structure with the objective of getting that community space back for the use of the tenants in the very near future. I know that the member for Northcote will be working with Jika Jika community centre and the Office of Housing to progress this issue. I am very sure keen to ensure that next time there is a community morning tea it is not held outside, and that she would invite me out to the new facility, which I am sure we will get up and going for the good residents of Walker Street in the very near future.

In relation to the other matters, the member for Caulfield raised a matter for the Minister for Health in relation to a Ms Jenkins and the difficulties she has experienced with re-registration with the Nurses Board of Victoria, and I will ensure that the minister is made aware of that.

The member for Forest Hill raised a matter for the Minister for Senior Victorians in relation to supporting a strength training program in the Whitehorse area for elderly residents. I will make sure that matter is raised for the attention of the minister.

The member for Benalla raised a matter for the Minister for Police and Emergency Services in relation to both police accommodation and a police facility at Mount Buller, and what he regards as the inadequacy of those facilities, and also to seek from the minister a time line in relation to works at Benalla, Euroa and Nagambie. I will make sure that matter is brought to the minister's attention.

The member for Clayton raised a matter for the Minister for Sport, Recreation and Youth Affairs in relation to the Balmoral Callisthenics Club, which unfortunately a couple of weeks ago — bizarre as it is in the middle of this drought — was flooded out by the recent storms and is suffering quite a deal of equipment damage and loss of props and so forth. I will make sure the minister is made aware of that.

The member for Kew raised a matter for the attention of the Minister for Police and Emergency Services in relation to further police resources required in the city of Greater Geelong, particularly in relation to a police station within the mall in Malop Street. I assure him that the matter will be brought to the minister's attention.

The member for Bayswater raised a matter for the Minister for Roads and Ports in relation to what she regards as a dangerous intersection near to the Boronia West Primary School and a need for some lights and attention at that intersection. I will make sure the minister is made aware of that.

The member for Narre Warren North raised a matter for the Minister for Multicultural Affairs in relation to the need for a community education campaign against racism and he referred to some particular examples in his contribution.

The member for Hastings raised a matter for the Minister for Roads and Ports in relation to that fine organisation, the Ulysses Club, and concerns that it has in relation to front identification plates on motorcycles. I know the minister is very well aware of those issues.

Finally, the member for Cranbourne raised a matter for the Minister for Health in relation to the minister providing advocacy at the health ministers conference in relation to kidney transplants and the potential for a better regulatory regime. I think that would capture where the member for Cranbourne was at in relation to kidney transplants more generally.

Mr McIntosh — On a point of order, Speaker, during the contribution from the member for Narre Warren North, who I notice is no longer in the chamber, he made a very grave and appalling reflection upon Mrs Peulich, a member for South Eastern Metropolitan Region in another place. I would ask you to look at that matter and to seek at the first available opportunity that he withdraw that reflection and indeed apologise to this house and to Mrs Peulich.

The SPEAKER — Order! I will take that point of order and review *Hansard*. If the matter is as the member said, it is very grave and I would give it serious consideration. I did not fully hear what the member for Narre Warren North said, and I am not in a position to rule on it now. Certainly I will follow that up. The house is now adjourned.

House adjourned 5.24 p.m. until Tuesday, 10 June.

