The Governor
Professor DAVID de KRETSER, AC

The Lieutenant-Governor
The Honourable Justice MARILYNN WARREN, AC

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Deputy Premier, Attorney-General, Minister for Industrial Relations and Minister for Racing ............................. The Hon. R. J. Hulls, MP
Treasurer ............................................................................................................................................. The Hon. J. Lenders, MLC
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Minister for Health ............................................................................................................................... The Hon. D. M. Andrews, MP
Minister for Community Development and Minister for Energy and Resources ........................................... The Hon. P. Batchelor, MP
Minister for Police and Emergency Services, and Minister for Corrections ................................................... The Hon. R. G. Cameron, MP
Minister for Agriculture and Minister for Small Business ........ The Hon. J. Helper, MP
Minister for Finance, WorkCover and the Transport Accident Commission, Minister for Water and Minister for Tourism and Major Events ............................................................................. The Hon. T. J. Holding, MP
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Minister for Public Transport and Minister for the Arts .................................................................................... The Hon. L. J. Kosky, MP
Minister for Planning ..................................................................................................................................... The Hon. J. M. Madden, MLC
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Minister for Roads and Ports .......................................................................................................................... The Hon. T. H. Pallas, MP
Minister for Education ..................................................................................................................................... The Hon. B. J. Pike, MP
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
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**Standing Orders Committee** — The Speaker, Ms Barker, Mr Kotsiras, Mr Langdon, Mr McIntosh, Mr Nardella and Mrs Powell.

**Joint committees**

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

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

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

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

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

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

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

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

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

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

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

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

**Rural and Regional Committee** — (Assembly): Ms Marshall and Mr North. (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 Languillier, Ms Munt, Mr Nardella, Ms Seitz, Mr K. Smith, Dr Sykes, Mr Stensholt and Mr Thompson

Leader of the Parliamentary Labor Party and Premier:
The Hon. J. M. BRUMBY

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

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

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

Leader of The Nationals:
Mr P. J. RYAN

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

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1 Resigned 6 August 2007
2 Elected 15 September 2007
TUESDAY, 6 MAY 2008

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Tuesday, 6 May 2008

The SPEAKER (Hon. Jenny Lindell) took the chair at 2.07 p.m. and read the prayer.

CONDOLENCES

Peter John Randles

The SPEAKER — Order! I advise the house of the death of Peter John Randles, member of the Legislative Assembly for the electoral district of Brunswick from 1949 to 1955.

I ask members to rise in their places as a mark of respect to the memory of the deceased.

Honourable members stood in their places.

The SPEAKER — Order! I shall convey a message of sympathy from the house to the relatives of the late Peter John Randles.

DIRECTOR, POLICE INTEGRITY

Administration of affirmation

The SPEAKER — Order! I wish to advise the house that on 1 May 2008 the Acting Speaker administered to Michael John Strong, director, police integrity, the affirmation required by section 102D of the Police Regulation Act 1958.

QUESTIONS WITHOUT NOTICE

Teachers: preschools

Ms WOOLDRIDGE (Doncaster) — My question is to the Minister for Children and Early Childhood Development. Will the minister assure the house that kindergarten teachers will also receive pay rises equivalent to those that were announced yesterday for school teachers?

Ms MORAND (Minister for Children and Early Childhood Development) — It is interesting to get a question from the Liberals on this issue, or from the coalition — —

Honourable members interjecting.

The SPEAKER — Order! I ask the minister to direct her answer to the question.

Ms MORAND — This government has absolutely revitalised kindergarten programs since it has come into government. We have more than doubled funding. Can they hear that on the other side? We have more than doubled funding since we have come into government — by 138 per cent — and that is before the Treasurer comes into this house later. There might even be more for kindergartens in the budget. That is as opposed to the last time you lot were in government — —

Honourable members interjecting.

The SPEAKER — Order! I ask the minister to direct her answer to the question and not to debate the question.

Ms MORAND — In 2005–06 the government signed a new certified agreement with the kindergarten teachers which delivered to them a significant pay rise — in fact kindergarten teachers receive 40 per cent more than when we came into government. The highest wage that kindergarten teachers were being paid in 1999 was $39 000; they now get $57 000 a year, which is a very substantial increase. The last time the coalition was in government it cut kindergartens by 25 per cent — —

Honourable members interjecting.

The SPEAKER — Order! I again remind the minister not to debate the question, and I ask for some cooperation from opposition members to allow the minister to answer the question.

Mr K. Smith interjected.

The SPEAKER — Order! The member for Bass needs to make an early decision today.

Honourable members interjecting.

The SPEAKER — Order! The member for Bass can leave the chamber or he can stay.

Ms MORAND — That new agreement delivers a new career structure. It provides funds for the development of professional standards and incentives for teachers to constantly update their skills. Again, the comparison is: double with us, cuts with those on the other side — a 25 per cent cut when they were last in government. We are revitalising kindergartens and have doubled funding since we have been in government — and I am proud of those achievements.
Health: regional and rural services

**Mr HARDMAN** (Seymour) — My question is to the Premier. I ask the Premier to outline to the house how the Brumby Labor government is taking action to deliver quality health services for families in regional and rural Victoria.

**Mr BRUMBY** (Premier) — I thank the member for Seymour for his question. Last Friday I was delighted to speak at the rural health conference in Bendigo, which was a very well-attended conference. The Minister for Health was there, and the members for Bendigo East and Bendigo West were also in attendance, as were hundreds of health professionals from around the state.

At that conference I was able to announce $135 million in new health initiatives which will be put in place across country Victoria. Before I did that I reminded the audience of the significant commitment we have already made in health in country Victoria. Since 1999 we have invested more than $650 million on 65 major capital works projects across the state. We have established radiotherapy centres in the Latrobe Valley and at Bendigo, and we have expanded the Geelong radiotherapy centre. We have completed rebuilding works at hospitals in Ararat, Bairnsdale, Ballarat, Colac, Echuca, Kyneton, Lorne, Maryborough, Nhill, Shepparton and Stawell.

We have started construction to redevelop hospitals at Geelong and Warrnambool. We have completed rebuilding work at 45 residential aged-care services in communities right across Victoria. We have started construction at residential aged-care services in Grovedale, Leongatha, Nathalia, Rochester and Warracknabeal. On top of all that we have invested $9.6 million to bring continuity of care to 26 rural hospitals through the rural maternity initiative.

That is what we have done over the last eight years. We have been doing more each year in country health than the former Kennett government did in seven years. While the Liberals and The Nationals were busy closing hospitals, we have been busy building hospitals. I announced a $135 million country health package with $70 million for the second phase of the staged redevelopment at Warrnambool. There is only one government that can deliver this project, this major redevelopment in Warrnambool, and that is a Labor government. It is something a Liberal government could never do.

*Honourable members interjecting.*

Mr BRUMBY — While the member for South-West Coast was a minister in the former government his greatest claim to fame was supporting his then Premier and then health minister in closing country hospitals.

I also announced: $9.5 million to redevelop the Bendigo Hospital emergency department, which is a fantastic initiative and fantastic for Bendigo; $5.5 million to reconfigure Ballarat hospital’s adult acute mental health unit and to refurbish the Queen Victoria building to accommodate community health facilities; $8 million to redevelop the Trentham campus of the Hepburn Health Service, providing a new medical consulting suite and emergency stabilisation area, a primary care and community activity centre and upgraded aged-care facilities; and $1 million for detailed planning for the redevelopment of the Alexandra District Hospital. The Minister for Health was up there last week with the local member, and this news has been exceptionally well received in the local community. This will result in a new, integrated hospital and health service, new acute beds, emergency stabilisation, an operating suite, day-stay facilities and a community health and administration facility. On top of all of that, there is $21 million for a new Latrobe Community Health Service building in Morwell.

This is a fantastic package for country Victoria. As every member of this house knows, we are seeing exceptionally strong population growth in country Victoria, particularly around our major provincial centres. This ensures that the health facilities are there to service that population. It ensures that the quality of life, the livability and the health investment are there, and I know that these announcements were very well received in local communities.

Teachers: non-government schools

**Mr DIXON** (Nepean) — My question is to the Minister for Education. I refer the minister to the government’s announcement yesterday on teachers salaries, and I ask: does the announcement include funding for matching pay rises for independent and Catholic teachers?

**Ms PIKE** (Minister for Education) — I thank the member for Nepean for his question and for providing me with the opportunity to again inform the house about the absolutely fantastic outcome for teachers that has been achieved by the Brumby government. I would like to specifically thank The Nationals for their media announcement of their support for the agreement as well — and there were very generous words from the member for Lowan. We know that this agreement is a
win for students, with extra tuition time; it is a win for families, because they have certainty around the professional development and pupil-free days — —

Honourable members interjecting.

The SPEAKER — Order! The member for Doncaster, the member for Nepean and the member for Malvern will allow the minister to continue her answer.

Ms PIKE — Of course it is a win for teachers, because it means they will have a substantial rise in their salaries, and of course it is a win for the public education system, because teachers have signed up to work with us on the blueprint agenda, which is about reform, innovation and continuing to make sure that we have the best public education system in the country.

The member for Nepean asked me about Catholic and non-government schools. Obviously they will be engaged in their own enterprise bargaining arrangements with their varying teacher representatives, and that really is entirely a matter for them. I am quite surprised at the level of confusion about the arrangements that comes from the other side.

Water: north–south pipeline

Ms GREEN (Yan Yean) — My question is for the Minister for Water, and I ask: can the minister explain to the house why the government is committed to the Sugarloaf pipeline as an integral part of its water plan?

Mr HOLDING (Minister for Water) — I thank the member for Yan Yean for her question, because it enables us to again remind the house of the importance of all of the projects that this government is supporting to provide water security for all Victorians, and a very important part of the projects that we are providing across the state is the Sugarloaf interconnector.

The Sugarloaf interconnector is an integral part of our efforts to modernise the food bowl in northern Victoria. This is a part of the state where the irrigation system is outdated and antiquated — more than 80 years old — and loses hundreds of billions of litres of water every year. As a government we are not willing to let these systems inefficiencies continue. We are not willing to let this system continue to lose water through evaporation and seepage, through poor delivery systems, through outdated infrastructure, so instead we want to invest in modernising this infrastructure.

We want to invest in making sure that we can spend to capture the savings of water losses that are currently occurring in this system. This is a critical part of this government’s efforts to secure water for Victoria’s future. In fact the biggest saving that we can make anywhere in Victoria to secure more water for our future, more water for irrigators, more water for stressed rivers and for the environment and more water for urban communities is the investments we can make in modernising irrigation infrastructure in the state’s north.

We know if we left this investment task to those communities themselves they would be unable to afford it. It would take more than a century to spend if those communities were forced to fund — through higher water prices through Goulburn-Murray Water — these infrastructure upgrades themselves. So it is appropriate that taxpayers make a contribution to modernise this upgrade — $600 million from the Consolidated Fund — but it is appropriate also that if the benefits of this project are to be shared, then the investment in it should also be shared. It is for that reason that Melbourne Water consumers will also be investing $300 million. So that our share — the 75 billion litres to flow to Melbourne — can flow to Melbourne, we are investing in the Sugarloaf interconnector project. It is a project that is being funded by Melbourne Water; it is a vitally important project, and I am pleased to inform the house that support for it is growing across Victoria.

An organisation called Plug the Pipe has been embraced by those opposite, and there has been much gnashing of teeth and — from members of the opposition — howling at the moon in relation to the investment that we are making in modernising this irrigation infrastructure. But just as members of the opposition have now embraced the goldfields super-pipe that they opposed for so long, members of the opposition have now embraced the Sugarloaf interconnector, saying that if they were elected to government far from closing this project and far from plugging the pipe, the Leader of The Nationals now wants to hug the pipe. He is now saying that if they are elected to government after 2010, those opposite will leave the pipe in place. This investment that Melbourne Water is making in providing the Sugarloaf interconnector, this investment which is enabling Melbourne Water to contribute $300 million to support the irrigation upgrades in the state’s north, has now been embraced even by those opposite.

We have been able to leverage up the billion-dollar investment being made by Melbourne Water, being made by the taxpayer and being made by Goulburn-Murray Water with an additional billion dollars from federal government to generate another 200 billion litres of savings on top of the 225 billion litres of savings that we have already financed — now 425 billion litres worth of savings. That is $2 billion
worth of investment to upgrade the irrigation infrastructure in the state’s north. This is a great project that invests in the future of northern Victoria. It is a great project that underscores the competitiveness of our export base in regional Victoria. It is a great project that will provide an efficient, modern, updated, fully refreshed and rejuvenated irrigation system in the state’s north. We are proud to be behind it, and we are pleased that those opposite are now conceding that the project will remain in place even in the unlikely event that they are elected after 2010.

Weeds and pest animals: control

Mr WALSH (Swan Hill) — My question is to the Minister for Agriculture. I refer the minister to the recent Future Farming strategy and the announcement that the government will commit $20 million over four years for a range of initiatives to tackle weeds and pests. I ask: will the minister confirm that the $20 million funding allocation is new money allocated in addition to the $30 million investment in weed and pest management announced in the 2007 budget?

Mr HELPER (Minister for Agriculture) — I thank the member for Swan Hill for the question and for the opportunity to talk about the Future Farming statement and in particular what it delivers for weed and pest management in this state. The short answer to the honourable member’s question — but I will elaborate on it somewhat — is yes, it is new money.

What the member for Swan Hill has been running around the countryside saying — I have heard a few radio reports about it — is that for some magical reason the $30 million that the Brumby government committed to additional weed initiatives in last year’s budget had been drawn down to roughly $20 million. Pro rata that roughly works out; it was a $30 million commitment over four years, so that roughly works out that it would be drawn down to $20 million. The member for Swan Hill took the great leap of logic — or illogic — as opposition members do, that somehow the $20 million package that was announced in the Future Farming statement was the $20 million left over from last year’s budget announcement. I can dispel that great foible in accountancy by the member for Swan Hill. It is $20 million of new money.

Agriculture: Future Farming strategy

Ms DUNCAN (Macedon) — My question is to the Minister for Agriculture. Can the minister inform the house what action the Brumby Labor government is taking to support Victoria’s agriculture sector and any evidence of support for these initiatives?

Mr HELPER (Minister for Agriculture) — I thank the member for Macedon for allowing me the opportunity to again talk about the Future Farming strategy, which is a strategy that was very well received by farmers throughout the state. In August 2007 the Premier indicated that improving farm services was a key priority of the Brumby government. Just a couple of weeks ago we delivered on that by delivering the Future Farming strategy in Horsham.

The Future Farming strategy is $205 million worth of initiatives which provide our agricultural sector with a toolbox for farmers to enable them to remain productive, competitive and sustainable into the future. For example, we are boosting productivity through technology and practice change with a commitment of $103.5 million, we are providing $11.4 million to help farm businesses profitably deal with climate change, we are providing research that will develop new drought, frost and salt-tolerant crops, and we are providing farmers with $11 million to help farm businesses capture new global export opportunities. I can assure the member for Macedon, although she did not make the mistakes that the member for Swan Hill made, that this is all new money. This is new money and continuing funding where previously there has been no commitment to ongoing future funding.

I take this opportunity to acknowledge and thank the president of the Victorian Farmers Federation, Simon Ramsay, on two counts. Firstly, for his engagement and that of his organisation in providing input to the Future Farming statement so that we really got a broad consultative perspective across the agricultural sector in the development of the statement. Secondly, I thank and acknowledge him for the objective assessment he gave the Future Farming statement after it was released. I quote from a Victorian Farmers Federation press release of 23 April:

‘Today’s announced investments on agricultural research and development, extension services and skills development will assist in positioning Victorian agriculture to secure its productive future. This is not just about the future of farming, this is about the future of Victorian rural communities, of which agriculture is a key component’, Mr Ramsay said.

The Future Farming statement has also received wide media coverage. I draw attention to an editorial in the Ballarat Courier headlined ‘Nats don’t like Brumby’s plan, but farmers do’. The opening paragraph states:

Victorian National Party leader Peter Ryan didn’t think much of the Brumby government’s $200 million farming strategy but the Victorian Farmers Federation certainly did.

It goes on, and I do not want to labour the point being — —
Honourable members interjecting.

Mr HELPER — Okay, I will labour the point. Suffice it to say that those organisations that have farming at heart, be they the Brumby government or the Victorian Farmers Federation, have taken a considered approach to the future of farming and agriculture, whereas those that so transparently do not represent the interests of agriculture in Victoria, such as The Nationals, rush to judgement on ill-based information such as that implied in the earlier question by the member for Swan Hill.

Local government: planning powers

Mrs POWELL (Shepparton) — My question is to the Minister for Local Government. Does the minister stand by the comments of the previous Premier on 20 December 2006 and 18 July 2007 in this house that the planning powers of local government councils and councillors will not be reduced?

Mr WYNNE (Minister for Local Government) — I thank the member for Shepparton for her question — —

Mr Brumby interjected.

Mr WYNNE — Yes, as the Premier reminds me, she was a commissioner under the Kennett government and is a former mayor and councillor of the City of Shepparton as well. I thank her for her question in relation to the autonomy of local government planning. As I have said many times in this house, this is a government that is entirely respectful of local government as a tier of government. This government enshrined local government in the constitution, and I think there is no greater recognition one could have of the autonomy of local government.

In relation to planning matters, they are handled at two levels. One is as a strategic role for government in undertaking the broader overview of planning. In relation to local planning decisions, they are matters for local government, and that is where they belong.

Alcohol: Restoring the Balance action plan

Mr LUPTON (Prahran) — My question is to the Minister for Mental Health. Can the minister inform the house how the Brumby Labor government is taking action to address the social and economic harms associated with binge drinking?

Ms NEVILLE (Minister for Mental Health) — I thank the member for Prahran for his question and for his very strong interest in one of the most serious social problems facing our state and one of the biggest threats to the health and wellbeing of young Victorians. It is an issue that we are taking action on. Last Friday I was very pleased to join the Premier when he announced Victoria’s alcohol action plan, Restoring the Balance.

We have a strong plan for action that builds on our existing programs to restore the balance in our families, our culture and our community. We have worked closely with the sector, listened to the concerns of Victorians and analysed the research, evidence and policies of other jurisdictions to achieve a comprehensive response. We even searched for a comprehensive policy from those sitting across from us. It no surprise to members on this side of the house that there is no such policy. We came out empty handed from that search, because they have no comprehensive alcohol policy.

The SPEAKER — Order! I suggest that the minister address her remarks to government business.

Ms NEVILLE — Restoring the Balance addresses the causes of alcohol-related harms and violence with actions to reduce the impacts of these harms on our society. The plan responds to the concerning statistics that 64 per cent of 18 to 24-year-olds and 32 per cent of 14 to 17-year-olds binge drink. This is contributing to the significant increases in emergency department presentations and hospitalisations every year. In an otherwise safe city it is also concerning that the assault rate in the central business district increased by 17.5 per cent in the 2006–07 year. It is tragic that over 700 Victorians die every year due to alcohol misuse. The cost of alcohol-related social problems to the Australian community is estimated at $15.3 billion.

That is why the Brumby government is taking action to trial late-entry bans for inner city venues; to freeze new late-night liquor licences for 12 months; to set up a liquor licensing compliance directorate; to spearhead a community awareness campaign on risky drinking; to enhance alcohol education programs in our schools; to set up early intervention and brief intervention initiatives, including online and telephone screening; and to boost treatment options, including the provision of support to help GPs respond to risky drinking.

Our action plan has received enormous support. The Australian Hotels Association has welcomed the three-month trial of the late-night entry bans, with the chief executive officer saying that the AHA ‘supports the announcements by the Premier today’ and that evidence from regional Victorian cities that had already imposed lockouts was that the restriction was effective in reducing violence.
In VicHealth’s media release the chief executive officer, Todd Harper, is quoted as saying:

The last week has seen some of the most significant changes in reducing alcohol harms we’ve seen in decades.

Sue Clarke, chief executive officer of Bendigo Community Health Services, is quoted in Saturday’s Bendigo Advertiser as saying:

It’s a terrific investment, particularly for rural Victoria.

The Herald Sun editorial of last Saturday offered support for the plan, saying:

… the reforms had to happen, especially if Melbourne wants to retain its standing as a vibrant and livable city that others envy and want to emulate.

It went on to say:

The Brumby government should be applauded for taking decisive action.

Even young people offered support for the proposal, with one party goer, 18-year-old Scott Chancellor, saying:

It will be a bit frustrating … but it will be good for the city and make sure there is less … chance of violence on the streets.

There has been so much support in the community from a cross-section of experts and community members alike for the action that we are taking. So far the two loudest voices against the plan have been owners of strip clubs and those opposite — a coalition that cannot even bring itself to support a plan to reduce binge drinking. Through immediate actions and a plan for the long term, Restoring the Balance will help all Victorians tackle the challenge of alcohol misuse.

Alcoa: Portland smelter

Dr NAPTHINE (South-West Coast) — My question without notice is to the Premier. I refer to the Premier’s role as a leading member of the Alcoa cabinet subcommittee and his comments in January 2007 that a major expansion of the Portland aluminium smelter was a key project for the government, a decision on which would be finalised by mid-2007, and I ask: why, nearly 12 months after his own deadline, has the Premier failed to deliver on this key project?

Mr BRUMBY (Premier) — As the honourable member knows, Alcoa is a significant investor in our state and, through its Portland and Geelong operations, is one of the largest exporters from our state. We have been talking to the company over a period of years in relation to its future investment proposals. We have had very constructive discussions with it, but at the end of the day any decision the company makes about what investments it will make in the future are matters for the company.

In making its decision as to whether or not it will invest, the company will take into account all sorts of considerations, including, obviously, the level of the Australian dollar, which some years ago was in the range of 60 to 70 cents and is now in the high 80 cents and low 90 cents. It will take that into account, and it will also take into account the cost of electricity, which has increased globally because the price of oil has increased. We continue to engage with the company. It is a significant investor in our state, but any decision which the company makes is a matter for the company.

Ambulance services: government initiatives

Mr CRUTCHFIELD (South Barwon) — My question is to the Minister for Health. Can the minister outline what action the Brumby Labor government is taking to ensure quality ambulance services for all Victorians?

Mr ANDREWS (Minister for Health) — I thank the member for South Barwon for his question and for his interest in the best possible ambulance service delivery for his community and indeed for communities right across the state.

Just a couple of weeks ago I was pleased to announce with the Premier a record boost to ambulance services — a $185.7 million boost — which is the biggest increase in support to our ambulance services this state has ever seen. What it all means is that both in the air and on the road our ambulance paramedics right across Victoria will have the resources they need to treat more patients, to provide better care and to respond to the pre-hospital emergency care and transport challenges that they face today and indeed will face in the years to come.

Our paramedics do a great job — they are the best in the world — and it is our job as a government to support them, or should I say continue to support them, acknowledging that we have already more than doubled funding to ambulance services across the state. This package — this record investment — basically represents 59 new and upgraded services in 48 towns and suburbs right across Victoria, both in metropolitan Melbourne and also in rural and regional parts of our state; 258 additional paramedics, who will begin work and will be funded under this package to deliver that important care, to expand those services, to create new services and to again deliver improved ambulance
services right across Victoria; and 44 extra ambulance vehicles, which will need to be purchased to support these services. This is a record boost to the resources provided to our ambulance services.

What is more, that is mainly in relation to road transport. When it came to Air Ambulance Victoria, we followed the advice provided by AAV through the Metropolitan Ambulance Service (MAS). We funded its top priority, which was for a statewide chopper to do medical retrieval for the sickest babies, the sickest children and adults. Having made that decision, we then followed its advice and provided additional support to establish a helicopter emergency medical service (HEMS) in rural and regional Victoria. It is its view that the appropriate place to locate that particular chopper — that fourth HEMS chopper — is on the south-west coast, and Warrnambool — —

Honourable members interjecting.

Dr Napthine interjected.

The SPEAKER — Order! I warn the member for South-West Coast. One more outburst and the member will be gone for the day. I will not have the Parliament turned into a farce!

Mr ANDREWS — These are serious issues — —

Honourable members interjecting.

The SPEAKER — Order! Coalition members will not interject in that manner.

Mr ANDREWS — These are serious issues, and this is a serious investment by this government to save lives. That is what this package is about. It is a record boost to ambulance services — —

Mr Hodgett interjected.

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

Mr ANDREWS — This is a record boost to ambulance services and the beginning of a process under the act to unify the three ambulance services — MAS, Rural Ambulance Victoria and the Alexandra and District Ambulance Service — into a new ambulance service, Ambulance Victoria, for all Victorians — for those in the city and for those in the country, for those in large population centres and for those in small population centres. Make no mistake, this is a record boost building on a more than doubling of funding in our first eight years: more than 800 extra paramedics and a 25 per cent increase in the ambulance fleet, plus all the investment that comes in this package. This is about taking the next step to support our paramedics in the important and high-quality work they do.

I conclude by simply quoting from an editorial in the Ballarat Courier, and I think it sums it up well:

By anyone’s standards this is a significant investment in our emergency services, and one that will be welcomed not only by those who work in the field, but those who have occasion to use it.

It is a great package for the future.

STATE TAXATION ACTS AMENDMENT BILL

Introduction and first reading

Mr HOLDING (Minister for Finance, WorkCover and the Transport Accident Commission) introduced a bill for an act to amend the Duties Act 2000, the First Home Owner Grant Act 2000, the Land Tax Act 2005 and the Payroll Tax Act 2007 and for other purposes.

Read first time.

BUSINESS OF THE HOUSE

Notice of motion: removal

The SPEAKER — Order! I wish to advise the house that under standing order 144 notices of motion 25 and 150 to 184 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 6.00 p.m. today.

PETITIONS

Following petitions presented to house:

Box Hill Hospital: redevelopment

To the Legislative Assembly of Victoria:

This petition of the residents of Victoria draws to the attention of the house the urgent need for the full redevelopment of Box Hill Hospital to proceed without delay. The medical needs of residents of the eastern suburbs and beyond are suffering because the hospital is struggling to cope with growing numbers of patients, including elderly patients and young families, in the hospital’s current old and inadequate facilities.
This has resulted in Box Hill Hospital having some of the worst waiting lists and waiting times of any hospital in Melbourne, despite the best efforts of doctors, nurses and other hospital staff.

The petitioners therefore request that the Legislative Assembly call on the Brumby government to provide the necessary funding in this year’s state budget so that the full redevelopment of Box Hill Hospital can proceed without any further delay.

By Mr CLARK (Box Hill) (231 signatures)

Water: catchment logging

Protect Melbourne’s water catchments from logging to protect our precious water supplies long into the future.

We the undersigned draw to the attention of the Legislative Assembly of Victoria that logging of high conservation forest is occurring at the Armstrong Creek catchment.

We the people are outraged that at a time when Victoria is experiencing its most severe drought, logging of this catchment is reducing our water supply.

We are equally concerned at the fact that logging of this catchment is destroying the habitat of Victoria’s endangered faunal species, the Leadbeater’s possum.

We therefore call on the Victorian government to immediately cease logging of the Armstrong, Thomson, Cement, Mahons and Starvation catchments.

By Ms LOBATO (Gembrook) (901 signatures)

Port Welshpool: long jetty

To the Legislative Assembly of Victoria:

The petition of the community of Port Welshpool, but incorporating the Central Gippsland region, draws the attention of the house to the current state of the long jetty at Port Welshpool. The long jetty was closed to the public in 2003 after a lack of maintenance saw the structure fall into a state of disrepair. The long jetty is an iconic piece of regional history and one of the most significant jetty structures on the eastern seaboard. Managed properly, the long jetty at Port Welshpool could provide a significant boost to regional tourism and inject much needed support to the surrounding country towns.

The petitioners request that the Legislative Assembly of Victoria call upon the government to remedy this problem by funding the immediate restoration of the long jetty at Port Welshpool and commit to a long-term strategy to ensure its continued preservation and maintenance.

By Mr RYAN (Gippsland South) (115 signatures)

Tabled.

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

Ordered that petition presented by honourable member for Gippsland South be considered next day on motion of Ms LOBATO (Gembrook).

Mr McIntosh — On a point of order, Speaker, I understand that the member for Brunswick is to present an Alert Digest for this week. I understand that that Alert Digest does not contain a minority report presented by the — —

Honourable members interjecting.

The SPEAKER — Order!

Mr McIntosh — I understand that after discussions with the Clerk it is the intention of the member for Brunswick to present an Alert Digest that does not contain the minority report that has been provided to the member for Brunswick and also, I understand, the executive officer. It has been signed by all Liberal and Nationals members of that committee and expresses grave concern about the behaviour of that committee in relation to the Police Integrity Bill, a matter of some import.

This matter has been canvassed with the clerks prior to today and was provided to the member for Brunswick for inclusion in the Alert Digest. I seek some guidance from the Speaker as to whether that very important minority report that goes to the integrity of the Police Integrity Bill should be included in the Alert Digest for this week.

Mr Batchelor — On the point of order, Speaker, whilst these events are unfolding before us in the house I understand that the procedure for the presentation of minority reports is that they are presented to the committee and they are provided to the administrative officers who then make them available to the Parliament. That is the normal procedure. Having written a minority report myself for a parliamentary committee I know that that has always been the standard procedure.

If members of the opposition have prepared a minority report, which is what the member for Kew has alluded to, the correct procedure is to follow the course I have outlined. Under those circumstances, the minority report will be tabled by the chair of that committee. If the circumstances are such that a minority report has been prepared but those procedures have not been followed, members of the opposition should go back to square one, put the minority report into the committee and have it tabled in the next report by the Scrutiny of Acts and Regulations Committee.
The Scrutiny of Acts and Regulations Committee reports to this house on a regular basis every week, and if members of the opposition have not followed those processes, that does not block off the avenues available for them to subsequently present their minority report. As I understand it, they have not followed those procedures. They, in effect, attempted to ambush the member for Brunswick as he prepared to bring the documentation he was provided with to the table. How was the member for Brunswick to know whether it was in fact the minority report to which the members were alluding or whether it was a fake or a mischievous stunt that was being perpetrated on him?

The avenue is open to the minority members on that committee. They should follow the procedures. Having gone through the correct procedures the opportunity is still available to them, I would have thought, to have their minority report tabled as an appendix to the next Alert Digest.

Mr R. Smith — On the point of order, Speaker, I find it amazing to hear the Leader of the House say the member for Brunswick would think that the minority report was a false document when it is signed by the coalition members of the Scrutiny of Acts and Regulations Committee. The fact is that after discussions in committee I took the view that I was not going to stay for the remainder of the meeting under the circumstances. Subsequently the minority report was drafted and presented to the chair as soon as it was possible.

The SPEAKER — Order! The question is: That the report and appendices be tabled.

Dr NAPTHINE (South-West Coast) — On the question that the report and appendices be tabled, Speaker, may I suggest in the circumstances — — Honourable members interjecting.

Dr NAPTHINE — I can speak on the question. In the circumstances, the material that the Speaker quoted from previously referred largely to parliamentary committees which have a reporting time frame which is significantly different from the reporting time frame of the Scrutiny of Acts and Regulations Committee, which has a much shorter reporting time frame. Given the obvious disagreement within the committee and the need for an opportunity for a minority report to be tabled in the interests of democratic process and having a proper report that reflects the views of the committee before the Parliament, I suggest to the house that rather than accepting the tabling of the report here and now, we adjourn the tabling of this report and that the committee have the opportunity to meet, perhaps over the dinner time tonight, to consider the report of the minority and make sure it can be incorporated for tomorrow.
I think that would be the fair, reasonable and democratic thing to do in the interests of effective parliamentary committees. Anything less would be just railroading decisions through and would be the sort of thing we would not expect in a proper Westminster Parliament that respects both sides of the house — the parties which are in opposition and the minority voices in the Parliament and the community. Therefore I would respectfully suggest to the house, through you, Speaker, that a way forward would be to adjourn the debate on this question at this stage and allow the committee to reconvene at an appropriate time this evening or tomorrow morning so that the minority report can be incorporated and presented to the Parliament so it is fully aware of all the views of the all-party parliamentary committee. As such, I seek to move that this debate be adjourned.

The SPEAKER — Order! I cannot accept the question that debate be adjourned.

Question agreed to.

Ordered to be printed.

**DOCUMENTS**

**Tabled by Clerk:**

*Financial Management Act 1994:*

- Budget Paper No 2 — Strategy and Outlook 2008-09
- Budget Paper No 3 — Service Delivery 2008-09

*Major Events (Aerial Advertising) Act 2007 — Event order under s 7*

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

- Ballarat — C92, C103 Part 1, C108, C111
- Bass Coast — C46 Part 2, C74
- Baw Baw — C53
- Boroondara — C40
- Brimbank — C109
- Casey — C80 Part 2, C84
- Glen Eira — C58
- Greater Geelong — C86 Part 1, C136
- Greater Shepparton — C83, C85, C86, C104
- Maribyrnong — C52, C58
- Melton — C52, C73
- Moreland — C49
- Northern Grampians — C18, C22
- Port Phillip — C52
- Stonnington — C73, C81
- Surf Coast — C42
- Warrnambool — C40
- Wodonga — C28
- Yarra Ranges — C69, C74

*Statutory Rules under the following Acts:*

- *Corrections Act 1986 — SR 30*
- *Dangerous Goods Act 1985 — SR 24*
- *Police Regulation Act 1958 — SR 25*
- *Road Safety Act 1986 — SRs 26, 27, 28*
- *Subordinate Legislation Act 1994 — SR 31*
- *Supreme Court Act 1986 — SR 32*
- *Victims of Crime Assistance Act 1996 — SR 23*
- *Water Act 1989 — SR 29*

*Subordinate Legislation Act 1994:*

- Ministers’ exception certificates in relation to Statutory Rules 23, 29, 31, 32
- Ministers’ exemption certificates in relation to Statutory Rules 24, 25, 26, 27, 28, 29, 30

The following proclamations fixing operative dates were tabled by the Clerk in accordance with an order of the house dated 19 December 2006:

- *Graffiti Prevention Act 2007 — Whole Act except ss 10, 11(2) and 11(5) — 17 April 2008; ss 10, 11(2) and 11(5) — 30 June 2008 (Gazette G16, 17 April 2008)*
- *Police Regulation Amendment Act 2007 — Sections 3, 4, 5, 7, 11 and 13 — 16 April 2008 (Gazette S100, 15 April 2008)*
- *Road Legislation Further Amendment Act 2007 — Part 4 — 24 April 2008 (Gazette G17, 24 April 2008).*

**ROYAL ASSENT**

Message read advising royal assent on 23 April to:

Co-operatives and Private Security Acts Amendment Bill
Crown Land (Reserves) Amendment (Carlton Gardens) Bill
Essential Services Commission Amendment Bill
Legislation Reform (Repeals No. 2) Bill.

APPROPRIATION MESSAGES
Messages read recommending appropriations for:
Energy and Resources Legislation Amendment Bill
Gambling Regulation Amendment (Licensing) Bill.
Justice Legislation Amendment Bill

APPROPRIATION (2008/2009) BILL
Message read recommending appropriation and transmitting estimates of revenue and expenditure for 2008–09.
Estimates tabled.

Introduction and first reading

Mr BRUMBY (Premier) introduced a bill for an act for the appropriation of certain sums out of the Consolidated Fund for the ordinary annual services of the government for the financial year 2008–09 and for other purposes.

Read first time.

The SPEAKER — Order! In accordance with the resolution of the house on 12 March 2008, I ask the Serjeant-at-Arms to admit the Treasurer.

Mr R. Smith interjected.

The SPEAKER — Order! I warn the member for Warrandyte. I will not be questioned. The member for Warrandyte has a very big decision to make at this moment.

Dr Napthine interjected.

The SPEAKER — Order! So does the member for South-West Coast. I warn the member for South-West Coast.

Serjeant-at-Arms admitted Mr Lenders (Treasurer) to chamber.

Statement of compatibility

Mr BRUMBY (Premier) 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 Appropriation (2008/09) Bill 2008.

In my opinion, the Appropriation (2008/2009) 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 amounts contained in schedule 1 to the Appropriation (2008/2009) Bill 2008 provide for the ongoing operations of departments, including new output and asset investment funded through annual appropriation.

Schedules 2 and 3 of the bill contain details concerning payments from advances pursuant to section 35 of the Financial Management Act 1994 and payments from the advance to Treasurer in 2006–07 respectively.

Human rights issues

1. Human rights protected by the charter that are relevant to the bill
The bill does not raise any human rights issues.

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

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

JOHN BRUMBY, MP
Premier

Second reading

Mr BRUMBY (Premier) — I move:
That this bill be now read a second time.

Mr LENDERS (Treasurer) — Speaker, Victoria is in the middle of one of the biggest population booms in our history:

a boom that will see Victoria become home to more than 6 million people within just 10 to 15 years —
an increase of more than 1 million on our population today;
a boom that is adding nearly 1200 people to Melbourne’s population each week — more than any other Australian city;
a boom that has resulted in record levels of building approvals;
a boom that saw around 74 000 births registered in Victoria last year — the highest number since the early 1970s.

The fact that so many people want to live in Victoria and raise their families here is great news. It reflects the prosperity of our state and the livability of our cities, towns and communities. It reflects the strength and diversity of our industries — and the number and quality of jobs we can offer.

It also reflects the perception of Victoria as a forward-looking state — with a willingness to put innovation, science and technology at the forefront of our economic agenda.

A growing population brings new joys — but it also brings new challenges.

It places our infrastructure and services under much greater pressure. It makes it harder to maintain our livability. And it puts a bigger strain on our natural resources.

Speaker, I am delighted to say that this is truly a baby-boom budget.

This budget — my first as Treasurer — takes action to support and manage our population boom, and to make sure that Victoria can meet the growing demand for transport, education and health care.

This budget is framed with the future front and centre.

It is framed around delivering the infrastructure, skills, services and projects Victoria will need over the coming decades.

It is framed around securing our future water supplies and building a greener economy in an era of climate change.

It is framed around generating new opportunities in our growing suburbs and regions.

And it is framed around new priorities set by Premier John Brumby in 2007 — priorities that will help to secure Victoria’s future in the face of some significant and tough challenges.

Resilience in the face of risks

Speaker, our government has spent the past eight years building the diversity and durability of the Victorian economy.

As an economy without a large resources base, Victoria has to work even harder to succeed. We cannot generate the same benefits from the mining boom as states like Queensland and Western Australia — we have to rely on our people.

That is why the government has focused on driving growth by improving workforce participation and productivity; by investing in skills and innovation; and by providing efficient, high-quality infrastructure.

The result is a resilient economy — one with the right attributes for growth during difficult times.

In 2007–08, Victoria’s economy is expected to grow by 3.25 per cent — underpinned by solid growth in consumer spending, business investment, housing construction and employment.

Since the government came to office, more than 430 000 jobs have been created in Victoria — a 20 per cent increase in employment.

In the past year alone, more than 70 000 jobs were created in the state. In the March quarter, Victoria’s unemployment rate was 4.3 per cent — the lowest in over three decades — and our job participation rate remains the highest of the non-resource states.

But there are risks on the horizon.

Inflation, higher interest rates and a volatile global outlook all pose risks for the Victorian economy — with growth expected to slow to 3 per cent in 2008–09.

Our growing population also raises significant challenges, as does our ageing population.

When I first started work, there were seven people in the workforce for every retiree. Soon, there will be four workers for every retiree. There may, in fact, turn out to be as many opportunities as there are challenges from our ageing population — but it certainly raises risks that need to be identified, debated and managed.

And — of course — there is climate change, which brings yet another set of risks, pressures and opportunities.
Negotiating our way through these challenges will not be easy.

We must continue to make the right and the hard decisions on economic reform to drive jobs growth. We must work cooperatively with the new commonwealth government on areas of national reform. And we must ensure that Victoria has an extended capability to invest for our future.

**Prudent financial management: more important than ever**

Speaker, within the past 12 months the international ratings agencies have reconfirmed Victoria’s AAA credit rating, reaffirming the government’s long record of responsible financial management.

For the past eight years, this Labor government has met its commitment to deliver a budget operating surplus in excess of $100 million.

But uncertain times require even greater certainty in Victoria’s financial position.

That is why, from this budget, the government will meet a new target of maintaining a budget surplus of at least 1 per cent of revenue.

In 2008–09 the surplus will be $828 million. Over the following three years, the surplus will average $907 million.

This new target is Victoria’s buffer against harder global times.

We will use these increased surpluses to manage future risks and to invest in vital infrastructure such as schools, hospitals, roads and public transport — just as, in 2007, we used Victoria’s larger-than-expected surplus to bring forward investment in urgently needed water infrastructure and new trains.

At the same time, we continue to keep debt at prudent levels.

Worldwide, many governments carry a level of debt to drive their economies and invest for the future. They would be negligent if they did not.

By 2012, Victoria’s general government net debt will be 2.9 per cent of gross state product. By any reckoning, that is a modest, manageable and sustainable level of debt — and lower than the level we inherited from the Kennett Liberal-National government.

The increase in budget surpluses will ensure that we can meet our future financial obligations — in combination with a disciplined use of Victoria’s balance sheet and our regular monitoring of the economic outlook.

It also means that we can sustain and improve our historic levels of investment in infrastructure.

Since 1999, this Labor government has invested around $20 billion to deliver the biggest infrastructure program in Victoria’s history. Over the next four years we will invest a further $17 billion — and we will continue to drive this substantial and unprecedented infrastructure program into the future.

In other words: today’s surpluses will be tomorrow’s schools, hospitals, roads and trains.

It is an investment that we can afford to make, that we should make, and that our children and grandchildren will thank us for making.

**A competitive business environment**

Speaker, with the prospect of tougher economic times ahead, it is more important than ever for Victoria to build a competitive, innovative business environment.

The government continues our program of reducing red tape, and we are on track to meet our target of reducing the administrative burden of regulation by 15 per cent by July 2009.

We also continue our record of leadership on tax reform.

In this budget, we will cut the top land tax rate by 10 per cent — from 2.5 per cent to 2.25 per cent — and make an adjustment to all land tax thresholds of around 10 per cent.

This means that the top rate of land tax has more than halved since we came to office.

It means that Victorian businesses now enjoy lower levels of land tax than New South Wales and Queensland for virtually all land-holdings worth between $400 000 and $5.7 million. And it means that every land tax payer in the state will benefit from these changes.

We will make a larger than scheduled cut in the payroll tax rate, taking the rate from 5.75 per cent in 1999 to 4.95 per cent from 1 July 2008. This is the first time that the rate has dipped below 5 per cent since the mid-1970s — and it will save businesses $170 million over the next four years.
We will also increase all thresholds for stamp duty on land transfers by around 10 per cent, giving further relief to families and businesses.

Measures announced in this budget will deliver more than $1 billion in tax relief to Victorians, taking the total tax cuts announced by the government to over $5.5 billion.

We will also reduce WorkCover premiums by a further 5 per cent — the fifth consecutive reduction — saving employers $88 million in 2008–09.

These initiatives will significantly reduce costs for Victorian business, especially our manufacturers. During the course of 2008, we will deliver further support to business through new statements on skills, innovation, and industry and manufacturing.

While Victoria will continue our leadership on economic reform, national action is urgently needed. After more than a decade of indifference at the federal level, we look forward to working with the new commonwealth government to improve national productivity and competitiveness, and create the right conditions for more and better jobs for the next generation of Victorians.

**Major new support for families**

Speaker, Victoria is in the middle of a baby boom.

Over the past three years, there has been a 12 per cent increase in the number of women giving birth in Melbourne’s public hospitals — an increase that is against the trend in many other western countries and contrary to all predictions.

This budget delivers major new support for Victorian families to make sure that they have access to the services they need to give their children the best possible start in life.

We will invest $31 million to expand maternity services — with new services at the Frankston, Casey, Northern and Werribee Mercy hospitals catering for an extra 2800 births a year and enabling more women in Melbourne’s outer suburbs to deliver their babies closer to home.

We will provide $55 million to significantly improve maternal and child health services, ensuring that children up to the age of five receive check-ups, support and additional help at important stages of their lives.

We will provide a $79 million expansion in early childhood development services and a $39 million boost to services for vulnerable families and children.

Speaker, it is the dream of every young Victorian family to own their own home.

From today, first home buyers will be able to receive both the first home bonus and the principal place of residence stamp duty concession. For a family purchasing a median-priced first home of $317 000, this will mean a saving of $2460.

This is in addition to up to $12 000 available to first home buyers through the first home owners grant and the first home bonus. Taken together, this is now a substantial amount towards purchasing a home, and it will help many Victorian families to turn their dreams into reality.

**Investment in education and lifelong learning**

Victorian families will also benefit from the Brumby Labor government’s ongoing investment in education.

In 2006, the government announced the biggest school rebuilding program in this state’s history — the Victorian schools plan, which will rebuild or modernise every government school over a 10-year period and 500 schools during the term of this Parliament.

Last year, we provided more than $550 million for the first stage of the plan and this budget provides a further $592 million. We have ‘fast-tracked’ this spending to tackle the biggest and most urgent projects as quickly as possible — leaving around $700 million to be spent over the remainder of this parliamentary term.

Alongside our massive schools modernisation program, the budget provides funding for seven new or replacement schools, six major school regeneration projects, two new select entry schools at Berwick and Wyndham Vale, and 11 schools being constructed in partnership with the private sector.

We will also invest $71 million to improve the performance of government schools.

We will offer incentives to get our best teachers into the schools where they are most needed. We will partner high-performing schools with lower performing schools. And we will provide funding to employ up to 75 outstanding graduates from other fields in our schools.

One of the first actions of the Brumby Labor government was to create the Department of Education
and Early Childhood Development — and we will soon commence community consultations on the Blueprint for Early Childhood Development and School Reform.

Along with initiatives funded in this budget, these developments will help to ensure that our government schools give young Victorians the high-quality learning experiences they need to make their way in a rapidly changing world.

**High quality health services**

The government also continues to invest in our hospitals and health services, making sure they keep pace with the needs of our growing and ageing population, and with the requirements for increasingly sophisticated medical technology and equipment.

Since coming to office, we have significantly expanded the capacity of Victoria’s health system to the point where our hospitals are now treating over 300 000 more patients each year than in 1999.

In this budget, we provide a further $703 million to improve hospital services.

We will provide funds for an extra 16 000 elective surgery patients, an extra 33 500 outpatient appointments and an extra 60 000 patients in emergency departments.

We will build a new day hospital in Sunbury and deliver the next stages of the major redevelopments of Sunshine and Warrnambool hospitals.

We will extensively upgrade emergency departments at Dandenong Hospital and Bendigo Health, and build a new community health centre in Morwell.

We will deliver the biggest single investment in ambulance services in the state’s history — which will include upgrades to ambulance stations and services right across Victoria and a new air ambulance service based in Warrnambool.

One of the key priorities identified by the Brumby Labor government for this term in office is to escalate the fight against chronic disease and cancer.

We will provide $150 million for a new cancer action plan, which aims to increase survival rates for cancer victims by a further 10 per cent by 2015.

We will also provide $25 million for the Olivia Newton-John Cancer Centre to deliver specialist cancer treatment at the Austin Hospital.

The government has also approved WorkCover investing $218 million over the next five years for a major new initiative called WorkHealth — the first program of its kind in the world. WorkHealth will conduct health screenings for Victoria’s 2.6 million workers, targeting the link between chronic disease and workplace illness and injury.

This budget also invests $111 million to improve mental health services, including new prevention and recovery services and a new 24-hour statewide information and referral service — building on this Labor government’s strong commitment to this often neglected area, demonstrated by our appointment of Victoria’s first ever Minister for Mental Health.

This investment in mental health is part of an additional $1 billion provided under A Fairer Victoria — one of the most ambitious social policy plans ever delivered by an Australian government, which is creating new opportunities and support for disadvantaged Victorians and communities.

More than $4 billion has now been invested in A Fairer Victoria — and this budget also delivers new investment in services for people with a disability, Indigenous Victorians and people on a low income.

**Meeting the growing demand for transport**

Another area where strong population and jobs growth is driving demand for services is transport. Put simply: more people means more goods moving around the state, more people using public transport and more cars on our roads.

Patronage on Melbourne’s rail network is now at historically high levels and grew by a massive 20 per cent over the past two years.

To manage this leap in patronage, the government has accelerated our investment in the network — including the biggest overhaul of the rail timetable since the completion of the city loop, which will provide an extra 200 services a week on the busiest lines.

In this budget, we are pumping a record $1.8 billion into Victoria’s transport network.

We will construct a passing loop around Westall station, and upgrade the track at Laverton and Craigieburn stations — allowing more morning peak services to run on the Dandenong, Werribee and Craigieburn lines.

We will provide an extra 1700 parking spaces at train stations in Melbourne’s outer suburbs and commence
design works to bring forward the time line announced in 2006 for the extension of the Epping line to South Morang.

In this budget, we also provide $101 million to further improve bus services in our suburbs and regions, including a major overhaul of services in South Gippsland and more frequent services along the Eastern Freeway, as well as $38 million to extend the bus and tram priority program to improve services during peak periods.

It’s not only our public transport system that is feeling the strain. As Sir Rod Eddington pointed out in his recent report to the government, Melbourne faces the daunting task of managing a substantial increase in car travel within two decades.

We are taking action to manage this growth. But this is clearly one area where additional support from the commonwealth will be crucial to reducing the costs of urban congestion and retaining Melbourne’s livability into the future.

In this budget, we provide $112 million to relieve congestion in the short term through our Keeping Melbourne Moving plan, including an extension of clearway times, measures to improve tram and bus priority, and more walking and cycling options.

In March, the government received Sir Rod Eddington’s report into improving Melbourne’s east–west transport connections, which recommends large-scale road and rail projects. We are consulting with the Victorian community prior to responding to the report later in the year — a response that will be framed within the context of our existing 10-year transport plan and broader long-term transport challenges.

Maintaining and improving livability

Speaker, a modern, safe transport system is critical to maintaining livability, and there is no doubt that Melbourne’s and Victoria’s world-renowned livability is a vital economic and social asset.

In this budget we continue to deliver initiatives to contain the city’s sprawl and create vibrant, livable urban hubs and suburbs.

We will provide $52 million for Transit City projects in Broadmeadows, Dandenong and Geelong, as well as $37 million to help local communities plan for population growth.

We will deliver a $39 million boost for arts facilities, including a new centre for books, writing and ideas at the State Library.

We will build on our plan to make Melbourne the home of the best sporting precinct in the world, providing $66 million to build a new state athletics centre at Albert Park, upgrade the MCG and increase funding to the Victorian Institute of Sport to support our elite athletes in an Olympic year.

More visitors also means more jobs, and we will invest $35 million to boost tourism, major events and Victoria’s international profile, including $13 million to support tourism in regional Victoria.

Improving community safety and access to justice

A high level of community safety is also a feature of livable places. In this financial year Victoria will record its highest ever police budget of $1.75 billion, underscoring the government’s strong support for community safety and our police force.

Since 1999 funding for Victoria’s police has increased by more than 50 per cent and the state’s crime rate has dropped by 23.5 per cent.

This budget provides a $657 million community protection package that includes additional resources for police, more police station upgrades, improved forensic pathology services and a new prison at Ararat.

However, one area that continues to be a concern is alcohol-related violence, and this budget commits $37 million for the Brumby Labor government’s Alcohol Action plan, including an assault reduction strategy led by Victoria Police.

We also continue to improve Victoria’s justice system, investing $198 million to deliver faster access to justice. In particular, we will provide $18 million for new ways to resolve disputes, including mediation programs in our courts and new dispute resolution services in regional areas.

Leadership on climate change and water

Speaker, all Victorians share a responsibility to fight the causes of climate change.

This budget makes a record climate change commitment of $295 million focused on positioning Victoria as a leader in new energy technologies. We will invest:

$110 million over six years for a carbon capture and storage demonstration project;
$72 million over six years for the large-scale demonstration of sustainable energy technologies, such as solar energy and geothermal energy; and

$12 million for the clean coal authority in the Latrobe Valley, to enable Victoria to continue to use the valley’s extensive coal reserves in a carbon-constrained world.

The combination of climate change with more than a decade of drought means that Victoria must secure our future water supplies by saving and recycling water, creating new sources of water and moving water to where it is needed most.

The Brumby Labor government is investing $4.9 billion in new water infrastructure projects across the state, with this budget confirming:

- $117 million for the first stage of the desalination plant at Wonthaggi;
- $129 million for new water pipelines, including $99 million to fast-track the Wimmera–Mallee pipeline project; and
- $600 million for the food bowl modernisation project.

In March, Victoria secured the new commonwealth government’s agreement to provide $1 billion for the food bowl project — a project that will save in total more than 400 billion litres of water by upgrading irrigation infrastructure in northern Victoria and sharing the water savings between irrigators, rivers and urban areas.

It is a massive, innovative and groundbreaking project that reflects the Brumby Labor government’s commitment to our farmers and to using Victoria’s water efficiently, responsibly and fairly — as well as to restore the health of some of our most damaged waterways.

**High priority for regional Victoria**

Speaker, this budget continues Labor’s high levels of investment in our regional towns, communities, businesses and industries.

Since coming to office, we have made driving growth and opportunity in provincial Victoria one of our highest priorities. We created Australia’s first Regional Infrastructure Development Fund. We established Regional Development Victoria and delivered the $502 million *Moving Forward* economic statement. We have undertaken the biggest upgrade of regional rail services in history, making regional centres more accessible and attractive places to live.

Last year, the Premier indicated that improving services to Victorian farmers would be a key priority for this term. This budget delivers on that commitment.

We will provide $205 million for the Future Farming strategy to deliver better services to our farmers, boost Victoria’s agricultural research effort and drive greater productivity, innovation and competitiveness in our farming sector.

I grew up on a dairy farm and I know how important it is to adapt to change and embrace new farming practices. But I also know how difficult it can be to make those changes.

The Future Farming strategy represents a step up in support for Victorian farmers and a new direction for farming in this state. Once again, it is a leading-edge approach — and once again, it shows Labor’s willingness to champion and support regional industries.

In this budget, we introduce a regional first home bonus of $3000 for first homebuyers purchasing newly built homes in regional Victoria. Along with existing first home grants, this will give homebuyers up to $15,000 towards a new home.

Young people are the future lifeblood of our regions and yet many regional communities still have trouble keeping and attracting young residents. This new bonus will help to retain young people in rural and regional areas and give young families in particular another good reason to consider living in regional Victoria.

This financial year also sees the relocation of the Transport Accident Commission to Geelong, further evidence of Labor’s commitment to boosting regional jobs.

We will also invest:

- $137 million to improve regional health care services;
- $47 million to improve regional rail freight connections;
- $224 million to upgrade regional roads; and
- $16 million for major upgrades at eight small rural schools.

We also provide $278 million to maintain and improve regional passenger rail infrastructure.
In March this year, trips on the V/Line network reached a 60-year high.

That is not only a ringing endorsement of the government’s investment in regional rail services — it is also a strong rebuke to those who criticised this investment, said it was not worth the expense, and that it would not work.

It is very clear that our investment in regional Victoria has been a success in terms of population, jobs, business and investment growth — and the Brumby Labor government will continue to deliver this investment and support into the future.

**Appropriation bill**

Speaker, this Appropriation (2008/2009) Bill provides authority to enable government departments to meet their agreed service delivery responsibilities in this coming financial year.

The bill supports a financial management system that recognises the full cost of service delivery in Victoria and is based on an accrual framework.

Schedule 1 of the bill contains estimates for the coming financial year and provides a comparison with the current year’s figures. In line with established practice, the estimates included in schedule 1 are provided on a net appropriation basis.

The budget has once again been reviewed by the Auditor-General as required by the standards of financial reporting and transparency established by this Labor government in 2000.

**Conclusion**

Speaker, it is clear that this budget comes at a challenging time: for Victoria, Australia and the world.

But it is equally clear that the Victorian economy has the resilience and diversity to meet these challenges and weather the risks ahead.

For eight years, this Labor government has been committed to building those characteristics into the Victorian economy.

We have made education our no. 1 priority.

We have taken action to improve productivity by investing in skills and innovation.

We have boosted Victoria’s competitiveness and jobs growth, through billions of dollars in tax cuts, reductions in red tape and regulatory reform that is acknowledged as the most advanced in the country.

We have invested to record levels in provincial Victoria, creating jobs and opportunities in regional industries and communities.

And we have grasped — and acted on — the fundamental principle that a fair society underpins a successful economy.

Our current strong population growth and baby boom are proof of the success of Labor’s approach. We are a state where people want to live, work and raise a family.

Because we are not resource-rich, Victoria has had to carve out a competitive edge from the skills and productivity of our people — and from the livability and attractiveness of our communities.

This budget — the first of the Brumby Labor government — confirms that we are making the correct choices in carving out that edge, in driving productivity, livability and sustainability across the state, and in taking the strong action needed to secure Victoria’s future.

I commend the bill to the house.

**Debate adjourned on motion of Mr WELLS (Scoresby).**

**Debate adjourned until Thursday, 8 May.**

**Serjeant-at-Arms escorted Mr Lenders from chamber.**

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**APPROPRIATION (PARLIAMENT 2008/2009) BILL**

Message read recommending appropriation and transmitting estimates of revenue and expenditure for 2008–09.

**Estimates tabled.**

**Introduction and first reading**

Mr BRUMBY (Premier) introduced a bill for an act for the appropriation of certain sums out of the Consolidated Fund for the Parliament in respect of the financial year 2008–09 and for other purposes.

**Read first time.**
Statement of compatibility

Mr BRUMBY (Premier) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:


In my opinion, the Appropriation (Parliament 2008/2009) 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 Appropriation (Parliament 2008/2009) Bill 2008 is to provide appropriation authority for payments from the consolidated fund to the Parliament in respect of the 2008–09 financial year.

Human rights issues

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

The bill does not raise any human rights issues.

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

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

Conclusion

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

JOHN BRUMBY, MP
Premier

Second reading

Mr BRUMBY (Premier) — I move:

That this bill be now read a second time.

The bill provides appropriation authority for payments from the Consolidated Fund to the Parliament for the 2008–09 financial year, including ongoing liabilities incurred by the Parliament, such as employee entitlements, that may be realised in the future.

Honourable members will be aware that other funds are appropriated for parliamentary purposes by way of special appropriations contained in other legislation. In addition, unapplied appropriations under the Appropriation (Parliament 2007/2008) Act 2007 have been estimated and included in the budget papers. Prior to 30 June, actual unapplied appropriation will be finalised and the 2008–09 appropriations adjusted by the approved carryover amounts pursuant to the provisions of section 32 of the Financial Management Act 1994.

In line with the wishes of the presiding officers, appropriations in the bill are made to the departments of the Parliament.

The total appropriation authority sought in this bill is $93.2 million (clause 3 of the bill) for Parliament, for the 2008–09 financial year.

This year, as part of the government’s commitment to strengthen state parliamentary accountability, the appropriation includes $1.8 million over four years and $3.8 million TEI, for the live audio and video webcasting of all sessions of the Legislative Assembly and the Legislative Council, including question time. This is an important initiative in ‘e democracy’, improving the public’s access to and understanding of the Parliament’s operations and the legislative process.

I commend the bill to the house.

Debate adjourned on motion of Mr WELLS (Scoresby).

Debate adjourned until Thursday, 8 May.

BUSINESS OF THE HOUSE

Program

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

That, under standing order 94(2), the orders of the day, government business, relating to the following bills be considered and completed by 4.00 p.m. on Thursday, 8 May 2008:

- Children’s Legislation Amendment Bill
- Energy and Resources Legislation Amendment Bill
- Justice Legislation Amendment Bill
- Public Sector Employment (Award Entitlements) Amendment Bill
- The Uniting Church in Australia Amendment Bill

The government business program sets out our legislative program in this special week — budget week. The number of pieces of legislation that have been included in the program number five in total because of the already foreshadowed desire of the coalition to respond to the budget on Thursday, with which the government is in agreement. I indicate that
once the opposition parties have commenced their response on Thursday it is the government’s intention to continue the general response from other members of the Parliament. Accordingly, that will mean that most of Thursday will be taken up with budget responses, apart from just before the luncheon break, when there is likely to be a joint sitting. It also means that the bulk of debate on these five pieces of legislation will take place during the course of today and Wednesday. To assist the members of the house so that they will understand what order of business we are intending to proceed with today, I advise that we will commence government business with the Justice Legislation Amendment Bill, which is listed as no. 5 on the notice paper, and that the other pieces of legislation will flow roughly in accordance with the way they are set out on the notice paper. I commend the motion to the house.

Motion agreed to.

MEMBERS STATEMENTS

National Volunteer Week

Mr BATECHelor (Minister for Energy and Resources) — In the lead-up to National Volunteer Week, which is to be held between 12 and 18 May, I would like to recognise the hundreds of thousands of Victorians who give their time and energy to help their communities. Most people are aware of the work that volunteers do to save lives on our roads and beaches, to protect us from fire, flood and storms and to battle the effects of the drought.

However, volunteers also make a difference to the lives of others in less obvious ways, like delivering meals to the elderly, working at the school canteen, coaching sports teams and serving on committees. Victoria’s volunteer force impacts on virtually every aspect of our society; many organisations, events and services would simply cease to function without the committed volunteers who donate their time and energy. In addition to strengthening communities, volunteering also has significant benefits for volunteers themselves. It is a great way to meet new people, to feel more connected, to learn new skills and to give something back to your community.

I encourage Victorians who have thought about volunteering but have not yet done so to take action during National Volunteer Week. They could start by visiting www.govolunteer.com.au to find a volunteering job that is right for them. I thank the one-in-three Victorians who volunteer already. Their contributions are vital to the strength and safety of our communities. Volunteers are the backbone of our community. They keep Victoria going.

Bass electorate: health services

Mr K. SMITH (Bass) — Today I wish to raise my ongoing concern about the lack of real help given by
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the Brumby socialist government to the people of Bass in the area of health, as confirmed in today’s budget.

As members would be aware, this government sat on its hands and watched as Warley Hospital fell over, and it watched the local doctors walk out of Wonthaggi hospital without lifting a finger to assist until there was a crisis, with no doctors at the hospital’s accident and emergency ward for months on end. The Brumby socialist government sat idly by and watched our dedicated ambulance officers work themselves into the ground in substandard facilities, with a lack of staff to cover for the shortage of doctors at the hospital.

As recently as the Anzac Day weekend there were no doctors on duty at the Wonthaggi hospital for over 24 hours at a time. Now there is the threat of the closure of the radiology department in less than two months — yet this is after the socialist minister, in one of his floating, unannounced visits to the hospital, said the government would upgrade the hospital to a subregional hospital. When is this going to happen? I did not see anything in the budget that gives me any confidence that this minister will do anything to upgrade the health services of the area.

There is no money in the budget, and there are certainly no time lines. This is a disgrace. The lives of up to 100 000 people rest in the hands of the minister. I hope that the deaths of any of these people do not rest on the shoulders of the minister in years to come.

Animals: cruelty

Mrs Maddigan (Essendon) — Today I will present in Parliament and pass on to the Minister for Agriculture a petition from Farouk Ibrahim and 75 of her students from Strathmore Secondary College. Unfortunately the petition is informal, so I will present it to the minister in a different way.

The petition shows considerable concern for the welfare of animals. It asks the Legislative Assembly, and indeed the government, to take into consideration ways to prevent any form of animal cruelty — including intensive battery cage systems — and encourage more humane alternatives to the battery cage system in the form of barn and free-range housing systems. These alternatives would overcome the issues associated with battery cage systems and allow hens to behave naturally.

The transportation of livestock is another issue of concern to the students, and the petition expresses hope that there will be an end to the live export of animals for slaughter. It suggests as an alternative to the transportation of livestock around the world that perhaps stock could be slaughtered more humanely in Australia and sent overseas as chilled and frozen meat, thereby preventing livestock suffering and undergoing a long sea journey, then experiencing their cruel fate overseas.

I commend the students of Strathmore Secondary College on taking an interest in this subject. I will take pleasure in passing the petition on to the Minister for Agriculture. I know the students will be very interested in hearing his response.

Melbourne Markets: regulation

Mr North (Morwell) — I rise today in support of the many successful fruit and vegetable retailers throughout regional Victoria who have expressed outrage over new regulations imposed upon country buyers at the Wholesale Fruit and Vegetable Market. S. and C. Tripodi and Sons from Traralgon are among many regional retailers who are fearful their businesses will not survive the new restrictions that have been introduced by the Melbourne Markets council.

Firstly, the country buyers are required to purchase an approved sleeper permit at a cost of $2000 each to enter the market before trading hours; however, only one access card is permitted for each approved business. Given that some businesses have multiple vehicles, this regulation is extremely restrictive and a significant cost impediment. Secondly, restricting country buyers from purchasing produce prior to 3.00 a.m. on Monday, Thursday and Friday and prior to 4.30 a.m. on Tuesday and Wednesday has ensured major inconvenience and cost impediments to many regional fruit and vegetable retailers.

Regional retailers travel considerable distances to and from the market, and quite simply cannot afford the down time that will be imposed upon their business. Their having to purchase produce at a later time will not only affect trade but also contribute to greater congestion at the market and on Melbourne’s roads. The new regulations have created confusion, and the issuing of fines to these businesses has produced a hostile environment at the market. The Minister for Agriculture must step in and end the current inequity and disadvantage that currently exists at the market for country buyers.

Anzac Day: Craigieburn

Ms Beattie (Yuroke) — Today I would like to congratulate the Craigieburn Anzac Day organising committee for the terrific job they did in coordinating
the first Anzac Day commemorative service in Craigieburn. As we know, Anzac Day is one of Australia’s most important national occasions. It provides an opportunity for reflection and for the acknowledgement of all those who have served their country during times of conflict and crisis.

The commemorative service in Craigieburn was attended by approximately 250 people, which was an outstanding turnout given that this was the first such service in Craigieburn and that only around 50 people were expected to attend. The service was well supported by members of the Craigieburn State Emergency Service, the Craigieburn and district emergency response team, members of the Country Fire Authority, people from local schools and local police, including District Inspector Eoghan McDonald. It was particularly pleasing to see many local residents, including many children, attending and sharing in this significant occasion.

There has been much concern over recent years that the ever-decreasing ranks of our veterans would reduce attendance at Anzac Day services. The response by the local Craigieburn community to their first Anzac Day service suggests that this is not the case, and I have no doubt that attendance at future services will only increase over time. I commend all those who attended the service. In particular I express my congratulations, on behalf of the residents of Yuroke, to the members of the Craigieburn Anzac Day organising committee, whose dedication and commitment ensured that the service was not only well attended but also greatly appreciated. I commend all concerned.

Sambar deer: control

Mr BLACKWOOD (Narracan) — A recommendation by the Scientific Advisory Committee (SAC) to list sambar deer as a potential threat to biodiversity due to the reduction in native vegetation was recently accepted by the Minister for Environment and Climate Change in the other place, Gavin Jennings. The decision to sign off on this decision by the Governor in Council was undertaken without any consultation with the Australian Deer Association. The ADA, with the assistance of Dr Graham Hall, botanist Ken Harris and Dr Tony English, had prepared a 22-page critique of the SAC recommendation. This was not read by the minister or his staff and was totally ignored prior to the minister adopting his final position.

The decision to proceed with the listing also occurred despite specific undertakings being given by ministerial staff to the ADA state president that consultation would occur if an adverse decision was likely. The ADA is the peak association representing almost 17 000 licensed Victorian deer hunters. Accredited ADA members are already working with Parks Victoria in deer management programs, and hunting should be an integral part of the management plan.

Sambar must stay listed as game to ensure that only humane calibres and hunting methods are used. The minister must revisit his decision, engage the ADA as promised and include the responsible hunting of sambar deer in state and national parks as an integral part of the environmentally sustainable management of this species of fauna.

Anzac Day: Williamstown electorate

Mr NOONAN (Williamstown) — I rise to congratulate the local RSL clubs in my Williamstown electorate on their organisation of this year’s Anzac Day commemorative events. In the lead-up to Anzac Day I was fortunate enough to be invited to attend an old diggers day event at the Williamstown RSL. The event was well attended by many veterans in their 70s and 80s, and even a few in their 90s. Senior representatives from the New Zealand navy were also in attendance for the event, with serving officer Lieutenant Commander John Butcher providing a stirring account of the bond that exists between the New Zealand and Australian armed forces.

On Anzac Day I attended the dawn service at Williamstown, which was both moving and of course well attended. In the afternoon I also participated in the Newport RSL’s community march and commemorative service, which was also well attended. Both clubs did a commendable job organising these events, and I congratulate the Williamstown RSL president, Ernie Poole, the vice-president, Ray Rowe, and the secretary, Jimmy Ross, along with the Newport RSL president, Jim Gresty, the secretary, Bill Malcomson, and the treasurer, Bill Tehan.

I would also like to make mention of my great-uncle and great-aunt, Vin and Helen Flanagan, who live locally. Both served with the Royal Australian Navy during the Second World War, with Vin working as a stoker aboard a number of ships and Helen serving as a leading stewardess at Flinders naval depot. I know their family is enormously proud of their contribution.

Teachers: salaries

Mrs VICTORIA (Bayswater) — It is not often you will hear me commend the Brumby Labor government. Usually I happily damn it for giving lip-service instead of taking action in education. I remind it of how hollow
its rhetoric is in saying that education is the no. 1 priority. Today I say, 'Bravo'; it has followed the coalition’s lead by increasing the pay of teachers.

Clearly the Brumby government has been shamed into accepting coalition policy after years of inaction, while the disruptive stand-off over pay allowed Victorian school standards to sink lower than ever, with the lowest literacy and numeracy rates of any Australian mainland state. Many teachers have already fled for greener pastures, all because of the prolonged delay in getting this deal through. This delay was in addition to holding back on school maintenance funding, where the backlog has doubled to $268 million over the life of the Labor government, with many schools not scheduled to be fixed until 2016 or beyond.

However, it is truly unfortunate that kindergarten teachers, who would have received a pay rise under the coalition proposal, appear to have missed out on the Premier’s backflip. The Brumby government obviously needs a reality check. It was not so long ago that Mr Leane, a member for Eastern Metropolitan Region in another place, said in that place, ‘We support’ teachers ‘getting a decent pay rise, but we do not support opposition stunts’. If the coalition proposal was a stunt without any base of good policy, then why did this government cave in and adopt coalition policy, just as it has done on over 30 occasions since the last election?

Monash Medical Centre will get a pregnancy assessment unit worth $4.8 million and will also get new magnetic resonance imaging facilities at a cost of $4 million. New Children’s Court services will be available at the Moorabbin court complex, which is a new court built by this government. Park-and-ride facilities for 55 additional cars will be provided at Cheltenham train station, which will be very welcome, I am sure, for all the commuters in the Mordialloc electorate.

VicForests: firewood contracts

Mr Ingram (Gippsland East) — I rise to condemn VicForests on its latest stunt in the ongoing firewood saga in Gippsland. Recently VicForests ran full-page, colour advertisements in local newspapers saying that, thanks to many firewood suppliers across Gippsland, no-one will be left in the cold this winter. Many of my constituents, including pensioners, are unable to get firewood in my region because of the continued policy failure by both the Department of Sustainability and Environment and VicForests and because many of the firewood contractors have fallen through the gap between the two. This latest blatant propaganda is an attempt to cover up the incompetence of VicForests and DSE in dealing with this issue.

The advertisements that have been run have been promoting preferred firewood suppliers to customers, but they have conveniently overlooked the fact that many of the contractors listed no longer have access to state forest firewood. In going through the telephone numbers in the advertisement I found that one was incorrect and actually directed people to the local DSE office. Another phone number has been disconnected, and one of the other contractors who is mentioned will have no further access to firewood coupes after October.

VicForests says that it has recently sold 300 tonnes of firewood, which is well short of the 1.2 million tonnes of firewood that are consumed in Victoria every year. VicForests, DSE and the government need to fix this
problem and make sure that my constituents have ongoing access to firewood.

Malmsbury bypass: opening

Mr HOWARD (Ballarat East) — The opening of the Calder Freeway Malmsbury bypass in my electorate on 12 April, just a few weeks ago, has enabled Macedon Ranges shire to be a much better place in which to live. Now the residents in that northern part of Macedon Ranges shire can travel to Melbourne on this upgraded highway and know that their town of Malmsbury is a more peaceful place, a safer place and a more family-friendly place to live. They are certainly very pleased with this outcome and recognise that this state government committed up-front many years ago the funding to complete the Calder Freeway. It was unfortunate that the federal government took so long to match the state government dollars, but at least now that has happened and we have seen this section of the Calder Freeway completed.

On the following Sunday, 20 April, the community held a street party to win back the street for the community. There was a parade in the street and there were dance presentations by the school students. The crowd was entertained by many local performers, and there were many produce stalls as well as activities for children, including a jumping castle, an apple-bob competition and coach rides. A sheep-kissing competition was also held, although there did not seem to be many takers for that event.

I, along with my family, enjoyed the day. Malmsbury main street is once again available for the community to enjoy, along with the many other attributes of Malmsbury. I want to congratulate the community on this event.

The DEPUTY SPEAKER — Order! The honourable member’s time has expired.

Telecommunications: mobile phone towers

Mr MORRIS (Mornington) — The matter I raise this afternoon is the location of telecommunications towers in residential areas. Mobile phones are a fact of modern life, and adequate coverage and the construction of necessary infrastructure are essential, but the siting of towers continues to be of great concern to the community. There have been two recent applications to build a tower in Mount Eliza.

The first, in Fulton Road, was for the placement of a small tower in the front garden of a house in a very quiet residential street. Not surprisingly, the residents of the street and surrounding streets were not happy. They fought hard, and the application was withdrawn. Now another application has been made, this time to build a church belltower 15 metres high adjacent to an existing church and to place a telecommunications transceiver on top — once again in a residential area, but this time on a site shared with a primary school. Both the parents and the community are up in arms.

In neither case do I criticise the carriers, as no guidelines prevent them from putting up these proposals, but clearly neither application is in line with community expectation. I call on the government to work with the federal communications minister to develop guidelines to ban towers from residential areas.

Planning: Mornington Peninsula

Mr MORRIS — On another matter, amendment C87 to the Mornington Peninsula planning scheme has now been sitting on the desk of the Minister for Planning for almost six months without a decision. This is a government which goes on endlessly about cutting red tape and speeding up the planning process. How about cutting some of the tape that binds up the minister’s office and implementing the wishes of the people and the council of the Mornington Peninsula?

Youth: AXA 614 bus

Mr HUDSON (Bentleigh) — In the last sitting week I had the pleasure of visiting the AXA 614 youth bus run by the Salvation Army for the young people of Melbourne. In reality the bus is a coach that has been fully refurbished into a mobile youth centre on wheels. It is equipped with computers, Xboxes, a plasma television, three surround-sound systems, hang-out couches, chess tables, a mini kitchen and a private counselling room. It is a home away from home for those young people on the streets who do not have one. The bus also works around the housing estates at Flemington and Fitzroy, and provides a vital link with the global world. The bus cheered me for several reasons.

Firstly, because it gave me an opportunity to renew acquaintances with some great people from the Salvation Army such as Eva Burrows, David Eldridge and Wilma Gallett. I have known David since my days as a youth worker at the Brotherhood of St Laurence’s action and resource centre in Fitzroy. It is a tribute to people like Eva, David and Wilma that they are still out there helping our young people for little reward other than the change they bring about in so many lives.

Secondly, it was a joy to see the Attorney-General on the barbecue serving sausages and hamburgers, and to
have the Premier and other members of Parliament drop in for a snag and a chat.

Thirdly, it was great to see AXA supporting the Salvation Army in its work through the AXA Charitable Trust. The trust was established from unclaimed moneys following demutualisation, a fund I helped negotiate with the then Treasurer, now the Premier. I think the Premier would agree that they have been funds well spent.

Finally, it is great to have a Labor Prime Minister in Kevin Rudd who is so committed to tackling youth homelessness as a national priority.

Rail: Wodonga spur line

Mr TILLEY (Benambra) — I rise to speak on a matter of grave concern in relation to recent indications regarding the project commonly known as the Wodonga rail bypass with further cost-cutting measures by the decommissioning of the spur line to the Mars company. Mars is the city’s biggest private employer, and it has not been consulted on this matter. The company’s long-term future depends on a serviceable rail link. Mars began operation in Wodonga in 1967 and the rail line now carries almost 4000 containers, mostly for export markets, being shipped directly from the manufacturer to the port of Melbourne.

The original decision by Uncle Ben’s, now known as Mars, to set up in regional Victoria, and in particular in Wodonga, was based on the availability of rail. Previous plans maintained the track, but this latest cost-saving measure would force freight onto road, adding more than 70 trucks a week to border roads, driving up the cost of production and making competing on the world market all that more difficult. Particularly at a time when government is supporting regional development, this decision would have enormous negative flow-on effects in the Benambra electorate. I hope the minister will shortly allocate a time to speak with representatives from Mars to decommissioning of the spur line into the Mars area.

Tracey Greenbury

Mr PERERA (Cranbourne) — I rise to speak today on the passing of Tracey Greenbury, who died as a result of a cold-blooded murder last Monday morning. Tracey had a good upbringing. She was very strong willed, had a happy-go-lucky personality and always had a cheeky smile. She was a keen sportsperson who obtained a black belt in karate. Tracey’s parents, Max and Pam Greenbury, have been proud members of the Australian Labor Party for over 30 years. Max as the booth captain, supported by Pam, has manned the local booth for many years at every federal and state election. They are indeed true believers. Max was the assistant secretary of the former Federated Engine Drivers and Firemen’s Association, now known as the Construction Forestry Mining Energy Union, and his wife, Pam, was an organiser with the Liquor Hospitality Union, now known as the Australian Liquor, Hospitality and Miscellaneous Union. Max has been a very passionate supporter of the Karingal Bulls football club for many years. Tracey helped the club by volunteering as a timekeeper in 2005.

It is so sad that Tracey lost her life in these horrific circumstances — a young lady, and a young, proud mother of two. Tracey lived for her children, Harley and Jamie-Lee. She always spoke of the wellbeing of her children. A trust fund has now been set up for Harley and Jamie-Lee. The Karingal Football Club has been so kind in arranging this on behalf of the Greenbury family. Max and Pam work hard to provide a better life for their children. They find it very hard to cope with this sorry episode of their daughter being killed through no fault of her own — —

The DEPUTY SPEAKER — Order! The member’s time has expired!

Hospitals: regional and rural Victoria

Mr WELLER (Rodney) — I rise today to speak of what is possibly the most important part of every community, the local hospital. In the past the emergency department of a hospital was a place of efficiency, urgency and premium care. Today I regret to alert the Parliament to the fact that those days are gone. As a result of underfunding by the Brumby government the state of care in our hospitals is appalling and, quite frankly, unacceptable.

As an example, I recently had a group of Kyabram residents contact me in regard to a car accident they were involved in a few weekends ago. Devoid of any charges against speeding or drinking this was an accident of a common nature. Five young adults were injured and shocked in the accident, and after police deemed an ambulance unnecessary, the young adults arrived at the Goulburn Valley hospital for examination. The blanket neglect that followed was a shameful indictment of the Brumby government’s failure to properly fund our health system.

Despite having significant injuries, none of the patients from the accident were given cautionary neck braces or even the simple remedy of a blanket to help buffer the
clinical shock they were suffering. The group arrived at the hospital at 7.30 p.m. and left the hospital at 5.15 a.m. the following day, still not having seen a doctor. Incredibly, witnesses say other patients were leaving and driving to Melbourne to be seen. Is this the kind of hospital care we deserve in the country? I ask how members might feel if their children or even their friends were treated in this way at their local hospital?

Tracey Greenbury

Dr HARKNESS (Frankston) — I, too, would like to acknowledge the life of Tracey Greenbury, who was very recently and tragically killed in Frankston. I know many members will join with me in sending condolences to her parents, Max and Pam, her children, Harley and Jamie-Lee, and other family members at this very difficult time.

Children: Frankston forum

Dr HARKNESS — On a happier note, I would like to talk about the importance of children’s services in my electorate of Frankston. A child’s earliest years are crucial to their success as an adult. Last Tuesday I proudly hosted a forum on child-care services and early childhood development. I was delighted that over 50 representatives of local child-care providers, playgroups, kindergartens and maternal and child health centres attended to hear from four guest speakers that I had arranged to make presentations. It was fantastic that the Minister for Children and Early Childhood development arrived enthusiastic and keen to discuss children’s services in Frankston.

Along with the minister, presentations were provided by the child safety commissioner, Bernie Geary; Mandy Gatiff, the family services manager at Frankston City Council; and Mark Dreyfus, the federal member for Isaacs representing Maxine McKew, the federal Parliamentary Secretary for Early Childhood Education and Child Care. The old blame game is clearly over, and all three tiers of government are now working in partnership and cooperation with local kids and their families as the main beneficiaries. The forum gave those attending a chance to hear directly from key decision-makers, as well as providing an opportunity for the minister to hear directly from local professional service providers. It was a successful afternoon.

Rail: Somerville and Tyabb level crossings

Mr BURGESS (Hastings) — I was recently provided with a copy of VicTrack’s report on level crossing safety on the Stony Point line. It was compiled using the Australian level crossing assessment model, or ALCAM. With respect to the report, VicTrack states that all public level and pedestrian crossings throughout Victoria will be assessed to enable strategies to be put in place to improve safety. Given the stated objective of the report is to improve rail safety, it is astounding that two notoriously dangerous crossings are missing from the report. I am speaking of the Bungower Road level crossing in Somerville and the Mornington-Tyabb Road level crossing in Tyabb. Both of these crossings have recorded fatalities in the last eight months. Geoff Young died at the Bungower Road crossing on 22 August last year, and Kay Stanley died on the Tyabb crossing on 28 January this year. These crossings were absent from the report without explanation; therefore neither received a safety assessment rating.

The minister’s office has denied that the two crossings were missing from the report, stating that it was an interim report of crossings nominated by councils and VicRoads and was now out of date. Unfortunately for the minister’s credibility, the local council confirmed that the report is the one provided by VicTrack for comment and was current 10 days ago. During question time in this place just three weeks ago the minister referred to the ALCAM report and stated:

That work has been completed on every level crossing and is being sent to every local government around the state.

One can only speculate about what the government is trying to hide in relation to the safety aspects of these two level crossings. The Brumby government is a notoriously secretive government that relies on spin in place of substance. Secrecy has become so ingrained in this government that it appears unable to identify the line where this secrecy becomes life threatening. People’s lives are at stake, and the government must for once put its responsibilities to Victorians above its own public image.

Political parties: participation

Mr SCOTT (Preston) — I rise to draw the attention of the house to the low level of participation in Australian political parties when compared to other jurisdictions around the world. From publicly available information I learnt that less than 1 per cent of enrolled voters participate in registered political parties in Australia. I note that in the Liberal Party there has been some debate about declining participation and an ageing membership. This situation confronts not just political parties but also other membership-based organisations. By way of contrast I note that 30 million people out of a population of just over 300 million in the United States of America have already participated...
in the Democratic primaries, let alone the Republican primaries.

Low levels of political participation are a serious issue for this Parliament for two reasons: firstly, political parties are publicly funded; and secondly, they play an important role in our society by making many political decisions outside of the Parliament which are critical not only to who is here but what decisions are taken in our society. A proportion of 1 per cent or less of registered voters simply cannot reflect the broader community, no matter how dedicated, well-meaning and thoughtful their participation is. I encourage any member of the public to participate in a political party. We face a challenge to our democracy as the small number of people who participate in our political parties declines. I urge the house to consider this matter.

Footscray: Buddhist temple

Mr Seitz (Keilor) — Last Sunday night I was privileged to attend the Heavenly Queen Temple Society annual dinner at the Happy Reception centre at Ascot Vale. I congratulate the chairman, William Tsang, for organising the annual dinner and the work he is doing in building a permanent temple at Footscray. The society converted a reception centre it purchased in Footscray into a temple, and ever since it has been lobbying and working at raising funds to build a permanent temple on land in Footscray on the Maribyrnong River that was provided by the state government.

It has taken many years for the project to evolve and develop. At the moment pylons are being put down for the footings of the new permanent temple building. Once the temple is built it will be a tourist attraction for the western suburbs. I was pleased to read in the paper this week that the western suburbs attract large numbers of tourists, and the development will attract further tourism. I am asking that the government, through the minister responsible for community funding, look at this project and support the development as a tourist attraction for the community and as an educational process to promote harmony between the Buddhist community, the main Indochinese community and the wider population within Victoria and the western suburbs, which have a large Asian community.

The DEPUTY SPEAKER — Order! The time for members to make statements has expired.

Mr McIntosh — On a point of order, Deputy Speaker, I raise the issue of the contribution made by the member for Mordialloc, who seemed to be raising matters relating to the annual budget. The appropriation bill has just had its second reading and debate has been adjourned until Thursday of this week. I understand that former Speaker Maddigan made a ruling that legislation could be commented upon during members statements, although there seems to be some degree of ambiguity in that ruling. I think we all understand that there is an enormous amount of latitude allowed during question time in the asking of questions in relation to the budget, given its importance. I am just wondering whether the formal position in relation to members statements and raising matters relating to the budget could be clarified in discussions between you and the Speaker.

The DEPUTY SPEAKER — Having discussed the matter with the member for Kew, I will raise it with the Speaker to seek clarification. There are a number of rulings from the Chair that relate to anticipation. Some may suggest that that may not be the case, but I think we need to clarify the ruling in regard to statements by members, and I will do so.

JUSTICE LEGISLATION AMENDMENT BILL

Second reading

Debate resumed from 17 April; motion of Mr Cameron (Minister for Police and Emergency Services).

Mr McIntosh (Kew) — I say from the outset that the opposition welcomes this legislation, certainly in relation to amendments to be made to the Serious Sex Offenders Monitoring Act 2005, but takes the view that it does not go far enough. While we welcome the changes in relation to sex offences against adults being incorporated in the legislation, the use of extended supervision orders should be extended far more broadly to all serious offences, such as and including murder, manslaughter, kidnapping and armed robbery.

There is also a concern in relation to clarity with the Firearms Act. We ask the minister to clarify for the benefit of the house how far that bill can go in enabling vets and animal health professionals to carry different types and styles of tranquilliser guns and whether or not that extends to representatives of the Department of Primary Industries, for example, who would be assisting farmers during a tragedy following an event such as a bushfire, where a number of injured animals would have to be put down. That is a matter that has been raised with us. It is a matter that I raised during the briefing, and this is where the ambiguity I referred to occurs. My recollection of that briefing is that the
answer was, yes, that it does extend to allowing such people to carry more than just one longarm within the meaning of the Firearms Act.

The member for Benalla, who has been acknowledged by the government as one of the significant contributors to this amendment, certainly has a much better professional working knowledge of this change. After discussions with him I am still concerned that while it may cover tranquilliser guns in the hands of vets and health professionals, it does not extend to allow more than one gun to be carried either by farmers or other people, such as representatives of the Department of Primary Industries, who may have to go out and destroy or put down a large number of animals that may have been injured in an event such as a flood or a bushfire.

Those tragic circumstances are something we are probably all aware of, and certainly we want to facilitate that. But it may be somewhat unclear whether that is covered by this amendment or indeed the legislation. I will certainly be seeking some clarity from the minister on that issue, and I will be going into it in a bit more detail.

There are a number of amendments in the bill that do not trouble the opposition. The Secretary of the Department of Justice, as well as the commissioner for corrections, Mr Anderson, are now given an opportunity to monitor the performance of all correctional services. While correctional services are delivered principally by the state, we know that some of those services are provided by private companies. One of those companies, located at the Melbourne Custody Centre below the Melbourne Magistrates Court, has been the subject of a recent adverse finding by the Ombudsman, and further monitoring or oversight by the commissioner or the secretary is something that the community would insist upon. When I visited Port Phillip Prison, which is operated by a private company, I found that its management welcomed increased oversight, and the relationship between the government and the private provider is achieving a very worthwhile outcome. The opposition sees any additional oversight as being an improvement. We have not had any concerns raised with us about that particular matter.

The bill also contains amendments to the Corrections Act that abolish the Prison Industry Advisory Committee and replace it with the corrections education and employment ministerial advisory committee. That is certainly a wise change. The whole nature of employment in prisons is undergoing a profound change. It is driven by economics, rather than a will to deliver employment or industry education for prisoners. As we all know, prisoners are required to work. They are rewarded with some monetary contribution which they are then able to use to purchase things such as cigarettes, chocolates, soap or other necessities they might require. It is not a significant amount of money, but earning it provides useful employment to those who are incarcerated, the theory being that an idle prisoner will be a dangerous prisoner. There is also the other factor, which is that you not only keep them occupied but you hopefully provide them with skills they can use for the benefit of not only themselves but of the whole community once they are released from prison.

This leads to the difficulty that with increasing competition from overseas countries for the manufacture of many items, prisons are finding it increasingly difficult to obtain the necessary work, whether it be metalwork, carpentry or otherwise — all very useful activities. The principle applying in prisons is that you do not compete with an Australian industry and potentially put Australians out of work. Import substitution is what our prisons are trying to provide. Doing that creates a difficulty because the ability to compete, even at the profoundly low levels of salaries that are paid to prisoners whether they are inside the prison walls or otherwise, is a matter of concern. In my visits to a number of prisons in Victoria that matter is regularly raised as a concern, and I am sure that members on both sides of politics want to address that matter. They want to achieve an outcome that not only provides prisoners with worthwhile employment, which in turn has an educative function, but also keeps them occupied while they are in prison.

Certainly the expansion of this employment function from being industry advisory to education is supported by the opposition. Education is an important part of any working activity in a prison, as well as providing an opportunity for prisoners once they are released to gain employment. The substitution of the Prison Industry Advisory Committee with the corrections education and employment ministerial advisory committee is hopefully a step in the right direction towards providing all of those beneficial outcomes, and it is supported by the opposition.

In relation to the Firearms Act, whether it was a strategic leak or just an accident, there was a report in the paper recently indicating that there was concern by Victoria Police about imitation firearms which may comply with the regulations and be lawful longarms in the state of Victoria but are designed to look like semiautomatic weapons. This bill contains an amendment that provides the opportunity for the Chief Commissioner of Police to permanently categorise firearms which imitate, look like or can be adapted to a restricted or prohibited firearm. The opposition again
has received no adverse comments in relation to this matter. We are all very keen to ensure that firearm regulation is put on a proper footing, whether it be the cost of firearms, dealers licences, licence fees or that only lawful firearms are properly regulated and provided for in the act. Any legislative change that contains some degree of flexibility to enable the chief commissioner to categorise dangerous firearms as restricted or prohibited is something that we all need to support.

I understand from the briefing on the bill that the Victorian government is working very closely with the Australian Customs Service. The problem is that Australian Customs may be able to prevent their importation, but once these weapons arrive in the state of Victoria federal responsibility lapses and therefore close cooperation under the national firearms agreement is worthwhile. This is something that the opposition supports as it enables the chief commissioner to flexibly regulate or prevent restricted and prohibited firearms from being either used, sold or operated in the state of Victoria.

There are also amendments to the Firearms Act regarding a matter that the member for Benalla has raised on previous occasions in this place and by way of correspondence to the department. I congratulate the member for Benalla for bringing this matter to the government’s attention. During the briefing the government representatives were good enough to acknowledge the work that the member for Benalla had put into this and his clear understanding of the matter. The fact is this amendment to the principal act has come about because of what he has done. From a personal point of view as the shadow minister who is responsible, I draw upon the member for Benalla’s expertise, as do other members of the opposition. I commend him for his hard work in dealing with this matter.

However, there is the problem that while we accept there is a reason to amend the Firearms Act to enable vets and animal professionals to be licensed for a number of different types and styles of tranquilliser guns, there is an issue as to whether or not that permission would be extended to farmers or members of the Department of Primary Industries (DPI) to carry a number of guns in the tragic circumstance of a large number of animals needing to be put down following such events as bushfires. I have had personal experience of that and I understand the angst that it creates in the minds of farmers and local communities. In those circumstances I would certainly like to see farmers and DPI representatives being given the opportunity to carry a number of appropriate weapons — not just tranquilliser guns but rifles as well. This matter was raised at the briefing. There may be some degree of ambiguity about it. I notice that the Minister for Police and Emergency Services has entered the house, and I would ask him to clarify precisely whether it could be extended to include farmers and DPI representatives to be licensed to use a number of weapons in those tragic circumstances.

I thank the member for Benalla for his input in relation to this matter. The opposition does not oppose this aspect of the bill but we seek some clarity from the minister as to whether it extends beyond vets and animal professionals using tranquilliser guns through to other forms of weapons. Is a normal rifle included in the term ‘tranquilliser gun’? I ask the minister to clarify that matter.

A number of machinery amendments are being made to a number of other acts which correct typographical errors. In the Administration and Probate Act as a result of changes made to that act by the recently passed Relationships Act there is an error: an ‘or’ is to be replaced with an ‘and’. In the Liquor Control Reform Act a correction is made from ‘late night’ to ‘late hour’ licences. As we know, many premises open well beyond midnight and that provides some degree of clarity. There is an amendment to the Infringements and Other Acts Amendment Act; a typographical error indicated that for a particular type of infringement notice the penalty would be $5000 when everybody in this chamber understood that to be a mere $500. The amendment corrects that.

My principal area of concern is in relation to extended supervision orders and the Serious Sex Offenders Monitoring Act. In 2004 I rose in this chamber and raised what I then called ‘continuing supervision orders’ with the Attorney-General during an adjournment debate. This came about after discussions with representatives of the parole board who raised with me their concern that a number of prisoners remain a danger as they approach the completion of their term. They expressed profound concern that those offenders would be released and there was extreme likelihood that many of them would reoffend in some way. I included not only sex offences against children and adults but also other serious offences such as murder, armed robbery and kidnapping. In the course of the debate I said my intention was to talk about serious offences as defined by the Sentencing Act. The continuing supervision orders could be used as a very flexible tool to deal with those people who were assessed as being a continuing danger to the community.
Some six months later the government finally moved to introduce the Serious Sex Offenders Monitoring Act but limited it to those offences that related to children. While the opposition supported the legislation at the time, we expressed our concern that the bill did not go beyond child-related offences. After discussions with the Clerk it was clear that we could not amend the bill to incorporate other serious offences such as murder, armed robbery and kidnapping. Because the bill related to serious sex offences, I sought to include rape in the bill. At the time the government voted against my amendment to include the term ‘rape’ in the serious sex offences schedule that could make a prisoner eligible for an extended supervision order. The minister responsible replied that the bill was limited to child-related sex offences because there was a very high degree of recidivism. I think the figure that was being bandied about at the time was that some 35 per cent of child-related sex offenders will reoffend upon their release.

On the basis of that statistical outcome, the government was going to limit the Serious Sex Offenders Monitoring Act to apply to only child-related offences. The one exception was bestiality. Again, notwithstanding that that offence against an animal can be committed by an adult, the government responded by saying that there is a strong correlation between bestiality and child-related sex offences and that is why bestiality was included. At the time, the opposition was incredulous as to why rape was not included. As I said, on behalf of the opposition I sought to amend that bill to include rape in the schedule of offences. I note that at the time members of The Nationals voted with the opposition but that proposed amendment was defeated both here and in the upper house.

The raison d'être for extended supervision orders is not a statistical outcome. The secretary of the department who makes an application to the court has to prove to a very high standard that there is a very high chance that a person will reoffend once they are released from prison. They are the very things I had talked about some six months before when I expressed the concern that had been put to me by representatives of the Adult Parole Board of Victoria. Most importantly, at the end of the day the original Serious Sex Offenders Monitoring Bill 2005 was not about statistics; it was about the high standard of proof. I can understand why everyone is concerned about paedophiles and the high rate of recidivism among them. I acknowledge that, given the statistical data we have, a large number of the first intake, if you like, of people who would have had an extended supervision order imposed on them would have been people who had been found to have committed child-related offences. That did not necessarily mean that at that particular time we should have ruled out including rape in the serious sex offenders schedule.

I note also that, some six months after the passage of that bill, on behalf of the opposition, Richard Dalla-Riva, a member for Eastern Metropolitan Region in another place, moved a private members bill which sought to have rape included in the schedule of offences, so that an extended supervision order could be imposed once it was proved to the requisite high degree that a person was a continuing danger to the community. Again I note that The Nationals supported the Liberal Party in its private member’s bill, but the government used its numbers to prevent that bill from being passed by the upper house. That was again on the pretext that it was presumptuous, given the fact that there was a high level of statistical evidence that the largest number of extended supervision orders would be for child-sex offenders. I reiterate that this is not about statistics but about whether a person remains a continuing danger to the community.

It is on that basis that the opposition again expresses its disappointment that the extended supervision order provision does not extend to all serious offences, including murder, kidnapping and armed robbery. We welcome the change to include sex offences against adults in the range of offences. We suggest that the provision should be expanded beyond just sex offences to all serious offences. If, on the application of the Secretary of the Department of Justice, it is considered necessary by the authorities on a very high degree of proof that a person remains a continuing danger to the community, an extended supervision order ought to be made. Likewise, it is the view of the opposition that currently extended supervision orders are working effectively.

I have had the opportunity of visiting Ararat prison and the adjunct area, where currently I think some 11 people are subject to extended supervision orders. Perhaps the minister might correct me if that is wrong, but certainly a number of people there are subject to extended supervision orders and are monitored inside that compound, if you like, at Ararat prison. The one exception is, of course, Mr Fletcher, who, as I understand it, is residing in one of the houses inside the boundary of the prison effectively but outside the prison walls, because Mr Fletcher is legally blind.

Most importantly, I would have liked to have seen a provision that could have provided a much more flexible outcome, a bit like parole itself. With parole, when a prisoner reaches their term, they are then eligible for parole and can be released into the
community, with pretty tight tow ropes. The parole board can essentially prescribe any condition it likes. It can prohibit the consumption of alcohol and the taking of drugs and prescribe where the prisoner can go and what they can engage in, and it can provide a curfew and require that that prisoner report to police — a whole range of conditions can be imposed on a prisoner. As one member of the adult parole board said, it is essentially putting a tow rope on the prisoner and gradually releasing it, after seeing how the prisoner complies with the conditions associated with the tow rope once they are released into the community. If the conditions are broken, the scheme of parole no questions are asked and the prisoner goes straight back into prison and serves the remainder of their sentence. If they comply, they can be released. Again, it is in the hands of the adult parole board.

I have a great deal of confidence in the adult parole board. I have often said publicly that a great deal of odium is directed at members of the board by people in board. I have often said publicly that a great deal of odium is directed at members of the board by people in the community, with pretty tight tow ropes. The parole board can essentially prescribe any condition it likes. It can prohibit the consumption of alcohol and the taking of drugs and prescribe where the prisoner can go and what they can engage in, and it can provide a curfew and require that that prisoner report to police — a whole range of conditions can be imposed on a prisoner. As one member of the adult parole board said, it is essentially putting a tow rope on the prisoner and gradually releasing it, after seeing how the prisoner complies with the conditions associated with the tow rope once they are released into the community. If the conditions are broken, the scheme of parole no questions are asked and the prisoner goes straight back into prison and serves the remainder of their sentence. If they comply, they can be released. Again, it is in the hands of the adult parole board.

I have a great deal of confidence in the adult parole board. I have often said publicly that a great deal of odium is directed at members of the board by people in certain sections of the community and the media for undertaking their lawful responsibility. That responsibility certainly ends once a prisoner reaches their maximum term and then no tow ropes can be applied. I can understand why, in the case of Mr Baldy and Mr Fletcher, someone would be assessed as being a continuing danger to the community and be subject to the pretty strict conditions of an extended supervision order and why, while they are not in prison, they effectively do not go out into the community unless they are supervised. It is an expensive exercise, but the opposition supports the way it pans out.

I would like to see the extended supervision order being used as a flexible tool, as parole is, so that where someone is assessed as a continuing danger — and that would have to be proportional to the outcome — and is released even after they have reached their maximum term and are no longer subject to the usual parole laws, they can be released with significant tow ropes that could be released gradually to see how they comply in the community or otherwise. It does not necessarily have to apply to the Mr Baldys and Mr Fletchers of this world. It could be used as a much more flexible tool. In effect it would be like continuing parole after the maximum sentence has been served, to enable the authorities to keep a pretty strict regime operating on those people they consider a continuing danger but who have also been assessed by a court to be a continuing danger. I do not disagree with the high standard that is required by this legislation, but I would like to see a flexible tool, not just the type of incarceration we see at Ararat. That is a matter for some debate.

Our principal concerns with this are that while we welcome the change that includes sex offences against adults, principally rape, in the schedule of offences for which extended supervision orders can be granted, we see the need for the provision to be extended to apply to other serious offences. If someone has committed a sex offence against an adult or committed a murder or an armed robbery and they remain a continuing danger to the community, the courts should be able to make that assessment, and if they make that assessment the person should be subject to an extended supervision order.

With those remarks, I indicate that the opposition does not oppose this legislation.

Ms GREEN (Yan Yean) — It is with great pleasure that I join the debate on the Justice Legislation Amendment Bill. This bill amends a range of acts under the justice portfolio, including the Serious Sex Offenders Monitoring Act, the Corrections Act and the Firearms Act. The bill makes some minor or statute law revision amendments to three acts administered across the justice portfolio, being the Administration and Probate Act, the Liquor Control Reform Act and the Summary Offences Act. I was pleased to hear the member for Kew indicate the coalition’s support for this legislation. That sends a good message to the community that it is supported across the Parliament.

In relation to the Serious Sex Offenders Monitoring Act the bill proposes to extend the provision that currently exists for post-sentence supervision of high-risk child-sex offenders under an extended supervision order to adults. The purpose of this scheme is to enhance community protection through the close supervision of these sex offenders and by facilitating their ongoing treatment. These sorts of offenders are the ones that strike the greatest level of fear into the hearts of our community, so it is appropriate that we should make these changes.

There are some technical amendments to the Corrections Act which go to the oversight roles of the Secretary of the Department of Justice and the commissioner for corrections, consistent with the government’s commitment to ensure the proper management of prisons. In particular the government has committed to the prison system providing more than just punishment through secure and humane containment. By enshrining in legislation the oversight functions of the secretary and the commissioner, the bill strengthens this commitment.

Further amendments to the Corrections Act repeal the Prison Industry Advisory Committee in anticipation of the new corrections education and employment ministerial advisory committee, which relates to the
government’s 2006 commitment to provide offenders with opportunities and incentives to address offending behaviour while providing life skills education and employment focus programs in prisons. This is something else that is of real benefit to the community, because ensuring that prisoners are able to integrate back into the community at the conclusion of their sentences is going to minimise the likelihood of recidivism, lead to a safe community and continue this government’s commitment to having the safest state in Australia, as is the current situation.

The amendment has been prompted by concerns that arose about the potential for the Heckler and Koch R8 firearm being made available in Australia. Although it has category B firepower, its appearance is modelled on the Heckler and Koch G36, which is a 5.56 millimetre assault rifle of three types — standard, carbine and light machine gun — which was accepted into service by the German army in 1995 and is currently used by armies, national forces and police forces in a wide range of countries.

I am pleased that the various shooters groups that operate very responsibly in this state have welcomed this change, which is what responsible shooters do, and our legislative framework should allow responsible sporting shooters to undertake their sporting activities but also protect the community. I am pleased that we are working in partnership with those groups.

The member for Kew made some very flattering remarks about the member for Benalla and acknowledged that he had made some suggestions, coming from a veterinary background as he does, around some of these amendments which will make explicit provision for more than one category C tranquilliser gun licence to be issued for the purpose of primary industry, including to appropriate Department of Primary Industries (DPI) staff and veterinarians, if persons seeking more than one licence can demonstrate a genuine reason for having more than one tranquilliser gun. The member for Kew referred to the situation following bushfires, where animals need to be put down humanely, but he also made comments on behalf of the member for Benalla, saying that the member for Benalla had concerns that this would not cover DPI officers.

I can reassure both the member for Kew and the member for Benalla that this provision will provide sufficient scope for animal welfare officers within DPI. They will be able to be covered under this, because the DPI has indicated that most animal welfare officers are individually licensed under categories A, B and C, and this currently covers a large range of firearms. Currently the DPI has between 100 and 150 category B rifles and shotguns across the state, and in addition has 18 category C rimfire rifles and semiautomatic shotguns, and one category C tranquilliser gun. The DPI has also advised that generally DPI officers use either category B or C firearms in emergency mass destruction events, such as after a bushfire or flood, and it generally sends multiple officers to such events to assist landowners in the process of identifying stock to be destroyed and assisting in that destruction. I can reassure both the member for Kew and the member for Benalla that their concerns are not valid ones.

The member for Kew made me wonder whether he was damning the member for Benalla with faint praise in talking about the great contribution he has made. I wonder why the coalition decided to drop him to the backbench. I think they have done him in there. Also, in making a big deal about this in his comments the member for Benalla had concerns that this would not cover DPI servants within that department. They put in a great
deal in working collaboratively with the government to deliver these pieces of legislation, and they spend a lot of time briefing members of both the government and opposition sides, so I put on record my thanks. I welcome the changes specifically in relation to serious sex offenders and the extension beyond child-sex offenders to adults. This is consistent with the government’s objective of keeping Victoria as the safest state in Australia. I commend the bill to the house.

Dr SYKES (Benalla) — I rise to speak on the Justice Legislation Amendment Bill 2008. I am going to focus on the amendments that relate to the Firearms Act, and my colleague the member for Morwell will concentrate on other aspects of the bill later. I was unable to make the briefing that has been referred to by previous speakers, but I understand that my role in the formulation of one amendment was recognised, and I am thankful for that recognition. To use a phrase often used in this Parliament by members on the other side, there is more to be done. If the government had consulted me in more depth, we would have had better legislation here.

The particular clause that I have an interest in is clause 10. It inserts a into the Firearms Act 1996 new section 9(3)(c) which allows the chief commissioner to license a person to possess, carry or use more than one registered category C longarm tranquiliser gun. The need for this amendment was raised with the Minister for Police and Emergency Services by Dr Andrew Jacotine, a Mansfield veterinarian, in a letter to the minister on 31 October 2007. Disappointingly, Dr Jacotine had not received a reply to that letter by March this year, so he contacted me and asked me to follow up on his behalf. I did so, and I wrote to the Minister for Police and Emergency Services on 12 March. I received a reply from the Department of Justice on 9 April apologising for the delay in responding to the issues raised by Dr Jacotine and myself, which states:

We will write to you and to Dr Jacotine in due course, once we have concluded our inquiries.

I have not received any further communication on the matter. This is a pity because, if we were to work together on this matter, we could have addressed the specific issues raised by Dr Jacotine relating to the use of tranquiliser guns. Dr Jacotine is skilled at using guns to shoot tranquiliser darts at animals in zoos and has opportunities to use this skill to work nationally, so he has an interest in this area. To a large extent his particular need has been addressed, but I do not believe the issue of the use of other category C firearms has been addressed satisfactorily. I acknowledge the commentary given by the member for Yan Yean. I think the particular explanation coming from the Department of Primary Industries is that there is no need for one individual officer to have authority to carry, possess or use more than one category C firearm, because in any mass destruction situation there is more than one licensed person. That may or may not be the case. I should say that I had communications with a very relevant and key firearms person in the DPI today, and that person did not share the view expressed by the member for Yan Yean that there is no problem.

I might just touch on some experience I have had in the area of mass destruction of animals. I was first involved in the mid-1970s, when we had to destroy large numbers of valueless sheep and cattle. We shot thousands of animals a day, and I will tell you that it is tough going, both emotionally and physically. Often there were one or two animal health staff and unqualified support staff from other sections of the department.

We had a similar situation in 1983, and of course we have had situations in Victoria with the destruction of large numbers of animals as a result of bushfires. I also oversaw mass destruction of animals, particularly the helicopter shooting of animals in the Northern Territory, where you could shoot up to 500 buffalo a day. Unfortunately I also had experience in the United Kingdom, where I participated in the destruction of millions of animals.

The key issue is that when you use these firearms or tranquiliser guns repeatedly and continuously during the day, they fail; therefore you need backup firearms, and it is essential that more than one firearm be available to you. I put it to the government and the advisers that it is not always going to be the situation where there is the same number of licensed category C firearm users as there is the need for firearms, particularly in a big crisis where you need to be able to get your staff out to a number of locations to undertake emergency slaughter. In that case you may well have licensed people being assisted by unlicensed people, so the ability to possess multiple firearms becomes relevant.

There are also concerns within DPI about the current legislation and lack of protection in situations where multiple firearms are stored at a regional location. There may be four officers in that location who are licensed as individuals to access those firearms, but if an emergency arises and one person accesses all of those firearms to take to a location, then that person is going to be in violation of the law as it stands at the
moment if they carry more than one category C firearm. It would not make sense to have four officers drive four cars to take four category C firearms to an emergency situation.

Similarly, if you are heading off to firearm training courses for which the approved firearms trainer takes the category C firearms from storage to the training venue, then that person would feel vulnerable if they were taking four category C firearms to a training course. Such a situation is not covered by the legislation as it stands at the moment, so I believe the position put by the government is not in touch with the grassroots and middle management concern in the DPI and needs to be addressed.

As has been mentioned by the member for Kew, there is the other situation where individual farmers need to destroy large numbers of animals in a short time, therefore they have the need for the backup category C firearms. That is a more complex issue, because it is a more variable situation. However, given that probably 90 per cent or more of the mass destruction is going to be done by trained animal health staff from the DPI or professionals working under their supervision, it would not be beyond the realms of possibility to incorporate another adjustment — another amendment to the existing legislation — that would enable exemptions to the requirement that only one firearm be possessed, carried or used and that that exemption apply to official use, such as the mass destruction of livestock or the training of officers on the issue or the carriage of the firearms either to mass destruction sites or to training sites.

I put it to the government that there is more to be done and that there is a need to get in contact with the grassroots people — the ones who are out there doing it. There are officers in the organisation who have many years experience in this very unpleasant task of destroying large numbers of animals, and they will endorse my remarks that firearms do break down. From my work in the Northern Territory I remember that some fellows were working out in Arnhem Land, which involved several hours of driving time and a number of hours flying time, so it was absolutely essentially that they took several SLRs (self-loading rifles) with them. Those weapons had been used during the Vietnam war, and those fellows would have two or three SLRs so they could continue to do their job during the day.

Interestingly, this large level of destruction was going on in the mid-1980s. At that stage I was involved in tightening up firearms use in the Northern Territory, which preceded Mr Howard and his measures at a national level. I put in place draconian measures to reduce the number of firearms that could be possessed by any individual to no more than seven. You might think that is a large number, but when you look at the situation of the need for two or three SLRs, the need to shoot from helicopters and the need for closer range activities with smaller animals, including the destruction of animals in yards, where a handgun is required, you can see why seven can be an inappropriate number.

We have moved on from that sort of activity, but the fact is that the need remains. I say to the government that I am prepared to work with its members to address these issues and to develop common-sense firearms legislation which achieves both the occupational health and safety and public health concerns but also protects animal welfare. I am happy to work with the government on that.

**Mrs MADDIGAN** (Essendon) — I rise to support the Justice Legislation Amendment Bill. While the bill amends a number of acts, I wish to restrict my comments to the Serious Sex Offenders Monitoring Act 2005 and the amendments to that act. Personally, I think sex offences form one of the most awful categories of offences, and they seem to me to be particularly cowardly offences, as they are always perpetrated by people who are either physically or mentally stronger than others. I am sure we have all read books or articles or seen programs about the long-term effects on people who in most cases have had a violent sex offence committed against them. We can all understand how powerless and distressing it must be. Certainly for many people it affects the rest of their lives. The community needs to be protected against people for whom a prison experience does not appear to have the hoped for effect of reforming and changing their views on what sort of behaviour is appropriate.

I have a great deal of sympathy for the families of victims. I am reminded of the case of William Watkins, who in 2006 killed two sisters. He himself was killed in Western Australia by the West Australian police. I think it must have been most distressing for that family when it found out that he had a history of offences stretching back as far as 1985, which included convictions for rape, aggravated burglary and assaulting police. He had also been jailed in 1998 for bashing and stealing from a blind woman. Whilst we might hope that the prison experience is one that makes people change their behaviour or change their views, there are some people in the community for whom that is not effective and from whom the community has to be protected in the future.
The legislation is particularly relevant to some of my constituents, because when Mr Baldy was housed, he was housed in Ascot Vale, which is part of my electorate. Luckily for me, I was overseas at the time, but my electorate officer certainly had the opportunity to speak to many people about it. I was impressed by some of the comments in the letters I received when I returned. I thought they showed a great deal of sympathy for Mr Baldy in terms of seeing him as a serious offender and someone who had to be housed returned. I thought they showed a great deal of sympathy for Mr Baldy in terms of seeing him as a serious offender and someone who had to be housed and looked after in some fashion. However, they quite rightly pointed out that the middle of a suburban area was an inappropriate lodging place for him. It was perhaps unfortunate that the location he was found was very close to a school crossing. Certainly if I had had children attending that school or using the school crossing, I would have shared the views of the residents in the area.

It is the history of these sorts of crimes that has led the government to the introduction of these amendments to the act and the introduction of the original bill in 2005. It is part of the community safety strategy that was put forward by the government as part of its election policy, where the government committed to work with the Sentencing Advisory Committee with a view to introducing a continued detention scheme for those serious sex offenders who pose a high ongoing risk to the community. As other members have said, while that was introduced in 2005 for child offences, this bill now extends it to offenders against adults. Apart from that, it also provides the court with additional powers to make an interim order for those people, pending the final determination of extended service application or pending appeal.

It is a very delicate balance. People who have committed a crime and have completed their sentence have rights as well. We would hope that the prison system proves an effective weapon in ensuring that people change their views or their behaviour patterns. Certainly if someone through the prison system has shown that they are aware of the difficulties with their behaviour, they have the right to re-enter the community. But if they have had a history of offences and if they have done things like refuse medical treatment or counselling services, I think the community as a whole has the right to insist that such offenders have supervision orders and are kept away from the community in a way that protects the broader community.

This legislation lists a number of offences, some of which have been mentioned in passing by some members. Some of the major and most serious offences are rape; indecent assault; indecent act with a person with a cognitive impairment by providers of medical or therapeutic services or special programs; procuring sexual penetration by threats or frauds; and a range of others. All of these are crimes of the strong against the weak.

As I said earlier, the bill also makes related changes to facilitate the clinical assessment of sex offenders against adults. According to some of the information that we have been provided with, unlike child sex offenders, many sex offenders against adults have violence as a key element of their offending. The full clinical assessment of these offenders would require separate examination by experts in sex offending and violent offending. The proposed amendments in this bill will facilitate these assessment arrangements to ensure that the court receives a comprehensive clinical assessment in deciding whether to make an extended order. Obviously sometimes some of the processes involved with this would take time, which brings in the other part of the changes to this bill — that is, the introduction of interim extended supervision orders. That is to ensure that a person is kept under a supervision order, if necessary, until the permanent one is brought into place, as we certainly do not want people to be released into the community who we think are a threat to the community.

Once again, we have to take the rights of the offenders into consideration as well. Currently there are provisions for right of appeal against the extended supervision order decisions, and there are powers for the Court of Appeal to determine such an appeal. It does not have a power to make decisions over interim extended supervision orders. In fact this bill allows that, so the case can go back to the court for further consideration rather than just allowing the person to go free.

This bill has some really good provisions that I think the community will welcome. Just an aside I point out that, as a consequence of these provisions, a person applying for a working-with-children check who is subject to an interim extended supervision order will fail the check and will not be able to participate in child-related work. Similarly, that applies to a person currently under an extended supervision order. It is a logical progression to relate it to interim supervision orders as well. The working with children unit has been consulted about these amendments and is happy to support them.

These amendments to the Serious Sex Offenders Monitoring Act 2005 will make people in the community — and I again use the Ascot Vale community as an example — feel much safer from
people who have a history of sexual and violent offences. The provisions included in this bill ensure that there is community safety. It still gives the person who has offended the right to appeal against that sentence. But, all in all, it should provide a much better system for people who have been victims of sex offenders. I commend the bill to the house.

Mr MORRIS (Mornington) — It is a pleasure to join the debate on the Justice Legislation Amendment Bill 2008, which is an omnibus bill in every sense of the word, except perhaps for its thickness. It proposes amendments to the Corrections Act, the Firearms Act and the Serious Sex Offenders Monitoring Act as well as minor changes to the Administration and Probate Act, the Liquor Control Reform Act and the Summary Offences Act. Without doubt the headline changes in the bill relate to the amendments to the Serious Sex Offenders Monitoring Act; they are the ones that are on the public radar. The other changes impact directly on the people who are concerned in particular areas of activity, but the sex offenders changes are the changes that the public will take note of, and I believe will largely support.

Moving quickly through the changes to the Corrections Act and the Firearms Act, the Corrections Act is amended in a number of ways that are largely unremarkable. Clause 4(1) of the bill requires the Secretary of the Department of Justice to be responsible for monitoring the performance of the correctional services area in order to achieve the safe custody and welfare of prisoners and offenders. This is an improvement on the current situation. The present system, particularly the privatised prison at Port Phillip, which I have had the opportunity to see at firsthand, operates well but improved oversight is always welcome. I think that is worthwhile. The Corrections Act is also amended by the abolition of the Prison Industry Advisory Committee, which I understand is a redundant provision. There are consequential amendments because of the changes and the introduction of interim extended supervision orders, but I will come back to those when I get to the serious sex offenders monitoring part of the bill.

I turn to the changes to the Firearms Act. The definition of ‘longarm’ is extended. There are changes to the declarations processes, particularly the insertion of new provisions for permanent declarations to be made by the Chief Commissioner of Police, and again these are largely unremarkable. Changes with regard to tranquiliser guns provide that the chief commissioner may license a person, particularly a person engaged in primary production or official commercial or prescribed purposes, to carry more than one registered category C longarm, which is a tranquiliser gun. The matter has been well canvassed by the member for Kew and in particular by the member for Benalla, and we look forward to a positive response from the minister on the matters they raised in their contributions to the debate.

The bulk of the bill is concerned with the extension of the operation of the Serious Sex Offenders Monitoring Act. It is amended in a number of ways. It introduces a new definition of interim extended supervision order and a new process for such orders. Clause 14 substitutes new section 7A(3) of the act. A change of language will ensure that the direction to an offender to undertake an assessment must be complied with and that a penalty for failing to undertake that assessment will apply. New section 7B introduces an additional provision to ensure that the secretary has the power to direct an offender to seek an additional assessment, such as a second opinion or perhaps a more authoritative opinion than might be available from the initial assessment, and introduces a new offence of failing to comply, which carries a penalty of level 7 imprisonment — that is, a maximum of two years inside. There are changes to ensure that the additional assessment that is made can be taken into account as part of the process, along with a number of clarification issues.

A new division 4A, which I referred to earlier, provides for the introduction of interim extended supervision orders (ESOs). It allows the secretary to apply for an ESO or an application has been made for a renewal or an extension of an ESO. The bill also provides for the Court of Appeal to grant an ESO where the court is of the view that the original application or the original order may well have been flawed and to send it back to the original court for rehearing.

However, the real meat of the bill is contained in clause 24, which amends the schedule to the principal act. It is slightly unusual because it is a change of omission. It is an amendment to the schedule which details relevant offences — that is, offences that make a person an eligible offender under section 4 of the principal act, a person in respect of whom the secretary may apply for an ESO.

Quite often the words deleted by clause 24 are ‘if the person against whom the offence is committed is a child’, or ‘where the victim is a child’. By these omissions we are expanding substantially the operation or the potential operation of the act, because it makes things like sexual penetration, compelling sexual penetration, indecent assault, assault with intent to rape, procuring sexual penetration by threats or fraud, sexual
servitude and deceptive recruiting — all those sorts of actions — offences against adults as well as against children and brings them under the operation of the Serious Sex Offenders Monitoring Act. So the scope of the act is expanded substantially. However, it remains confined to sex offenders. We are speaking of particularly abhorrent crimes, whether they are perpetrated against a child or an adult.

Once again we see the government playing catch-up. It refused to consider a regime of this nature when the legislation was originally discussed in 2005. At the time, amendments were moved that would have introduced a regime of this kind, but the government chose to vote down those amendments in both the Legislative Assembly and the Legislative Council. The government had the opportunity to atone for that mistake when a private members bill was introduced by Mr Dalla-Riva, a member for Eastern Metropolitan Region in the other place, but once again it was voted down. Finally, three years later, the government has come to its senses and made what I think is a good decision. Unfortunately for some reason it seems unwilling to extend the extended supervision order regime to other heinous crimes, particularly crimes that are shocking to the victims, which is essentially the sort of crime we are talking about here. It is typical of the sort of legislation we deal with week in, week out — it is okay, but it does not go anywhere near far enough.

However, I am delighted to see the government once again climb on board and belatedly pick up Liberal Party policy — take up a position that was taken by members on this side of the house three years ago — because it proves once again that when it comes to issues and administrative arrangements arising from the police and emergency services and corrections portfolios and delivers on some substantial 2006 election commitments. I welcome the support for the bill from all parties of the house as further evidence of the practical, measured and recent changes to legislation that keep the state ticking over.

The bill foreshadows amendments to a number of acts — the Corrections Act, the Firearms Act, the Serious Sex Offenders Monitoring Act — as well as minor amendments to the Administration and Probate Act, the Liquor Control Act and the Summary Offences Act. It also deals in passing with a range of acts such as the Bail Act. I would like to focus most particularly on the substantial parts of the bill that deal with the amendments to the Serious Sex Offenders Monitoring Act.

More broadly, corrections — that is, prisons — is the unglamorous but sadly necessary part of the justice system. The deprivation of liberty is as serious an act by the state against its citizens as you can get. It is not a step lightly taken by the state. Its consequences are severe for the life, opportunities and future of individuals that are subject to it, yet it is a step that the state rightly reserves as its prerogative to ensure that peace, good order and the delivery of justice and community safety are achieved. It is an even more difficult question when we deal with the issues of those who are sometimes dubbed the worst of the worst — that is, those who have been convicted of serious sex offences, particularly against children but, as is envisaged by the scope of this act, also against adults. Sadly many of these people have shown no signs of remorse or engagement for the purposes of rehabilitation and recovery, have refused treatment and have been assessed by independent experts as having very high chances of reoffending. Under the amendments made by the bill, the Secretary of the Department of Justice needs to establish a very high level of evidence against these people to ensure the application of extended supervision orders.

It is the extension of the serious sex offender regime from dealing solely with offences against children to include offences against adults that is the key provision of this bill. In many respects it is difficult to comprehend the nature of these crimes. It is also difficult to comprehend why there should be a difference between the regime which applies to crimes committed against a 17-and-a-half-year-old and that which applies to crimes committed against an 18-year-old. It is reassuring to note that the bill provides for the ongoing role of independent experts, the Adult Parole Board of Victoria and the courts in the upholding of the rights and processes around interim orders.

It is even more reassuring to note that in the bill we see the good work done through the Charter of Human Rights and Responsibilities Act 2006 coming to bear on how corrections and the state deal with the rights and liberties of those subject to the serious sex offender regime and equally the rights and liberties of the victims of those terrible offences. As the charter sets out, the rights to equality, privacy, liberty and security are paramount rights that Victorians cherish. The bill, subject to the independence of the courts, seeks to ensure that at the end of the prison sentence, following
the initial conviction and ongoing monitoring whilst offenders are in prison, there is a process in place to subject a very limited number of very serious sex offenders to an ongoing regime of deprivation of liberty.

The bill also provides for the instructions and directions relating to attendance for medical treatment; the imposition of interim orders, conditions, instructions and directions as to where and how to abide by a requirement to report to authorities; and directions relating to a requirement to reside in particular premises situated on land that is within the perimeter of a prison. The bill also makes provision for the substantial area of how the most serious sex offenders should go about monitoring their life and their day-to-day arrangements should they be progressively released into the community.

Reassuringly the bill provides that a medical expert who is preparing an assessment report has the discretion to seek an assessment of an eligible offender from additional medical experts for the purpose of informing that report. The bill provides for that additional assessment to be done with the cooperation of the offender, and provides for how it should be dealt with if the offender does not fully cooperate. The bill provides that conditions of arrangements will be contained in a series of both interim orders and ongoing orders. It is also worth noting that the bill proposes amendments to the victims register whereby existing section 30A of the Corrections Act will be extended to deal with both interim extended supervision orders (ESOs) and supervision orders.

Clause 6 of the bill amends the definition of extended supervision orders so that persons on the victims register may be given information about the application for and details of an interim ESO. It would of course be reassuring to the victims of terrible crimes to know when the persons convicted of those crimes are to be released into the community. That is further evidence that this government takes seriously the rights of victims as an integral part of the justice system.

The bill also provides for the photographing of sex offenders in community corrections centres through the extended supervision order arrangements. It also provides for the terms and conditions of interim orders and the conditions, instructions and directions on those offenders subject to extended supervision orders. The bill requires, should it be necessary, compulsory attendance at hearings of those offenders subject to the Serious Sex Offenders Monitoring Act and subject to ESOs, and it provides for how they will be dealt with at such hearings. Perhaps controversially the bill does not deal with reverse onus provisions in the way that has been proposed by some members opposite.

The monitoring of how sex offences are dealt with will continue to be controversial in this community. This bill delivers on the state government’s commitment on this issue at the 2006 election. This bill maintains the delicate balance that is needed to protect both the community and community safety. This bill is worthy of support from this house, and I wish it a speedy passage through this place.

Mr NORTHE (Morwell) — I am pleased to join the debate on the Justice Legislation Amendment Bill 2008. The main purpose of this bill is to amend a number of provisions in a number of acts. They include the Crimes Act 1958, the Crimes (Criminal Trials) Act 1999, the Evidence Act 1958, the Magistrates’ Court Act 1989, the Sentencing Act 1991 and the Sex Offenders Registration Act 2004. I think the most important aspect of this bill is the amendments that are proposed for the Serious Sex Offenders Monitoring Act 2005. These amendments will allow for the scheduling of relevant offences to be expanded to include sex offences against adult victims. Effectively that means that a prisoner who is serving a jail term for rape will be eligible to have an extended supervision order (ESO) imposed upon them on the completion of their sentence. This, as I just mentioned, applies to offences involving not just child victims but adult victims as well.

The bill amends the Corrections Act so that the Secretary of the Department of Justice will have the responsibility of monitoring the performance of all correctional services in Victoria. As the member for Kew mentioned in his contribution, this will apply not only to government departments that manage correctional services but also to private operators. I think it is important that we ensure we have the scope to monitor the performance of all our correctional services. The bill also repeals redundant provisions in the Corrections Act that deal with the former Prison Industry Advisory Committee, which has now been replaced by the Corrections Education and Employment Ministerial Advisory Committee. This is to assist with the education and transition of prisoners into the community. Another important aspect of this is that the committee will not only deal with assisting prisoners with their education and acquiring of skills but also with the transition period while they are integrating back into the community.

The bill amends the Serious Sex Offenders Monitoring Act 2005 as mentioned, and also provides the Court of Appeal with the power to grant an interim extended
supervision order. Where the Court of Appeal finds an ESO to be flawed, it can remit the matter back to the original court for rehearing. It is another important aspect of this bill that it gives the power to the courts to grant an interim ESO should the appropriate authorities deem it necessary.

With regard to the extended supervision orders, I applaud this important, albeit small, step in the right direction. The orders will apply to offenders convicted of sex offences against adult victims as well as to offenders convicted of sex offences against child victims. However, as the member for Kew quite rightly pointed out, this particular provision could have the scope to include other serious offences such as murder, manslaughter and armed robbery, and it could even include kidnapping and drug trafficking as well. Extended supervision orders could potentially be applied in those circumstances.

Whilst I do not want to deal in hypotheticals, it is important to realise that recently the media has outlined the concerns of the community in this area. Just in the last week or so we have unfortunately seen a convicted murderer reoffend. As I said, we are dealing in hypotheticals, and we do not know whether an extended supervision order would have made any difference in that instance, but it is important that at least the ESOs are out there for the safety of the community and are available for the appropriate authorities to impose where necessary. Also, in the last week or so we have read about a convicted repeat rapist who is due for parole, and that has caused great concern in the community as well. I know that the police are quite concerned that repeat offenders such as that could be allowed back into the community, so the extended supervision orders have a vital role to play in relation to those particular offenders.

The Nationals have previously made proposals in this house relating to standard minimum sentencing, and again that is an important aspect of the sentencing of convicted criminals. It is important that we support and show confidence in our police when they apprehend criminals. It is important that we also have the prison resources to be able to rehabilitate those who have been incarcerated.

The Sentencing Advisory Council put out a report in May of last year entitled High-Risk Offenders — Post-Sentence Supervision and Detention Final Report. It made reference to extended supervision orders and indicated how the current scheme operates. It made particular reference to the fact that at that time there had been 14 successful applications for extended supervision orders and indicated that the conditions for an offender who is the subject of an ESO includes curfews, outings made only under escort and a requirement to live in a temporary centre established by Corrections Victoria, which of course is at the Ararat prison and there are a number of such offenders there at the moment.

The members for Benalla and Kew made reference to the amendments to the Firearms Act. Under the amended Firearms Act the Chief Commissioner of Police will be able to permanently categorise as a restricted or prohibited firearm a firearm which imitates, looks like or can be adapted as a restricted or prohibited firearm. The member for Yan Yean quite rightly pointed out that this will align Victoria’s legislation with the legislation in the majority of other states and territories. The Sporting Shooters Association of Australia and other similar organisations support that amendment to the act, so it is well supported by this side of the house.

The bill also amends the Firearms Act to incorporate a provision — this was first identified by the member for Benalla, of course — which will enable veterinarians and other animal health professionals to have back-up weapons as well as different styles and types of tranquilliser guns. The second-reading speech states that individuals such as vets and other animal-care professionals may obtain more than one tranquilliser gun where they can demonstrate a genuine reason for doing so. The amendment is necessary to ensure that vets have back-up guns in the event of their primary guns breaking down or requiring servicing and so have the necessary tools to effectively carry out their duties.

Some concerns were raised about whether staff of the Department of Primary Industries or individual farmers would be covered by this legislation, and the member for Yan Yean gave some hope, particularly to DPI staff, that they may be covered by it. I commend the member for Benalla for pursuing this issue. He referred to the issues faced by many regional Victorians, particularly when there are floods and bushfires and other events, when they may have to destroy livestock in a humane way. It is imperative that they have access to multiple tranquillisers and firearms in those events. It is important that we support regional Victorians in that regard.

This bill is an important step in the right direction. I believe it has the scope to progress further, particularly in the light of ESOs being extended to other serious offences such as murder, manslaughter, drug trafficking and the like. The ESOs that have been issued seem to be working quite effectively at the moment, and I think the community in general supports these provisions.
flowing across to other serious offences. The government and all political parties need to continue to support victims of crime and to ensure we have safe communities to live in. ESOs have an important part to play in our local communities, and I think the majority of our communities support this initiative being carried across to cover other serious offences that unfortunately are committed from time to time. I do not oppose the bill.

Mr SEITZ (Keilor) — I rise to support the Justice Legislation Amendment Bill. In doing so I want to make some observations. I congratulate the minister on the work he has done in bringing the bill before the house and on having looked at the whole situation in relation to serious sex offenders in particular. As we know, these issues evolve over time. We need somewhere to house offenders. The media criticises the government if an offender is detained on land which is within the prison compound but might not be within the prison itself — it might be in a house where wardens used to live or in other accommodation buildings within the prison boundary. The old legislation made it difficult for the corrections system to find appropriate accommodation. This legislation will assist us to expand and develop the system.

An interim extended supervision order can be issued by the Court of Appeal. The community and the media are concerned particularly about sex offenders. I notice from the second-reading speech that the minister looked at the way the system operates in the Canadian courts. Such research is very important.

I am getting the wind-up signal from the Government Whip, so I just want to comment on tranquilliser guns, which again are an important issue. We need to clarify the use of such weapons, and the secretary will be able to categorise them. A tranquilliser gun can be lethal if it is used irresponsibly, just as a car can be a lethal weapon if it is used irresponsibly and is in the hands of an irresponsible driver.

I had experience with guns when I was training with the military, and I know how easy it is for people to misuse them. In recent times we have become aware of terrorism and how weapons have disappeared from the military because ordnance officers have not recorded them properly. That is an important issue. As civilians we know weapons can get into the wrong hands, so they need to be categorised. Not only do we see military-style weapons, which is the description we used to have in the past, but today weapons that look like military weapons can be prescribed and categorised. People have to be licensed so they know how to use their weapon and where to store it. It is important that people know how to handle their weapons.

Tranquilliser guns have always been considered to be weapons used by vets and other such people to restrain animals. We see them in safari movies, where animals in the wild are brought down, examined and made part of a research effort. They are put to sleep and then reawakened, and it looks very romantic and interesting. However, as I pointed out, tranquiller guns can be lethal if they are misused. This legislation is very important, because a tranquilliser dart could be used on a human. We hear about atrocities perpetrated by serial offenders who commit such offences, and that is an important issue. It is important that we have this legislation. I will wind up so other members have a chance to speak. I commend the bill and wish it a speedy passage.

Mr LIM (Clayton) — I am pleased to be speaking in support of the Justice Legislation Amendment Bill 2008. This bill is another good example of the Bracks and Brumby Labor governments protecting the community. It is a long time since the Tories could claim to be the party of law and order. The Liberal Party surrendered that claim when Jeff Kennett slashed the public sector, including police numbers, after having promised to increase police numbers. It is Labor that stands for community safety. We have increased, and then increased again, police numbers. We have built new police stations in suburbs and towns where the Liberals left the old stations to rot. And we have introduced a number of bills that are tough on crime.

The bill that we have before the house aims, firstly, to clarify the statutory oversight functions and responsibilities of the Secretary of the Department of Justice and those of the commissioner for corrections; secondly, to repeal the Prison Industry Advisory Committee; thirdly, to enable the Chief Commissioner of Police to declare military-style firearms to be of a higher category than their firepower would otherwise allow, thereby strictly limiting the availability of such firearms. Fourthly, it will allow vets and other animal care professionals to have access to more than one tranquilliser gun. Fifthly, it will extend and strengthen powers to monitor sex offenders under the Serious Sex Offenders Monitoring Act 2005 by extending its operation to offences against adult victims and providing for interim extended supervision orders. Sixthly, it will make three statute law revision amendments to acts administered across the justice portfolio. These are the Administration and Probate Act 1958, the Liquor Control Reform Act 1998 and the Summary Offences Act 1966.
The amendments I wish to speak about are those relating to firearms and sex offenders. We have previously tightened and toughened legislation on child sex offenders. This bill extends it to offences against adults. The bill amends the Serious Sex Offenders Monitoring Act 2005 by, firstly, extending the act’s operation to include those offenders who have committed relevant sex offences against adult victims; secondly, by providing for additional assessments for adult sex offenders by experts in violent offending in addition to experts on sexual offending, where required, to ensure the court receives a comprehensive clinical assessment in deciding whether to make an extended supervision order; and thirdly, by providing for new powers for the court to impose interim ESOs, pending the final determination of an ESO application, and on an appeal against an ESO.

In my view this tough approach is justified. Even if it results in an increased penalty, as far as I am concerned, protecting the community from convicted sex offenders is a greater priority. I mentioned this earlier in the house. As they say, a leopard does not change its spots, and I, for one, have no compunction in requiring serious sex offenders to report for life. This is clearly a situation where society is entitled to place a greater priority on community safety than on the civil liberties of an individual. One need only look at the recent tragic situation in Austria to see how a convicted sex offender was not noticed as he proceeded to commit far more horrific offences.

The bill also amends the Firearms Act by enabling the Chief Commissioner of Police to declare a category A, B or C longarm firearm that is designed or adapted for military purposes, or substantially duplicates such a military firearm, into a higher category — category D or E. The bill will bring Victoria into line with the vast majority of other states and territories of Australia, which have recognised the potential impact of military-style weapons being present in the community and possibly falling into the wrong hands. These weapons are used overseas by armies and police forces. These military-style weapons are killing machines, and a tough regulatory regime is needed to protect our community.

This bill again demonstrates the commitment of this state Labor government to protecting our community and making it a safer place to live. I commend the bill to the house.

Mr CAMERON (Minister for Police and Emergency Services) — I thank the honourable members for Kew, Yan Yean, Benalla, Essendon, Mornington, Albert Park, Morwell, Keilor and Clayton for their contributions. There is certainly a clear consensus that what we want to see as a community is the protection of the community where possible with an extended supervision regime, or a continuing detention regime — depending on how you want to frame this — when it comes to serious sex offenders.

I think the debate highlights that these things are not easy. People are sentenced and they are punished, and under our law when somebody has been punished they are then entitled to go about their business. So when we have an extended supervision regime, that is not about punishment, it is about community protection. That is because a court has determined that there is such a high degree of probability that someone will reoffend, that someone will commit these terrible crimes, that there should be some additional orders placed upon them, including, where necessary, the removal of their liberty. These laws that we have at present are the toughest laws in the state’s history. These laws go the next step; they go even further. They will now become the toughest laws in the state’s history when it comes to attempting to protect the community from what are some of the worst people that we have in our community.

I thank honourable members for their contributions around those matters. There are other changes in this legislation, and I will just touch on a couple of them. There are changes in relation to the firearms regime, around military-style weapons. We know from abroad that there are some weapons that are low-powered but have the look about them of military-style weapons — —

Dr Sykes — They are not weapons, they are firearms. They are firearms, not weapons.

Mr CAMERON — They are called military-style weapons. When it comes to these military-style weapons — and that is firearms that look like military weapons — we want to give the chief commissioner the ability to declare those in advance. While there will be some people in the community who have that American notion about their inalienable right to carry a gun, that is not a view we have in this state. There has for a long time been a bipartisan approach that we believe there have to be restrictions when it comes to firearms, and it is very appropriate that we are anticipating the future for those types of firearms that unfortunately we see abroad.

The honourable member for Benalla raised issues related to the Department of Primary Industries and certain firearms. I will correspond with the DPI about those matters and whether it believes our arrangements are adequate. If they are not, it can come back to us and
we can consider the matter because, as the house probably appreciates, we regularly have justice bills, and if necessary we can incorporate any changes into one of those bills.

I again thank honourable members for their contributions to the debate, and I wish the bill a speedy passage.

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

ENERGY AND RESOURCES LEGISLATION AMENDMENT BILL

Second reading

Debate resumed from 17 April; motion of Mr BATCHELOR (Minister for Energy and Resources).

Opposition amendment circulated by Mr CLARK (Box Hill) pursuant to standing orders.

Mr CLARK (Box Hill) — The Energy and Resources Legislation Amendment Bill makes a range of miscellaneous amendments to energy and resources legislation. These include provisions to increase various penalties, to allow licences for electrical contractors to be issued for longer periods, and to require earlier lodgement of applications for geothermal and petroleum retention leases. The bill also allows the minister to consider compliance with an approved consultation plan when the minister is deciding whether to authorise compulsory acquisition of land for a pipeline easement.

With one exception, this bill is more significant for what is not in it than for what is in it. The house is entitled to ask, for example: where in the bill are the measures we need to ensure greater resilience of our electricity distribution system to the impacts of climate change? These were identified as being a potential and indeed an actual issue by the Premier and the minister in responding to the recent blackouts, but it is an issue on which the government has been inactive in actually implementing steps to ensure that our infrastructure is able to cope if climate change is to bring more wild storm events and greater pressures on that infrastructure?

Where are the legislative measures that may be needed to ensure there is a proper inquiry and an investigation into the consequences of those blackouts in recent times and what can be done about them? Instead we see yet another closed and ineffectual inquiry being conducted by the government, this time by the Emergency Services Commissioner, who, whatever his qualifications may be in relation to emergency services, is certainly not in a position to make the necessary assessment and recommendations about what needs to be done with our electricity infrastructure?

Also, where are the measures we should look to see in energy and resources legislation coming before this house to sort out the mess with smart meters that has been created by the minister? It is a mess that is threatening to impose billions of dollars of cost on Victorian power consumers who will have to pay for inadequate and outdated technology that will not give the functionality that is needed for smart meters but will simply add to their power bills. This is a threatening debacle that will make the minister’s regional fast rail and myki debacles look small by comparison.

Where are the measures in this bill which will allow and encourage a flexible, open and responsive rollout of smart meters that will provide integrated meter-to-bill functionality in order to release the full potential savings and the full potential to offer consumers far greater control over their power use and far greater scope to achieve savings?

Where in this bill are the measures that will facilitate the construction of the new power plants that Victoria will very soon need, including preparing for the urgent construction of a clean-coal-fired plants as soon as the technology becomes available, assuming that the carbon capture and storage technology can be proven as most members will very much hope it can be? Where in this legislation are the measures that will cover the proposed changes to the regulation of electrical inspectors that the government is currently considering? They are changes that many inspectors fear will put dozens of them out of business because in the way the charges are being introduced. Where is some of the
legislation that was foreshadowed in the statement of
government intentions? Where is there any sign
whenever that the promised review of the resources
industry legislation that was referred to in the statement
of government intentions has even commenced?

None of these measures are dealt with in the bill before
the house. Instead, this bill contains what is largely a
range of mechanical and administrative alterations,
some of which are worthwhile, one of which causes us
some concern, but none of which deal with these major
issues to which I have referred. The bill amends the
Electricity Industry Act 2000, the Electricity Safety Act
1998, the Electricity Safety Amendment Act 2007, the
Geothermal Energy Resources Act 2005, the Mineral
Resources (Sustainable Development) Act 1990, the

Clause 3 allows Energy Safe Victoria to register
electrical contractors for up to five years rather than
annually. This measure has the potential to be
worthwhile by allowing a longer registration period,
thereby reducing the paperwork that electrical
contractors are required to go through on an annual
basis. The opposition understands from the very helpful
briefing with which we were provided by departmental
officers that Energy Safe Victoria intends to implement
what I would describe as a risk-oriented policy for
determining for how long particular electrical
contractors will be registered.

One of the examples we were given was that new
contractors may be put on an annual registration
whereas more experienced contractors may be on a
registration that lasts for five years. This seems a
sensible approach provided that Energy Safe Victoria
ensures the policy that it implements as to how long
any particular contractor is licensed for is done on a fair
and impartial basis that is properly oriented to relevant
factors and avoids any irrelevant considerations and any
potential partiality or bias in the decisions about how
long particular contractors are registered for.

The bill increases various penalties. Clause 5 provides
that electrical inspectors who fail to record defects
when issuing certificates of inspection will be liable to
penalties that are increased from 10 to 50 penalty units.
When damage is done by virtue of activities under a
tourist fossicking authority, the penalty is increased
from 10 to 50 penalty units. Similarly there are
substantial increases in other penalties — for example,
the penalty for constructing or operating a pipeline
without a licence has increased from 120 to 240 penalty
units for a natural person and 600 to 1200 penalty units
for a corporation under clause 17 of the bill. Clause 20
of the bill provides that anyone failing to comply with a
requirement of Energy Safe Victoria under an approved
electricity safety management scheme will in future be
liable to a penalty of 200 penalty units, an increase from
50 as applies at present.

The bill also redrafts the prohibition on the use of
cathodic protection systems unless registered by Energy
Safe Victoria and operated in accordance with the act,
regulations and conditions of registration. The changes
made by clause 6 of the bill to effect this are more
about redrafting to accommodate changed practices in
the industry and ensure that relevant parties are
appropriately caught by the legislation rather than about
making any substantive change to the law.

Clause 9 of the bill will allow a fresh tender to be run at
any time after a geothermal energy tender does not
result in the issue of any exploration permits. That is
designed to give greater flexibility to issue those
permits.

Clause 10 of the bill requires that the minister is to set
an order of priority in consideration of competing
geothermal exploration permit applications if more than
one application is received on the same day. That is to
operate in conjunction with a provision that says when
a minister is considering any particular application, the
minister has to consider that application on a
freestanding basis and not in comparison with any other
applications. But the curious thing is the legislation also
provides that when the minister sets the order of priority
of competing permits, the minister is to do so having
regard to the contents of the different applications. It
also seems a bit odd that if one application is received
at 5.00 p.m. on one day and another application is
received at 9 o’clock the following morning, they will
be assessed in chronological order. However, if one is
received at 9.00 a.m. and the other is received at
5.00 p.m. on the same day, then this new requirement
of comparing one against the other will apply. As I say,
that seems somewhat incongruous and I would
welcome any comments from government members
who will speak on the bill as to the logic that underlies
that provision.

Clauses 11 and 21 provide that a late fee will be
payable for applications for retention leases that are
lodged less than 90 days before exploration permit
expiry in relation to geothermal energy and petroleum
respectively. The opposition understands from the
briefing with which we were provided that this is
intended to allow adequate time for proper assessment
of the applications and to avoid things being left to the
last minute before applications are lodged.
Clause 12 gives the department head one month to decide whether to approve work plans or rehabilitation plans that have been revised at the request of the head of the department. Clause 14 makes clear that a tourist fossicking authority may be granted to both an individual and a company. That seems a worthwhile clarification.

Clause 20 provides that exemptions for persons operating under an approved electricity safety management scheme may be granted to parties additional to the network operator. Again, that seems a worthwhile redrafting, and it allows for the fact that persons other than an operator may be operating under an approved electricity safety management scheme and therefore should receive an exemption by virtue of that scheme being in place.

The last amendment to which I want to refer is the one that causes considerable concern to the opposition, not only in the context of energy pipelines but also in the context of water pipelines. It is an amendment that will authorise the minister to consider compliance with an approved consultation plan when deciding whether to allow a pipeline proponent or licensee to move to compulsory acquisition after the failure of negotiations with landowners. By way of explanation, I should inform the house that the Pipelines Act 2005 contains provisions requiring that a consultation plan be prepared and contain certain information and that the proponent needs to make that plan, once it has been approved, available to owners and occupiers of land over which the pipeline may be constructed or where there is to be investigation of the possibility of establishing a pipeline. Amongst the information that is required by section 17 of the Pipelines Act to be included in that plan is — and I quote from subsection (2):

(a) general information about the types of activities to be undertaken by the proponent for the purpose of any survey under Division 2 or the construction and operation of the pipeline;
(b) information about how potential adverse impacts of the construction and operation of the pipeline on land, health, safety and the environment are to be managed;
(c) details of the procedures that are to be followed under this Act and any other Act to permit the construction and operation of the pipeline including the procedures for any compulsory acquisition of land;
(d) a statement —
   (i) advising that owners and occupiers of land may seek independent advice on the pipeline proposal; and

(ii) setting out current contact information for the Department.

The idea that there has to be a plan as to how consultation is to be conducted is a quite sensible one. It is hoped that, if that plan is approved by the minister and is then complied with, that will help minimise some of the conflicts and stress that can arise between the pipeline proponents and landowners.

The legislation as it currently stands then provides that if a proponent for a pipeline enters into negotiations with a landowner to acquire the land or an interest in the land for the purposes of the pipeline but they are unable to reach agreement with the landowner, they can then apply to the minister for approval to proceed to compulsory acquisition. The amendment that is before the house is to include a provision that:

In considering whether the proponent or licensee has taken all reasonable steps for the purpose of subsection 95(1) of the Pipelines Act, the Minister may consider whether the proponent or licensee has satisfied the requirements set out in an approved consultation plan.

As it currently stands, the legislation says that before the minister may authorise compulsory acquisition the minister must be satisfied that the proponent or licensee has taken all reasonable steps. The opposition’s concern about this measure in the bill is that it does not go far enough and indeed that it evidences a lack of consideration for the interests of landowners by the government that has been manifest in the case of a number of pipeline proposals and projects that are currently being attempted by the government, including, perhaps most notoriously, the north–south pipeline.

The opposition believes that, be it in the case of energy pipelines or water pipelines, it should not be optional for the minister to consider whether the consultation plan has been complied with; it should be mandatory for the minister to consider whether the consultation plan has been complied with. That is the purpose of the amendment that I have had circulated. It is in form a very simple amendment: it proposes changing the word ‘may’ to ‘must’. The consequence of that, as I said, will be that the minister will be required to consider whether the requirements of an approved consultation plan have been complied with. It will not simply be optional for the minister to do so.

There is probably a lot more that can and should be done to remedy some of the injustices that are occurring in the case of various pipeline projects such as the north–south pipeline, but in the context of this legislation this is a measure that we believe should be put in place to send the message to the government that
the rights and situations of landowners should be taken seriously and that it is not just a matter of an option for the minister; it is something that the minister should be required to do. Some of the practical difficulties and concerns that are being experienced by many Victorians at the moment in relation to pipelines, in particular in relation to the north–south pipeline, is a subject on which I am sure many of my colleagues are going to have a considerable amount to say during the course of the debate on this legislation.

In conclusion, as I said at the outset, while the provisions of this legislation are in the most part technical or administrative and a number of them as far as they go are worthwhile, we are concerned first of all that a lot more needs to be done in the energy and resources portfolio that is just not being done by the minister and is not being reflected in this legislation. In relation to pipelines, we should be making clear in this bill that this Parliament expects the government to have far more regard for the interests of land-holders than it has shown to date.

**Sitting suspended 6.28 p.m. until 8.02 p.m.**

Mr HARDMAN (Seymour) — It is a pleasure to speak on the Energy and Resources Legislation Amendment Bill, which will amend the Electricity Industry Act 2000, the Electricity Safety Act 1998, the Electricity Safety Amendment Act 2007, the Geothermal Energy Resources Act 2005, the Mineral Electricity Safety Amendment Act 2007, the Industry Act 2000, the Electricity Safety Act 1998, the Amendment Bill, which will amend the Electricity resources portfolio, thereby increasing regulatory certainty.

Dr Sykes interjected.

Mr HARDMAN — The bill also standardises penalties, reducing the regulatory burden in the energy portfolio, thereby increasing regulatory certainty.

Dr Sykes interjected.

Mr HARDMAN — I find it very interesting that the member for Benalla, the biggest peanut in the Parliament, is carrying on like a pork chop after tea. He should be quiet and go back to sleep.

A key objective of the bill is to require owners of cathodic protection systems to register with Energy Safe Victoria in compliance with its regulations and conditions of registration. When I was being briefed on this bill I thought it was really important that I understood what a cathodic protection system is, and it is worthwhile explaining it to the house.

It is designed to use direct electric current to protect metallic structures from corrosion — for example, water, fuel and gas pipelines, and storage tanks, and steel across a number of industries, including in underground cables. The cathodic protection system is used by large utility and petrochemical companies as well as independent service station operators, from very large corporations down to the local bloke who is trying to run a service station in rural Victoria.
Another key objective is to provide more flexible registration periods for electrical contractors of up to five years. That takes the burden off those hardworking people who are out there helping our communities every day.

**Dr Sykes** interjected.

**Mr HARDMAN** — The member for Benalla continues to interject because he cannot control himself after tea time!

**The ACTING SPEAKER (Ms Beattie)** — Order! The member for Benalla will have the call later.

**Mr HARDMAN** — Importantly the bill will increase penalties on licensed electrical inspectors who fail to record defects in electrical works inspected. That means consumers are protected from people who have been a bit slack. The member for Box Hill flagged that the opposition may use that as an excuse to raise the north–south pipeline issue, and the member for Benalla has been sitting on the other side of the chamber carrying on about that, as he has done about Lake Mokoan over the last few years. He is a man who said he was going to save Lake Mokoan, but he failed; yet he still comes in here holding his head high. He should not do that, because he has not delivered on his election promise, and he deserves to be remembered for that.

I can assure the house that I meet on a very regular basis with the Sugarloaf alliance group, which is made up of Melbourne Water, the John Holland Group and all the people who are constructing the pipeline. My key purpose in meeting these people is to ensure that the local land-holders who will be impacted by the pipeline have their rights upheld. I sit down with the Sugarloaf alliance group on a regular basis and ask for assurances that it is meeting and talking to land-holders about their specific concerns, which are that they need to be able to conduct their business activities and go in and out of their farms while the pipeline is being constructed. They need to be assured that their vineyards are protected from phylloxera and other diseases that might come onto properties and that as much as possible their amenity is protected during the construction process.

That is what they are doing — they are going out there and talking to people and listening to them, rather than barking from the other side of the chamber, like the member for Benalla, who cannot listen and does not understand. This is about consultation, and that is what these people are doing. They are talking about the route and asking the land-holders which is the best way to go — —

**Dr Sykes** interjected.

**The ACTING SPEAKER (Ms Beattie)** — Order! The member for Benalla!

**Mr HARDMAN** — They are asking about the waterways and the species of plants or fauna that may be impacted by this, and finding the best way to get through their property.

Of course there is another issue — that is, where there is still an impact, what compensation should be payable to these people if they are impacted by the pipeline.

The member for Box Hill has circulated an amendment to clause 18 of the bill. I can assure the member that I have spoken with the minister’s office, so I know that he is aware of the amendment, and the government is working to provide a reasoned response to that. I am sure that the member for Box Hill will get an answer when the minister comes in to sum up. I commend the bill to the house and wish it a speedy passage.

**Mr WELLER** (Rodney) — I rise to speak on the Energy and Resources Legislation Amendment Bill. This bill has many parts, and I would like to start off by referring to its amendment to the Pipelines Act. The Pipelines Act is an extensive act, and is one that perhaps the member for Seymour should have read. After speaking to the people he represents he should have asked the minister to use his powers to use the Pipelines Act to protect the people he says he is protecting.

Section 3 of the Pipelines Act states that some of the objectives of the act are:

(b) to create an effective, efficient and flexible regulatory system for the construction and operation of pipelines;

and —

(c) to establish sound consultative processes relating to the construction and operation of pipelines;

Furthermore, in part 2 of the Pipelines Act, section 11(2) says:

The minister may make a declaration under subsection (1) if the Minister considers that —

(a) it is necessary to regulate the pipeline under this Act for safety or environmental reasons; or

(b) it is in the public interest for the pipeline to be regulated under this Act …

I would indeed say that the north–south pipeline should have been brought in under this act, and that the minister should have used the powers he already had
and should have exercised them to protect the people that the member for Seymour states he has been talking to. The good people of Seymour need to be protected, and that is why we are raising these matters.

I turn to section 49 of the Pipelines Act, which is headed ‘What matters must the Minister consider?’. It states:

In determining an application for a licence, the Minister must consider the following —

(a) the potential environmental, social, economic and safety impacts of the proposed pipeline;

If members were at home watching television last Thursday night or Sunday night they would have seen documentaries that are very relevant to my electorate. Thursday night’s Catalyst on the ABC was about the health of the Murray-Darling Basin. The program showed extensively how the health of the Murray–Darling Basin was stressed because of the drought. It also showed that the lakes in the lower Murray — and even around Bottle Bend near Mildura — were becoming acidic because of the lack of flow, so why would we build a pipeline to take a further 75 000 megalitres from the stressed Murray–Darling Basin, which is turning acidic in areas, when that 75 000 megalitres could well be used to protect the environment?

The social impacts of taking water from northern Victoria are quite horrendous — 75 000 megalitres is 150 dairy farms, which is potentially one factory. Which town is the government proposing to close? Is it one of the towns with a dairy factory in northern Victoria, or is it one of the towns with a horticultural factory?

Section 49 of the Pipelines Act states that, in determining an application for a licence, the minister must consider:

(c) the benefit of the proposed pipeline to Victoria relative to its potential impacts;

It has no benefits to Victoria. The north–south pipeline transfers water from a drought area to a higher rainfall area. Melbourne could find its own water supply from stormwater. An article has been put out by some engineers that suggests it would be a cheaper option to capture stormwater in Melbourne than to build a $750 million pipeline that takes water from a dry area to a wet area.

Section 92 of the Pipelines Act is headed ‘Proponent or licensee to lodge notice with Registrar’, and soon we reach section 95, which is headed ‘Decision of Minister’ and to which the member for Box Hill is proposing an amendment. This clause is relevant to the minister granting a permit to compulsorily acquire land for a pipeline. It states:

(1) Before making a decision on an application under section 90, the Minister must —

(a) be satisfied that the proponent or licensee has taken all reasonable steps to reach agreement with the owners of the land in relation to the purchase of the easement;

Now we are trying to amend it to provide that when making a decision for access to land for a pipeline the minister ‘may consider whether the proponent or licensee has satisfied the requirements set out in an approval consultation plan’.

Why have an approval consultation plan if the minister can ignore it? Surely it would be better to have the provision read that the minister ‘must’ consider whether the proponent or licensee has satisfied the requirement set out in an approved consultation plan. If we are going to have the words ‘consultation plan’ inserted into the act, why would it not be that the minister ‘must’ consider it? If the minister does not have to consider it, then he is open to lobbying to make him ignore whether or not due process has been followed.

Part 10 of the act refers to rehabilitation and compensation. Section 140 asks, ‘What is a rehabilitation bond?’. As the member for Seymour has pointed out, it is quite appropriate that there are concerns that there could be disruption to the landowners going about their business, whether it be a winery, a sheep farm, a beef farm or another type of farms. If the proponent were to put up a bond, that would make sense. It would make them realise that they have put up this money and if they do not do the right thing, they stand to lose that money. The land-holders have a safeguard that if the rehabilitation is not carried out appropriately and in a timely manner, there is money set aside to compensate them for the negligence to their land-holdings.

This process should have applied to the pipeline that went from Colbinabbin to Lake Eppalock. The farmers at Toolleen are still negotiating with Coliban Water over the rehabilitation of the pipeline that was finished last September. The land has not been rehabilitated satisfactorily, and because this act never applied to this pipeline, Coliban Water and the people who built the pipeline are weaving their way out from taking their responsibility properly by reinstating those stretches of the pipeline that pass through farms. That process should involve repairing pasture, crops and topsoil to
make sure that those stretches of land are not subject to erosion when the wet weather returns. We need to ensure that when the rains and seasons return to normal we do not allow the land to be eroded. We also need to protect the farmers who protect that land. So I think it would have made sense. I support the member for Seymour who said that this bill should apply to the north–south pipeline.

We also talk about the owner-occupier’s right to compensation. In regard to division 4 headed ‘Compensation’, section 151 of the act states:

(1) The owner and the occupier of land are each entitled to compensation for —

(a) a proponent who enters the land in accordance with Division 2 of Part 4 to carry out any survey …

So it is ongoing. Without this bill being applied to the north–south pipeline, what guarantee have the land-holders along the north–south pipeline that they are going to be protected into the future? In the future, after the building phase, we could have a malfunction in the pipe which springs a leak. A vehicle could drive in which could take in ovine Johne’s disease or, as the member for Seymour said, it could in fact take phylloxera into a winery, which would be devastating to the winery industry in that area. The legislation has some holes in it. I support the amendment.

Mr SCOTT (Preston) — It gives me great pleasure to speak on the Energy and Resources Legislation Amendment Bill 2008. I will be speaking in support of the bill. In my speech I would like to concentrate, firstly, on the amendments made to the Geothermal Energy Resources Act 2005. These amendments clarify that a minister may undertake a further tender process at any time for applications for exploration permits where an initial tender does not result in the granting of permits over tendered land. Further, it clarifies that the minister may specify criteria for assessment of an application for geothermal energy exploration payments made in response to an invitation by the minister, and it enables the minister to assign an order of priority based on a merit assessment of applications received in respect to the same land on the same day through that process.

Geothermal power, in my view, is very important. Any amendments that improve the Geothermal Energy Resources Act, as these do, are worthy of support, because geothermal is a non-polluting energy source. ‘Renewable’ is a slightly debatable term, since over a long period of time the use of geothermal power reduces the energy underneath the ground because of the heat that is taken out. But that period of time is a very long one, by all estimations. It is a renewable energy which is baseload power. Geothermal power is not reliant on rain, it is not reliant on wind, and it is not reliant on sun. It is energy that is trapped underneath the surface of the earth that can be tapped.

Mr Stensholt — Hot rocks!

Mr SCOTT — Exactly. As the member for Burwood helpfully interjects, it is hot rocks. Water is pumped down into the hot rocks and steam is extracted from that process, which can be used to generate electricity. It is also very important because it is not a new technology. The first testing of geothermal power took place in 1904. It is a well-established technology for generating electricity. In Iceland 19 per cent of electrical energy is generated by geothermal power. This is a technology that is used on a wide scale in large parts of the world. Although it currently produces less than 1 per cent of the world’s energy, the scope for it is actually quite enormous. A report that was done in the USA indicated that geothermal power containing hot rocks that were 10 kilometres below the surface would provide all of the world’s current needs for approximately 30 000 years. Geothermal power is a very important future resource. It is very important that this state and this government, which I know takes this matter seriously, is taking the process forward.

Mr Barry Goldstein, the director of petroleum and geothermal for Primary Industries and Resources of South Australia, estimated geothermal power, within a reasonable short period of time, could generate 6.8 per cent of Australia’s baseload needs, which is a very significant amount. As I said, in the longer term, using the deep geothermal power located in hot rocks about 10 kilometres underneath the earth, there is not limitless supply because demand will increase in the future. However, there exist huge energy resources that hopefully into the future will provide a clean source of power for many Victorians. The Romans certainly have used geothermal power to heat buildings over a long period of time.

The bill also makes some changes to increase electrical safety, which is something that I would hope would be at the forefront of every person’s mind. Electricity supply is an important aspect of our society, but of course electrical safety is something that should be taken seriously by all members of the house. As was stated previously by the member for Seymour, the bill increases the penalty on licensed electrical inspectors who fail to record defects in electrical work inspected. This is a very serious issue.
With the indulgence of the house, I will just talk a little bit about what electrocution can mean. If I remember the adage correctly it is ‘volts jolt, amps kill’. If you get a strong enough ampage through the heart, you will die; there are no two ways about it. The sorts of voltage levels you will get in Australia — about 60 milliamps, which is hardly a very strong current — will kill you. If you get a current directly through your heart, you are likely to die.

**Dr Sykes** interjected.

**Mr SCOTT** — The member for Benalla is suggesting that members of this place have no heart. I think that is a cruel indictment of himself rather than anyone else. If we do not get electrical safety right, people die. People in this state have died from electrical accidents, so every member of this house should take electrical safety seriously. As I know other members wish to speak on this bill I will keep my comments brief. This is a sensible piece of legislation which deals with serious issues in an appropriate manner. I commend the bill to the house.

**Ms ASHER** (Brighton) — I want to make a couple of comments on the Energy and Resources Legislation Amendment Bill before the house. In particular I want to concentrate on the amendment flagged by the member for Box Hill. I just want to explain to the house the importance of this amendment and the reasons the Liberal Party and The Nationals are in support of the amendment.

The Liberal Party and The Nationals do not oppose the bill; we simply want to amend it to strengthen it.

Clause 18 suggests:

After section 95(1) of the Pipelines Act 2005 insert —

“(1A) In considering whether the proponent or licensee has taken all reasonable steps for the purposes of subsection (1)(a), the Minister may consider whether the proponent or licensee has satisfied the requirements set out in an approved consultation plan.”.

The member for Box Hill’s amendment seeks to change the word ‘may’ to ‘must’, so that the minister must consider whether the proponent or licensee has satisfied the requirements set out in an approved consultation plan.

Basically this is a series of amendments to the Pipelines Act 2005, which contains compulsory acquisition powers that have some application, if gazetted, to water. That is the motivation for moving this particular amendment. Acquisitions generally in relation to water can take place in two forms. Firstly, there is a power under the Water Act and in particular there is a power under regulations under that act for water authorities to acquire land on a compulsory basis. When we first reconvened after the 2006 election the Liberals and The Nationals spoke at some length in this house about these wide-ranging powers for water authorities.

However, there is also a second means by which governments can compulsorily acquire land for water projects, which is what has currently been gazetted by the Minister for Water — that is, the powers under the Project Development and Construction Management Act. These powers apply, for example, to the Bendigo–Ballarat pipeline — and that is indeed how the minister gave himself additional powers in that area.

I hark back to the Water Amendment (Critical Water Infrastructure Projects) Bill 2006. The government at that point argued that it needed additional compulsory acquisition powers over private land and that we all should come back to the Parliament prior to the end of 2006 to debate this vital, pivotal piece of legislation. In the second-reading speech for that bill the government argued that the Ballarat–Bendigo pipeline could not be completed unless it had these additional powers.

This is not so, because as members of the house would be aware, the Bendigo section of that pipeline has been completed. The government had adequate powers under the Water Act — in particular the regulations under that act which enable water authorities to acquire land — and under the Project Development and Construction Management Act to acquire the land to build its pipeline. We on this side of the house worry a great deal about the government’s attitude to the acquisition of private land in relation to water projects.

We would argue that the government is quite cavalier in its attitude to the acquisition of private land, given that it wanted to have even more powers and claimed in the second-reading speech that it needed additional powers. We can all see that the Bendigo element of the project is already complete.

The reason the member for Box Hill circulated this important amendment is that, if there is going to be compulsory acquisition of private property — and we on this side of the house value private property rights enormously, notwithstanding the government’s cavalier attitude in the critical water infrastructure projects bill — we believe it must be subject to an approved consultation plan. It is not just if the minister feels in the mood at one particular time. It must be considered, because the acquisition of private land is so important. There needs to be better protection for landowners in the face of this government’s rapacious desire to acquire land.
A number of current issues have inspired this amendment. Obviously the north–south pipeline is a critical issue. There being a range of acquisitions, and possibly there will be more acquisitions of private land under this project, we are simply saying with this amendment that the minister must consider whether there has been an approved consultation plan. In terms of the substantial motivation for this amendment, we on this side of the chamber believe the north–south pipeline is wrong. It is wrong firstly because it breaks an election promise by this government that it would not take water from north of the Divide to bring to Melbourne, and it is wrong secondly because the first 75 gigalitres of water from this project are for the election year 2010 — just for the election year — guaranteed for Melbourne. It is morally wrong to impose this project.

I suspect the member for Seymour sitting in the chamber might think this project is slightly morally wrong as well, for his own reasons. It will be interesting to see how the member for Seymour votes on this amendment when it is put. It will be interesting to see whether the member for Seymour stands up for his constituents or whether he is a Labor Party representative here in Spring Street rather than being the member for Seymour representing his constituents’ interests. That will be interesting to see.

I suggest the way around this amendment for the government, rather than having to vote on it, would be to announce that the pipeline will not proceed. This is not a novel idea from me; it is an idea that has emanated from within the Brumby government. I refer to an article in the Australian of 2 May by journalist Rick Wallace:

Plans to alter or even dump Victoria’s contentious north–south pipeline project amid a rural backlash have been discussed within the Brumby government.

You can see, Acting Speaker, that this is not my idea; this is something that has come from within the Brumby government. I further quote from the article:

One senior source —

could that be the member for Seymour? —

… the pipeline … was under review because it was hurting the party badly in country areas. ‘There’s been a proposal … for it to be scrapped’, the source said. ‘There’s concern that it’s a problem and it might cost us a seat’.

I read this with interest and thought, ‘Could the seat be an upper house seat; or could it be Ripon? What seat is being jeopardised by this immoral proposal to transfer water from a drought-stricken area in country Victoria to Melbourne?’ I can always rely on the Labor Party to inform all of us.

The article goes on to say:

Treasurer John Lenders did not guarantee the pipeline would go ahead …

The member for Seymour has very high-level support in this regard. The article further says:

Work has begun on establishing the route of the pipeline, which will pass through the Labor-held seat of Seymour, which is thought to be in jeopardy because of it. Senior Labor figures, including Mr Brumby, are concerned about Labor’s declining support in rural Victoria, which saw it lose two seats in Gippsland at the 2006 election.

I make the observation in support of the amendment that it will be interesting to see how the member for Seymour votes on it, because the amendment stands up for his constituents and for rural Victoria. If the dilemma becomes too great for the member for Seymour, the government could decide to scrap the project and save his seat.

Mr STENSHOLT (Burwood) — I am delighted to speak on the Energy and Resources Legislation Amendment Bill 2008 in support of the excellent presentation by the member for Seymour, who I am very honoured to follow. I am a little disturbed that the member for Brighton does not seem to want any water for her own constituents; it is a bit of a worry that she treats them with such disdain.

A number of issues are dealt with by the bill. I will not go into any detail on the proposed tourist fossicking authority. Some other important issues, including electrical safety and geothermal power, which have been mentioned by other members, are dealt with in the bill. The bill makes a range of amendments to improve electrical safety in Victoria. I have spent a fair bit of time working on occupational health and safety, so I am a very strong believer in making sure there are safer workplaces and safer homes.

Clause 6 makes it clear that the registration and operation of a cathodic protection system should be the responsibility of the owner as the effective controller of the system. A cathodic protection system, as defined by the Electricity Safety Act 1998, is one that uses direct electrical current to protect metallic structures — often underground steel structures such as water, fuel or gas pipeline, steel pier piles and underground cables — from corrosion. The danger created by the electrical currents means there is a need for protection. They need to be registered and inspected to ensure they operate correctly. This is a very small part of the legislation, but
it ensures greater safety by making sure that the owner is held responsible for it in that regard.

I have considered views about cutting red tape in Victoria, and the Brumby government has very good targets in this regard. I commend it on clause 3 of the bill, which is another example of what it is doing to achieve these targets. It is actually doing things, rather than being like the opposition, which stands for nothing, as we have heard time and again. The clause will make sure that the registration period of electrical contractors continues for up to five years. This will be of great assistance to those in the industry.

A number of provisions in the bill increase penalties. For example, they will apply to licensed electrical inspectors who fail to record defects in electrical work when issuing a certificate of inspection. It is very important that there is follow-up on that and that if the inspection is not done properly and if the certificate of inspection is found to be incorrect, appropriate penalties be imposed. It is very important that penalties keep pace with the cost of living, and this provision is an example of that.

Another important aspect of the bill I wish to comment on is geothermal energy. I have had an interest in this since before I was elected to this Parliament, I did some work in the department of geography and environmental science at Monash University. A number of people there were interested in geothermal research and were conducting research on sinking cores and were involved in all sorts of other technical projects. I am very pleased that Victoria is leading the way in renewable energy with the Victorian renewable energy target and other targets the government is seeking to achieve. This is an example of the government’s desire to facilitate the exploration of all possible uses of Victoria’s energy resources.

Previous speakers on this bill have asked exactly what geothermal energy technology is. It is obviously underground, and particularly involves the Palaeocene rocks that you find in the Otway Basin in Gippsland. There are also some in the Murray–Darling Basin. Some research has been done in South Australia, and we want to extend that research into Victoria, to places where there are hot dry rocks or hot water. Mapping has been done by the department in terms of temperatures up to 150 degrees centigrade. Once you tap into this, water then converts to steam, and the steam that is coming either from the dry rock or from the heated water underground can be used to turn the turbines and create electricity, which is the idea.

Here in Victoria the state has been mapped, and in 2005 the Geothermal Energy Recourse Resources Act was passed, which allowed for this further exploration and work to be done. A number of tenders were put out — one in 2006 — and companies were offered permits to explore a total area of 80 000 square kilometres across the southern part of Victoria. Geothermal mapping is in its infancy, and the geosciences experts have to do a lot more work in this regard in order to do the mapping, and part of this exploration will contribute to the science of understanding the geothermal characteristics under the ground here in Victoria and, in the main, under the sea. I am sure the member for South-West Coast will be well aware of that in terms of the basins off the area for which he is the member.

A number of permits were issued in 2007 to a number of companies. Hot Rock Ltd, for example, got exploration rights from Lorne, west past Warrnambool and Portland to the border; Geogen Victoria, Torrens Energy Ltd and Proactive Energy Developments Ltd received exploration rights; and Greenearth Energy Ltd got three permits under the system which has been established here in Victoria. These companies have signed up to exploration expenditure of $64.2 million over five years.

Earlier this year — in fact only a few days ago — more ground was released for further permits. According to a press release of Thursday, 24 April, from the Minister for Energy and Resources, announcing the release on that day of 19 new Victorian exploration areas:

… the new exploration areas were located mostly in the Wimmera, in the north of the state, and also in Gippsland, and covered more than 154 000 square kilometres.

It is very encouraging that this tender has been put out for companies to explore further parts of Victoria. It is interesting, looking at the geothermal map, that a lot of the work has been done in southern Victoria and that not a lot has been done in the north. Under these new permits, if taken up, companies will be able to map the northern part of Victoria, do the exploration and, we hope, come up with some viable demonstrations and pilot projects which will then lead on in the longer term to improving the use of such renewable energy sources here in Victoria. I commend this bill to the house. This is an excellent example of taking things further in geothermal energy as well as making Victoria a safer place to live, work and raise a family.

Dr NAPTHINE (South-West Coast) — I rise to speak on the Energy and Resources Legislation Amendment Bill, which covers a number of areas, including electrical safety, geothermal energy, the Pipelines Act and mineral resources legislation. I wish
to particularly concentrate on the Geothermal Energy Resources Act and talk about some of the activity with respect to geothermal energy and resources in my area. I will highlight some of the work that has been done, but in particular I will highlight some of the hypocrisy from the Labor government, which purports to be a strong advocate for alternate energy. I will highlight how there is a vast gap between the government’s rhetoric on these issues and its actions on the ground.

First, I will talk about some of the successes. I refer to an article in the Warrnambool Standard of 2 April this year under the heading ‘Region first for water power’. It states:

A $12 million commercial geothermal power plant which will generate enough energy to power 1250 homes will be built in the south-west by the end of next year.

Further, it states:

The renewable energy plant comes after Queensland company Hot Rock Ltd yesterday announced it had discovered that the Willatook-Koroit district contained geothermal water.

The water, between 140 and 150 degrees, is found in rocks 3 to 3.5 kilometres below the ground and produces a clean, renewable resource used to generate electricity.

It further refers to comments from Hot Rock Ltd managing director Mark Elliott. The article states:

He said an advantage of geothermal energy was that it was available 95 per cent of the time, unlike wind and solar … which were weather dependent and only available 30 per cent of the time.

The article concludes by saying:

Hot Rock Ltd will use the south-west plant as a pilot plant. The company expects to —

generate —

a number of larger geothermal plants throughout the state in the future which it predicts will meet the power needs of a quarter of a million households.

That shows there is some work being done, particularly in south-west Victoria, on developing the potential for geothermal energy. There is enormous potential for growth with that energy and it is important to support and encourage that development.

However, I wish to raise some concerns about some of the barriers that are placed in front of people seeking to develop alternate energy. It is a pity the member for Burwood has left the chamber, because he said that one of the things he sought to champion as a member of Parliament and a member of the government was the need to remove red tape at every opportunity.

I quote from an article in the Portland Observer of Monday, 21 April 2008 — a fairly recent article — the headline for which is ‘Red tape swamps project’. That is right up the alley of the member for Burwood. It says:

A renewable energy company is blaming state and federal government red tape for the dramatic downsizing of its Portland wave energy project.

Oceanlinx has withdrawn its proposal to deploy 18 1.5 megawatt wave energy converter units with a total generating capacity of 27 megawatts — and is now planning to deploy two units each with a 1 megawatt capacity.

…

Its 27 megawatt capacity project was to have been the largest wave energy development in the world.

However, the proponents of the project have said they have withdrawn that proposal due to an excessive:

and potentially lengthy … assessment process …

They blame the state government’s red tape for the slowdown and potential kiboshing of a major wave energy project, which is really important for our community. I challenge the member for Burwood to live up to his rhetoric about getting on with removing red tape and help this company get on with this very innovative wave energy project.

I also wish to refer to the geothermal situation in Portland itself. For 25 years Portland had a working, geothermal energy system, which was closed down by this government. This government purports in this legislation to be the champion of geothermal energy, but in 2006 it closed down the Portland geothermal energy system — the only working geothermal energy system in Victoria.

I refer to a document produced by SKM in collaboration with Monash University, The Geothermal Resources of Victoria, produced for the Sustainable Energy Authority of Victoria in February 2005. It says:

Deep groundwater bores, currently owned and operated by Portland Coast Water —

now Wannon Water —

for the purpose of municipal water supply for the city of Portland, produce groundwater at temperatures between 57 and 60 degrees …

Water produced from Portland 14 (also known as the Henty Park Bore) is used for geothermal heating purposes. Drilled in 1982, Portland 14 free flows under artesian pressure at approximately 90 litres per second from a production interval between 1254 and 1365 metres below ground level. In 1985 it —
produced —

about 22 litres of hot water to a number of heat exchangers to heat the city’s swimming pool complex, arts centre, civic centre, municipal offices … and elderly citizen’s centre …
The estimated cost savings … with … geothermal energy for heating in 1985 was approximately $120 000 per year …

At the time it was closed down this geothermal heating system heated the Portland and District Hospital, the police station, Fawthrop Centre, the public swimming pool, the municipal offices, CEMA Arts Centre, the civic centre, the library, the tourist information centre, the Richmond Henty hotel, State Emergency Service offices and Portland Maritime Discovery Centre. And guess what? Since the authority has closed down this offices and Portland Maritime Discovery Centre. And the Richmond Henty hotel, State Emergency Service civic centre, the library, the tourist information centre, the Portland Water Supply — Henty Park Bore —

It is my opinion that if the geothermal system is closed down, then this decision will go down in history as one of the most stupid and irresponsible decisions ever made in this area, and those involved should be ashamed of the role they played in the decision, even if it was only to do nothing to stop it from being closed down.

I say, ‘Hear, hear!’ to that. The people who were largely responsible for allowing this great system to close down were the members of the Labor government here in Victoria. They should be ashamed; they should hang their heads in shame. They should understand that when they speak about geothermal energy they should listen to their own rhetoric and then understand what they have done in their term in government. There was only one geothermal system operating successfully in Victoria, and it was closed by the state Labor government. So much for its care about alternative energy and geothermal energy.

Mr INGRAM (Gippsland East) — Thank you, Acting Speaker, for the opportunity to speak on the Energy and Resources Legislation Amendment Bill 2008. The bill makes a range of amendments to the Electricity Industry Act, the Electricity Safety Act, the Geothermal Energy Resources Act, the Mineral Resources (Sustainable Development) Act, the Petroleum Act and the Pipelines Act. It is a fairly short piece of legislation making mainly minor changes, although some of them are important.

I would like to focus on a couple of those changes in particular. Many members, including the member for South-West Coast, have spoken about geothermal energy. I would also like to make some comments about the Petroleum Act and the amendments to that act, and also about some of the changes in relation to extractive industries.

One of the challenges we have in Gippsland, which pretty well cuts across the amendments in a number of areas, is that we have a large portion of the petroleum industry, both oil and gas, coming out of Bass Strait. That also impacts on the groundwater systems. Most of the Gippsland region has a large, deep water aquifer — that is, the Latrobe aquifer — which is a fairly high temperature aquifer.

Because of the interconnection between the oil and gas industries and also the groundwater, when oil and gas are extracted that impacts on the groundwater table. It has always been one of the contentious issues. We have the potential for geothermal energy and extraction from
that aquifer, but because of the nature of the oil and gas industry it has not been required to ensure that its extraction does not impact on that groundwater table. There has been a very rapid and continual decline of the aquifer, which has meant that many people who got licences and bored into that deepwater warm geothermal aquifer no longer have the same rights they once had. People have had to invest very seriously in that. That is a very important issue that unfortunately is not dealt with.

In relation to the amendments to the Petroleum Act, we have a large number of exploration permits throughout our region, and some important opportunities exist within the Bass Strait oil and gas reserves, particularly further east. As exploration has moved there resources have been found. Probably some of the best resources have already been developed. But there is a lot of concern about those companies going from the exploration phase into the development of the fields in that they are not required to ensure they do not have an impact on the deep groundwater. There is total interconnection. If we do not introduce permits and place through regulation restrictions on the oil and gas industry, there will be an impact on the potential for geothermal and other treatment, as the member for South-West Coast indicated before.

One of the other issues that has arisen since I became a member of Parliament has concerns the Pipelines Act. We have the east coast pipeline running gas from Gippsland all the way through to Sydney. When that was being put through it was quite an interesting process for a member of Parliament, because at the time of the negotiations between Duke Energy, each individual land-holder and the state there was no compulsory acquisition. Basically that company had to negotiate each individual allotment. That was a very difficult process.

Since I have been in this Parliament we have made changes to the pipelines and the rights of governments to provide greater assistance for businesses to develop those pipelines. I think it is important that we get the right to make sure we have the ability to determine where pipelines go and that the power of compulsory acquisition should be used only in limited cases. Some of these projects are very important for the state of Victoria and for the nation, and it is important that we do not allow individuals to override that.

We need to make sure there are proper processes in place. That consultation process is important. We also need to make sure there is a requirement to return the land to its productive capacity and to compensate land-holders for any loss of production during that process, and that is what the Pipelines Act does. With those words I indicate that I support the legislation before the house.

An honourable member interjected.

Mr INGRAM — I take up the interjection. The amendment is a sensible alternative to ensure there is a process. Too often we allow outs for governments with some of these processes. Normally I would support the change proposed from ‘may’ to ‘must’. It is important to make clear what will go on.

Another issue raised by the bill before the house is rehabilitation in relation to metal extraction — rehabilitation bonds and so on. I cannot find exactly where that is referred to in the legislation, but it has been an issue in East Gippsland. East Gippsland is one of the few areas in the state where there is still a large amount of exploration for mineral resources on land, and we have had a number of instances where the bonds were not adequate. There are provisions in this bill to make sure that there are rehabilitation plans that are approved work plans. It is important that we get that right, because in Gippsland we have seen the mess left behind for the government to clean up when things do not go according to plan and mining businesses go bankrupt. The Benambra copper mine is a classic example of that; the government has had to step in and clean that up. It is important in going forward to make sure that the government has those tools when it approves work plans or rehabilitation plans. With those words, I commend the bill to the house.

Mr WALSH (Swan Hill) — I must admit I am heartened by the support of the member for Gippsland East for the member for Box Hill’s proposed amendment, and I thank him for his contribution and his saying that it makes eminent sense that we actually change ‘may’ to ‘must’.


Firstly, in relation to the Electricity Safety Act 1998, one of the things the bill will change is the registration period for electrical contractors from one year to up to five years. The member for Burwood made some comments about the reduction in red tape. If this is the
As it stands says: the amendment that is being inserted into the act by the bill the member for Box Hill’s amendment. The own property, everyone in this house should support we as a Parliament hold dear people’s rights to their compulsorily acquiring land from an individual, and if amendment is so important. We are talking about the compulsory acquisition, about the compulsory acquisition of land to build a pipeline. We are talking about compulsory acquisition, particularly the north–south pipeline, we are probably talking about irony there, but the issue is that the word ‘may’ does not give a definite direction to the minister that he may do something. It actually expresses uncertainty. But if you go to the dictionary and look at the definition of ‘must’, it says it means to ‘be obliged to’; ‘be certain to’ or ‘expressing insistence’. So I think to say that ‘may’ is suitable in there is not right, that we must have the word ‘must’ in there so there is a definite obligation on the minister to make sure he puts in place reasonable steps when people are going to have their land compulsorily acquired.

The proposed addition to section 95 in the Pipelines Act refers back to sections 90 and 91 of that act. Section 90 states:

A proponent or licensee may apply to the Minister for consent to compulsorily acquire an easement over private land for the purposes of constructing and operating the pipeline.

which is all fair enough. But the proponent has an obligation to have put in place a process to deal with people, and what the amendment says is that the minister — if the amendment is carried — ‘must’ review that process of a consultation plan that has been put in place, not just ‘may’.

We believe that if this bill is going to give individuals here in Victoria the best rights to their land, this amendment should be carried so that the minister actually has to put that in place. If we are talking pipelines — and a few people have mentioned the various pipelines that have gone through their electorates as time has gone by — we should realise that the Pipelines Act has been a very valuable tool for individuals who have had difficulty dealing with major companies as those pipelines are going through their properties.

The sad thing is that we all at one stage looked forward to having gas pipelines put through our electorates. We had a $70 million election promise from the Bracks government at the time that it was going to put natural gas into country Victoria. We would have made sure that the Pipelines Act was there and that the people in...
our electorates would have been dealt with fairly as the natural gas pipelines were rolled out into country Victoria. Seventy million dollars specifically out of the Rural Infrastructure Development Fund was promised to assist with getting natural gas out into country Victoria.

Mr Nardella interjected.

Mr WALSH — As the member for Melton says, his government changed the rules. It changed the rules so that money was no longer there for country Victoria to get natural gas, that money was there to enable the interface councils around Melbourne to get natural gas — a great election promise; another promise that was broken by this government, like the promise: ‘I will never, ever: cross my heart!’. Former Premier Bracks said, ‘I will not take water from north of the Divide to south of the Divide’.

Mrs Powell interjected.

Mr WALSH — He should have kept his promise. The member for Shepparton interjects and says he should have kept his promise but the then Premier of Victoria, going to the election in 2006, gave a firm commitment to the people of Victoria that he would not take water from north of the Great Dividing Range to south of the Divide.

I know the Acting Speaker is looking at me about being on the bill but we are talking about the Pipelines Act here. We are talking about the building of pipelines and the easements required and the compulsory acquisition of land to build those pipelines on. So the election promise not to bring water from north of the Divide to south of the Divide is very relevant to the Pipelines Act because with that broken promise we now have a pipeline being built from Yea through the Sugarloaf Reservoir, which is going across a substantial amount of private land. It is using the Water Act to compulsorily go through that particular piece of land. I suggest to the house that it would have been a lot fairer to the people involved if they had had to deal with what is happening under the Pipelines Act, particularly after the amendment proposed by the member for Box Hill is carried unanimously by this house, rather than under the Water Act.

I also remind the house that the government has form on this issue. As the member for Brighton said, the house was reconvened urgently after the 2006 election to introduce the Water Amendment (Critical Water Infrastructure Projects) Bill because the government said it needed extra powers to introduce and implement water projects in this state. Surprisingly the world has gone on and those projects have been delivered without that particular piece of legislation. If it had been passed, people’s rights would have been stripped away, just as people’s rights are going to be stripped away if the member for Box Hill’s amendment is not agreed to by this house, because we are going to find that the minister only may do something. What we want to ensure is that the minister must actually review those consultation plans so that people get a fair go and are not ridden over roughshod by the Brumby government.

Mr HUDSON (Bentleigh) — It is a pleasure to speak on the Energy and Resources Legislation Amendment Bill. I am very pleased to speak on this bill because it is about the Brumby government’s commitment to safety. I think we can all acknowledge that the government has a great record on safety — safety in the workplace, safety on roads and safety in terms of making sure that we have safe work practices in Victoria. One of the reasons we have been able to drive down WorkCover premiums is because we have made sure in everything we have done legislatively in this house that we have driven safety for workers and safety for consumers. That is a great change from the sorry record of those on the other side of the house when they were in government.

This bill is about ensuring that not only do we have safety but we are streamlining administrative costs and current practices. It will ensure that we have greater electrical safety in Victorian homes by increasing penalties for non-compliance. This legislation puts the onus on the person giving a safety certificate as an electrical inspector to make sure they have done a proper job on the inspection. At the moment the penalties are low. I am proud to stand up here and say that my father is a sparky. He has been a sparky for 60 years.

Dr Sykes interjected.

The ACTING SPEAKER (Mr Ingram) — Order! The member for Benalla is out of his place and should not interject.

Mr HUDSON — Mate, they couldn’t light you up with an electrical jolt! I can assure you, 240 volts wouldn’t do it for you.

Whilst my father is winding down his electrical work, he is still in great demand as a tradesman. The reason he is in demand is that he is a perfectionist. He likes to go to enormous lengths to make sure the job is done as it should be done. I am sure he would have loved me to follow in his footsteps and become a sparky, but I had
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an early induction into electrical work when I was on school holidays.

I went along with dad, and I had to bang in clips for the electrical wire along the joists underneath schools he was wiring up. It was a pretty tough job crawling over the rubble. My specialty of course was the very small cavities where you had to literally move on your back across the rubble and bang the clips in. It was not easy work, and I think that put me off being a sparky for life. But after I review what I have to put up with in here, maybe I should have followed him into the trade.

Needless to say, even though I did not become an electrician, he taught me some very significant lessons in life. They were about the importance of hard work, of paying attention to detail and of making sure that you do the job well. This bill is about picking up on those situations where inspectors do not do the job as well as they should.

That is what we are doing here: we are driving an improvement in safety by increasing the penalty for not properly carrying out these inspections. At the moment the penalty is only about 10 penalty units, which is about $1000, as each unit is worth about $114. That means if an electrician issues a faulty or inadequate electricity certificate, he is basically paying a penalty of only about $1000. That is clearly inadequate. It does not deter electricians from issuing faulty inspection certificates.

What we are doing through the bill before the house today is increasing the penalty for non-compliance to 50 penalty units. That is a fivefold increase in the penalty, and it will be a much more adequate deterrent. It will bring the penalty for non-compliance with a written notice up to $5000, and it will be up to 250 penalty units for a body corporate, which is about $250 000.

The bill will also give Energy Safe Victoria the power to issue fines or suspend and/or cancel the registration of a licence. That is incredibly important. We have had very poor commentary from the courts about the minimum penalties that are in place. But where prosecutions have been brought by Energy Safe Victoria — and I think about five prosecutions have been brought each year — the courts have said they would like to impose higher penalties but their hands have been tied because the penalty provisions of the act have not been strong enough.

This bill clearly strengthens those penalty provisions. It places a much higher premium on workplace safety and safety in the home. Whilst we do not know the exact numbers, we do know from the Metropolitan Fire Brigade that a large number of fires are caused by electrical faults. It is important that we have an appropriate regime of deterrents and a strong regime to ensure compliance.

The other aspect of the bill goes with amendments that were made last year that enabled Energy Safe Victoria to issue a rectification notice, at no cost to the consumer, where a certificate of electrical safety was wrongly issued. That provision is section 45AB of the Electricity Safety Amendment Act, which protects the rights of consumers. Whilst in the past it was possible to prosecute the inspector for non-compliance, there was also a need for rectification of the work. The householder would be left with non-compliant electrical work that needed to be rectified, and since they had already paid for the work it was unreasonable to expect that they should have to pay for the work again.

Section 45AB ensures that the work is rectified at no cost to the householder. That provision has been an important legislative advance in recent times.

Some electrical inspectors who have been prosecuted have been found to have written multiple permits across Melbourne on the same day, when obviously it was not possible for them to have been able to travel the distances between the different locations where the permits were given and physically make those inspections all on the same day. Some inspectors have claimed to have made inspections and been paid for the them but have not done the physical inspection work.

Again the increase in the penalty will be a very significant deterrent to inspectors engaging in those kinds of shoddy practices in the future.

We can see that this bill will make Victoria a safer place, because it will increase the level of deterrence for not conducting proper inspections. It will also require electrical inspectors not only to rectify and report on the known faults but also to actually check for other faults the householders may not be aware of and which might need to be rectified.

The other important part of this bill is the proposed increase in the periods of registration for electrical inspectors from one year to five years. It will mean those electrical contractors and inspectors who have been in the industry for years and have demonstrated a good record in terms of their competency, skill and experience, and who have a low rate of assessment risk, have the opportunity to apply for a five-year renewal instead of an annual renewal. That is going to save costs and is a sensible measure.

Sadly my father, who is 79, had a heart attack at the end of last year. I do not know whether he will be renewing
Mrs POWELL (Shepparton) — I am pleased to speak on the Energy and Resources Legislation Amendment Bill 2008. The bill amends seven principal acts, but I would like to concentrate my contribution to the debate on the amendments to the Pipelines Act. More particularly, I would like to support the member for Box Hill’s proposed amendment to clause 18. As the member for Swan Hill said, this clause deals with compulsory acquisition, which is something we should all take into account. We are talking about private land-holdings, Crown land and people’s livelihoods.

When we are dealing with such matters, we have to make sure that we consider whether people have been consulted and dealt with appropriately. We do not believe that is the case. Had they been dealt with under the Pipelines Act rather than the Water Act, as the member for Swan Hill rightly said, they may have got a fairer deal. I do not think anybody believes that the pipeline should be going ahead, but we believe people would have got a more consultative deal under that act, and the government would have realised right at the start that there was no support for the pipeline. Perhaps it would have abandoned the pipeline, which is what we hope it is going to do now.

Clause 18 says:

“(1A) In considering whether the proponent or licensee has taken all reasonable steps for the purposes of subsection (1)(a), the Minister may consider whether the proponent or licensee has satisfied the requirements set out in an approved consultation plan.”.

The member for Box Hill’s amendment proposes to change the word ‘may’ to ‘must’. The member for Swan Hill talked about the difference in language: ‘may’ is more wishy-washy than ‘must’, which means obliged to. It is very important that we make sure this government does everything properly for the people living in the pipeline area.

If the government had taken the Pipelines Act into account, it would have seen much earlier that there is no support for the pipeline and that there has been too little consultation and information given. The government has already costed the pipeline project, but it tells us that it has not identified the route yet. There is so much anger and angst in the community about the government standing by its record and not caring about what people are saying. It has been putting ads on television which it thinks is consultation, but we all know it is spin and propaganda. It is spending millions of dollars of our money trying to sell this pipeline, which will not be sold. People out there are coming to grips with the fact that they really need to stand up and say no to it, or that is what is going to happen.

The amendments in this bill increase the penalties for constructing or operating a pipeline without a licence. Section 9 of the Pipelines Act deals with the pipelines to which the act applies. The act applies to pipelines for the conveyance of petroleum, oxygen, carbon dioxide, hydrogen, nitrogen, compressed air, sulphuric acid or methanol. Section 11 says the minister may declare pipelines to which this act applies. We believe the minister should have applied this section to the north–south pipeline. It says:

(1) The Minister may by order published in the Government Gazette declare any pipeline or proposed pipeline to be a pipeline to which this Act applies.

(2) The Minister may make a declaration under subsection (1) if the minister considers that —

(a) it is necessary to regulate the pipeline under this Act for safety or environmental reasons; or

(b) it is in the public interest for the pipeline to be regulated under this Act.

We believe both of those conditions would apply to the north–south pipeline. The pipeline should come under this act and therefore either of those conditions would apply; in fact, the pipeline should come under both of them.

The Pipelines Act also deals with consultation plans. We all understand that the Auditor-General has strongly said that consultation under this government has been absolutely dreadful and not rigorous enough when dealing with those stakeholders who own the land that this pipeline will go through. Imagine having property that you have farmed in the beautiful Yarra Valley for generations and the government coming to you and saying, ‘We are going to build 70 kilometres of pipeline through your land, through Crown land and through beautiful vineyards. We don’t really know where it is going yet, so we can’t really tell you so you can’t be prepared’. At the end of the day we need to make sure that those people whose land it is proposed the pipeline will go through are actually being dealt with fairly.

The consultation plans are referred to in section 16 of the Pipelines Act:

(1) A proponent for a pipeline must prepare a consultation plan for the proposed pipeline before the proponent does the first of the following in relation to that pipeline —

(a) gives a notice of intention to enter land under Division 2; or
(b) gives a notice of a pipeline corridor —

which this government has not done yet —

under Division 3.

(2) The purpose of the consultation plan is to show how the proponent will consult with owners and occupiers of land about the proposed pipeline.

The act then sets out the information that the proponent is to provide to the owner and occupiers of land. It says in section 17:

(2) The information to be provided to owners and occupiers of land must include —

(a) general information about the types of activities to be undertaken by the proponent for the purpose of any survey under Division 2 or the construction and operation of the pipeline;

(b) information about how potential adverse impacts of the construction and operation of the pipeline on land, health, safety and the environment are to be managed —

and the government has not done any of those things. There is also to be:

(d) a statement —

(i) advising that owners and occupiers of land may seek independent advice on the pipeline proposal …

My understanding is that a number of those people along the corridor are looking at some of the things they can do to stop this pipeline.

Section 49 of the Pipelines Act is about what matters the minister must consider. It says that the minister must consider the following:

(a) the potential environmental, social, economic and safety impacts of the proposed pipeline;

(b) the potential impact of the proposed pipeline on cultural heritage (including Indigenous cultural heritage);

(c) the benefit of the proposed pipeline to Victoria relative to its potential impacts …

I think that alone shows that this community is not going to be getting value for money. There are better ways to get water for Melbourne, such as by using Melbourne’s own resources and recycling, than putting a 70-kilometre pipeline across a beautiful area of regional Victoria. The height of the pipe is such that a grown man can stand up in it — —

Mrs Powell — I think it is bigger than me! We do not even know which way it is going. There is a lot of angst in the community. The member for Seymour said that he spoke to the landowners in his area who were impacted by the north–south pipeline. I am sure he must be uncomfortable because he has to support the government project. The member must know that the pipeline will adversely affect his community.

I drove down to the Yarra Valley a couple of weeks ago, and I stopped in Yea. A number of people there recognised me and wanted to tell me what they thought about the north–south pipeline. All along the Yarra Valley there are posters which say ‘Stop the pipeline’. The issue has become very divisive. There are businesses that are against businesses and farmers who are against farmers. The government has now offered grants to those people affected by the pipeline. Those people can apply for a grant, but in very small print it says that they cannot criticise the pipeline. In effect those grants are trying to gag those people by not allowing them to criticise the pipeline.

There are many advertisements about it on television at the moment. The government is trying to sell this pipeline, but it will not be able to because nobody wants it. Today the Minister for Water said in question time that support for the pipeline is growing. It is not. Support for the pipeline is diminishing. We tell him all the time about all of the people who do not want the pipeline.

I do not know where the Greens stand on this issue. Although pumping water across the Great Dividing Range must increase greenhouse gases absolutely astronomically, the Greens are very quiet about this. They are not saying anything adverse about the government but quietly they say, ‘Yes, we don’t support it’. We need them to come out and oppose it.

People in Melbourne are opposing it. They are saying, ‘We don’t want this’. I speak to people in Melbourne all the time. They are concerned that it is proposed to take water by a pipeline coming from the food bowl of Australia to Melbourne, where people have their own ways of recycling water and reaching their own targets for that recycling. For the government to say that it will take the first 75 gigalitres of water from a drought-stricken region to an area that can recycle water — that is, which has other alternatives — is just absolutely staggering.

I am calling on the government to scrap the north–south pipeline. I understand that there is some disquiet amongst government members about the decision. I can understand that. Surely they are listening to their
Mr BROOKS (Bundoora) — I rise to speak in support of the Energy and Resources Legislation Amendment Bill 2008. The purposes of the bill are to amend the Electricity Safety Act 1998 in relation to the regulation of cathodic protection systems, to enable electrical contractors to be registered for periods of up to five years and to increase the penalty for an offence under that act; to amend the Electricity Safety Amendment Act 2007 in relation to the penalty for an offence under that act; to amend the Geothermal Energy Resources Act 2005 in relation to the tendering for exploration permits and in relation to retention leases; to amend the Mineral Resources (Sustainable Development) Act 1990 in relation to matters relating to tourist fossicking, to repeal certain redundant provisions and to increase the penalty for an offence under that act; to amend the Petroleum Act 1998 in relation to retention leases; to amend the Pipelines Act 2005 in relation to an increase in penalties for certain offences; and to make other miscellaneous amendments to those acts and the Electricity Industry Act 2000.

My attention was drawn to the annual report of Energy Safe Victoria. It notes that in the reporting period 2006–07 unfortunately two deaths by electrocution occurred. The report notes also that in the previous reporting period, 2005–06, seven people died by electrocution in Victoria and notably three of those electrocutions happened as a result of trucks touching powerlines in rural Victoria. While those numbers are not as stark as one sees in the road toll, for example, or in other public safety areas, they are still of concern. It is very heartening that in its annual report Energy Safe Victoria notes that it will continue to strive to reduce and possibly eliminate electrocutions and serious electrical incidents.

In speaking to this bill this evening, I intend to direct my remarks to part 2, which is specifically the amendment of the Electricity Safety Act 1998. Clause 3 amends the act to provide for registration of electrical contractors for periods of up to five years, whereas currently electrical contractors have to renew their registration annually. Here we are talking about contractors as opposed to licensed electricians — that is, people who are licensed electricians but contract in their own business.

Clause 4 repeals sections 34(2)(a) and 41(2)(a) of the Electricity Safety Act 1998. The sections provide for fines to be issued by Energy Safe Victoria where it is considered that disciplinary action is necessary. Three other sections on penalties listed in the principal act are retained. The first, which is that a person must pay a fine of up to $500, is removed by the bill. Anybody who has engaged an electrical contractor recently would understand that a fine of up to $500 is not a very heavy deterrent for poor behaviour by electrical contractors, given the prices that they charge and the money that they make.

Clause 5 amends section 45(4) of the Electricity Safety Act 1998 to increase the penalty for licensed electrical inspectors who fail to record defects in electrical work when issuing a certificate of inspection. Again, when it comes to electrical safety, this is a very important clause. The penalty is increased from 10 to 50 penalty units, so it is a substantial increase in the penalty that will be incurred by electrical inspectors who fail to record defects in their certificates.

Clause 7 substitutes a definition of ‘prescribed offence’, essentially moving offences from the regulations into the legislation. Again, when it comes to the government sending a message to those people employed in the electrical industry about the seriousness with which we view electrical safety, I think it is important that those offences are enshrined in the legislation as opposed to being in the regulations.

The annual report of Energy Safe Victoria indicates the number of people who are working in the electrical industry. In 2006–07 there were over 9000 registered electrical contractors — that is inclusive of people renewing their contracting licences and those who were initially registering as electrical contractors. That is up from just over 7000 in the 2002–03 period, and the total number of electrician licences in that 2006–07 period was up around 25 900. So there are a large number of people performing electrical work in Victoria every day. This bill is another step in the government’s program of ensuring that the legislation and regulations governing electrical work are best practice and clearly set out the seriousness with which this government views electrical safety.

It was interesting listening earlier on to the debate, and in particular to the member for Brighton, the shadow minister for urban water, and her arguments around the amendment that has been put forward by the member for Box Hill. The shadow minister for urban water spent nearly the entirety of her time talking about the Sugarloaf interconnector, the north–south pipeline, and railing about how this bill would give extra power to such projects in terms of compulsory acquisition and dealing with people when consultation was under way. In fact, the amendments in this bill in relation to the Pipelines Act are clearly not included. Schedule 1,
part 2 (Exclusions) of the principal act specifically states:

This act does not apply to the following pipelines …

It lists them from (a) through (b), (c), (d), (e) and then down to (f), which refers to:

a pipeline for water supply, drainage or sewerage (not including a pipeline for the conveyance of geothermal water within the meaning of the Geothermal Energy Resources Act 2005) …

Quite clearly the member for Brighton, the shadow minister for urban water, does not understand the Pipelines Act 2005, has not done her homework, and as we have seen a number of times, members of the opposition, particularly on the front bench, have been too lazy to do their homework, read the legislation and understand what they are talking about. They are quite happy to play the cheap political games, and they are quite tough when it comes to trying to pick on one or two members of the government but they do not understand the legislation. They did not bother flicking to schedule 1 and checking whether or not the Pipelines Act 2005 actually applied to water pipelines, and it does not. I commend the bill to the house.

Mrs FYFFE (Evelyn) — I am pleased to rise to speak on the Energy and Resources Legislation Amendment Bill 2008. We are told by the government that the purpose of this bill is to ensure an efficient and secure energy system, safe delivery of energy services and access to energy at affordable prices, with an emphasis on environmental sustainability.

Residents of the Yarra Ranges understand better than some the importance of reliable energy. On 2 April this year, parts of Victoria were struck by a severe windstorm that left a trail of debris and many properties without electricity. While most people were back on line within 24 hours, many residents of the Yarra Ranges, particularly those on the Warburton Highway side, including me, were without electricity for four days. The windstorm was a timely reminder of how dependent we have become on energy services. Without them our refrigerators do not cool, our hot water tanks do not heat, our washing machines do not wash, and for those of us on tank water — and there are many on that side of the valley — our pumps do not work, so we cannot flush the toilets and we cannot shower.

Looking at what happened during the period around that windstorm, where do we see measures in this bill to assist in avoiding a repeat of the recent power blackouts? It is disappointing that an opportunity has not been taken with this legislation. The bill amends the Electricity Safety Act 1998 to provide that the owner of a cathodic protection system must not operate such a system unless it is registered by Energy Safe Victoria and must operate such a system in accordance with the regulations and conditions of the act. This amendment could be strengthened by reinforcing that it does not apply to persons employed for the purpose of testing a protection system. Nor should the clause be invoked in circumstances where maintenance or an extension to the system is being carried out.

The Department of Energy, Utilities and Sustainability in New South Wales has already adopted such provisions for anyone wanting to apply for an approval for a cathodic protection system. It is a wise inclusion that prevents a contractor from being held accountable in a situation where it is beyond reasonable expectation for the contractor to be aware of the owner’s compliance with registration regulations under the Electricity Safety Act.

Currently electrical contractors are required to renew their registration annually. The bill will amend the Electricity Safety Act to provide for registration periods for electrical contractors of up to five years. This will ensure consistency with existing licence renewal arrangements for electrical works. Although the government has not outlined it in Parliament, one of the anticipated benefits of a longer renewal period for electrical contractors is expected to be a percentage saving on annual registration renewal fees. According to the Energy Safe Victoria website, electrical contractors at present have to pay an application fee of $240 for a one-year period and $170 to renew their registration each year thereafter. Any subsequent fee should reflect the reduced administrative burden of registration only occurring once every five years. It is my hope that the government will not see such a change as an opportunity to profit from a cumulative charge that incorporates administration fees when the administration requirements are one-fifth of what they will be.

The bill is also set to repeal redundant provisions and make other minor and statute law revisions of an administrative and machinery nature. They include amendments to the Pipelines Act 2005 to increase the penalties for constructing or operating a pipeline without a licence and amendments to the Electricity Safety Amendment Act 2007 to exempt any person that has an approved electricity safety management scheme.

I would like to speak in support of the amendment circulated by the shadow minister to make it mandatory for the minister to consider a proponent’s compliance with an approved consultation plan before deciding
whether to authorise compulsory acquisition. The previous speaker attacked us for not understanding the legislation, but I would like to make it clear that the Pipelines Act does not apply to water pipelines unless the minister declares the act to apply to a particular water pipeline by notice in the *Government Gazette*.

The north–south pipeline or the Sugarloaf interconnector, whichever words you want to use, is of concern to many people in my region. The project — —

**Mr Nardella** — Rubbish!

**Mrs FYFFE** — Perhaps the honourable member who is making his usual ridiculous interjections would like to come out to my electorate and meet some of the people.

**Mr Nardella** — Any time.

**The ACTING SPEAKER (Mr Ingram)** — Order! The member for Melton should not interject in that manner.

**Mrs FYFFE** — The project impact assessment report hearings were advertised on 19 February 2008, and the closing date for submissions was 18 March 2008. Many of my community members were prevented from making submissions because it was harvest time, an intense time when small businesses, which are often family owned and operated and working long hours operating under drought conditions, did not have time to make written submissions.

The allocation of what some would say are mythical water savings is causing a lot of anger, in that as much as the marketing of this project is aimed at saying irrigation systems will be improved, the fact is that water will be taken away and delivered to Melbourne without the Victorian public and in particular the affected region knowing what basis has been used for the figures being quoted by the government of how much water allegedly will be saved by the upgrade of the irrigation systems. The 30 per cent of saved water — —

**Mr Brooks** — On a point of order, Acting Speaker, the member has strayed completely from the topic of the bill and is talking about a completely different issue. I ask you to bring her back to the topic of the bill.

**Mrs FYFFE** — On the point of order, Acting Speaker, many speakers prior to me have been talking about the north–south pipeline, or the Sugarloaf interconnector, as it is also known. My comments are based on the amendment circulated by the shadow Minister for Energy and Resources.

**The ACTING SPEAKER (Mr Ingram)** — Order! I have looked at the bill in detail, and I believe that a number of members have strayed from it. It is a requirement of the Chair to ensure that members follow the specific nature of the legislation. I bring the member back to the bill.

**Mrs FYFFE** — Further on the point of order, Acting Speaker, I believe that I was speaking on the amendment.

**The ACTING SPEAKER (Mr Ingram)** — Order! I have ruled on the point of order.

**Mrs FYFFE** — The amendment put would make it mandatory rather than optional for the minister to consider that proponents comply with an approved consultation plan before deciding whether to authorise compulsory acquisition. I was speaking about the consultation time that was being taken with the hearings and the fact that some of the people who own the land through which this pipeline will pass could not make submissions because it was harvest time. I was also talking about the fact that they would not have had time to argue about the 30 per cent of the water that is supposed to be saved.

The pipeline will be going through areas of land the owners of which have not had the opportunity to explain to the government in detail what would happen to their properties. The pipeline will pass close to vineyards and areas sensitive to phylloxera, and it will also cross waterways and creeks. The works will take more than two years, and we do not know what damage will be caused to those waterways and creeks and how much winter filling of farm dams will be affected by this pipeline.

Concerns have also been expressed that there has been no time for consultation with environmental groups in that area. That is why I am speaking so strongly in support of the amendment to be proposed by the shadow Minister for Energy and Resources that the time for consultation should have been extended; there should have been a serious period of consultation. If this pipeline goes along the route that is proposed, for each megalitre of water pumped over the Divide, 1 tonne of CO₂ will be released into the environment, adding to global warming and climate change. I support the proposed amendment by the shadow minister.

**Mr Nardella** — Wrong! Wrong! Renewable energy, you fool!
Cathodic protection systems literally underpin our built environment. Whether that built environment comprises pipelines underground, whether the built environment comprises electrical towers that carry and distribute masses of electricity throughout the state, or whether those types of built environments include simply an outboard motor on a fishing boat, they all consist of metals that come into contact with either water or earth and which are subject to corrosion without adequate cathodic protection systems in place.

When you paint a picture of the importance of that to our built environment and the economics of our society and the way we function and operate, you can see very quickly that we need to ensure the correct installation and maintenance of cathodic protection systems, the responsibility for which lies squarely with specific people. This amendment specifies clearly that the responsibility would be with the owner of a cathodic protection system.

Given there has been an increase over time of subcontractors who manage or operate cathodic protection systems, there has been a need to update or modernise our legislation to ensure there is no gap in where the responsibility and accountability lies to maintain the necessary level of cathodic protection systems that underpin our economy. It is a good thing, it is necessary, and I am very pleased to speak in support of it.

The owners of cathodic protection systems would be registered by Energy Safe Victoria, which of course is the independent regulator for electricity, gas and pipeline safety. Energy Safe Victoria arose through this government’s previous legislative enactments going back to 2005, which established this body to ensure that we could move towards a synergy of regulatory responses to the function and operation of gas and electricity systems. They are very important measures that are included in the legislation.

I also want to turn my attention to an amendment to the Geothermal Energy Resources Act. This is energy that is derived from hot water or steam from beneath the earth’s surface, which is generated into electrical energy. Currently the act is unclear as to whether, where a previous tender process for the granting of an exploration permit has resulted in no permit being granted for whatever reason, the government can immediately proceed to conduct a competitive tender process under section 18 of the act.
The amendment will clarify that the government can proceed with another competitive process under section 18 at any time. That provides some certainty to this new industry about the regulatory processes for a multitude of grants that can be permitted by the government, including exploration grants. It is a minor amendment, but nevertheless one that will add further to the certainty surrounding this new industry, which is one of a number that this government is committed to doing further work on so that we are able to become less reliant on energy-generating industries which produce excessive amounts of CO₂. It has to be a good thing.

The bill contains amendments to the Electricity Safety Act allowing for the registration of electrical contractors for up to five years, thus moving away from the existing annual registration requirements. This will create a synergy with the existing situation under which electricians can be licensed for five years. This will reduce administration costs to electrical subcontractors, which will no doubt be a welcome move. There are about 9000-odd electrical contractors, and I imagine that many of them would reap the benefits of reduced administrative costs by virtue of the fact that they will have to apply to register only once every five years instead of annually.

The bill makes a number of amendments to other acts within the purview of the Energy and Resources Legislation Amendment Bill. Some of them are tidying up exercises, tightening up of administrative requirements, and others go a little bit deeper than that, but they hold the government to the light in terms of its commitment to an efficient energy system in Victoria, whether it be gas or electricity — —

Business interrupted pursuant to standing orders.

ADJOURNMENT

The DEPUTY SPEAKER — Order! The question is:

That the house do now adjourn.

Water: Werribee irrigation district

Ms ASHER (Brighton) — The issue I have is for the Minister for Water and the action I request of him is that he secure recycled water of acceptable standard for the Werribee irrigation district and its farmers.

I recently met with Water for Werribee, a group of irrigators in the Werribee irrigation district. Six hundred people are employed in this area, and I am told that the turnover there is about $100 million. These people grow vegetables — mainly cauliflowers, lettuce, broccoli and cabbage — and they are particularly concerned about their supply of recycled water from the western treatment plant. They have produced a discussion paper on this matter. By way of a subsidiary comment, it would be beneficial if the Minister for Water would read this discussion paper, meet with them and hear of their concerns prior to acting on my request for him to secure them a supply of recycled water of a suitable standard.

There are a number of problems with the recycled water in Werribee, the principal one being the level of salinity. Many members would be aware of reports mainly in the Melbourne Age in recent times which referred to lettuces that were brown because of the disputed quality of the recycled water available from the western treatment plant. Page 3 of the discussion paper prepared by the Werribee irrigation district irrigators makes the point that they would like recycled water with a salinity level below a maximum of 1000 EC (electrical conductivity); currently they are receiving water with salinity levels between 1800 and 1950 EC. At the moment demand exceeds supply, and the minister will need to turn his attention to that.

However, in terms of economic development for this region, I refer to page 6 of the discussion paper, which succinctly says why the minister needs to act on this. It says:

Securing sufficient water of a quality and cost consistent with the sustainability of the Werribee irrigation district will give irrigators confidence to invest for the future and to enter into supply contracts for their produce.

A group of irrigators in a Labor electorate wants a secure supply of recycled water, with improved content. The water is too saline now, and the western treatment plant has made the significant decision not to desalinate it at this time. I urge the minister to act on this immediately.

Sunshine Cricket Club: funding

Mr LANGUILLER (Derrimut) — The action I seek from the Minister for Sport, Recreation and Youth Affairs is to provide financial support to Sunshine Cricket Club, which is seeking $1000 from the Emergency Grants Fund to replace essential sports equipment. By way of background, in late January vandals attacked the club’s wicket covers and left a damage bill in the order of $2000 for replacement covers. The club needs new replacement wicket covers in order to compete in the subdistrict competition.
The Sunshine Cricket Club was formed in 1948 by a group of people who wanted to play turf cricket in the Sunshine district. A turf wicket was installed at Selwyn Park in Albion. The new club was entered into the Victorian Junior Cricket Association for the 1948–49 season. The club won the premiership in its first season, and was elevated to the Victorian Sub-District Cricket Association in 1949, with two teams entered. It won premierships in 1956–57, 1966–67 and 1983–84, so the club has a terrific record. It also won in the west group, which was not recognised as a premiership at the time.

The club stayed at Selwyn Park until the 1970–71 season, when the then Sunshine council asked it to move to its current location at Dempster Park, North Sunshine. I understand that conditions were fairly primitive when the club first occupied Dempster Park, but with a lot of hard work from the community and the club and with the assistance of local government the club now has good facilities, with the main ground and centre wicket being second to none in the competition.

The club has progressed to fielding four open-aged senior teams affiliated with the Victorian Sub-District Cricket Association and five junior teams in the West Metro Junior Cricket Association. The Sunshine Cricket Club is within the Victorian Sub-District Cricket Association and the North West Cricket Association for the junior teams. It caters for people ranging from six-year-old children to adults. Sunshine is a very multicultural area, and the club has attracted players and members from a very wide and diverse range of cultural backgrounds.

I ask the minister to support the club in its attempt to replace the wicket covers that were damaged by the vandals. I am very confident that the club and the municipality will be able to restore the facilities to their original condition.

Teachere: preschools

Mr CRISP (Mildura) — The action I seek from the Minister for Education is to ensure that the pay of kindergarten teachers is brought into line with the better pay that other teachers have just successfully won. Although the recent announcement that teachers were successful in their push for better pay was welcome, there is much disappointment in my electorate that kindergarten teachers are now expected to do more work, particularly with the 1000 new places for the disabled — another very welcome measure — which are not funded by the teachers’ victory.

Chandler Highway: bridge

Ms RICHARDSON (Northcote) — I raise a matter for the Minister for Roads and Ports concerning the Chandler Highway and, in particular, the Chandler Highway bridge which crosses the Yarra and joins the suburbs of Alphington and Kew. I ask that the minister commission VicRoads to conduct an investigation into traffic movements and congestion across the bridge. Residents heading south along the Chandler Highway or north from the Eastern Freeway would well know the Chandler Highway bridge across the Yarra. The
lanes on both sides of the bridge narrow down to a single lane and become a bottleneck very quickly. At peak hours in particular cars can bank up waiting to get across the bridge.

The bridge was of course an old railway bridge that was converted to a road in 1930, and it has remained a single-lane bridge since that time. Residents have been divided over whether the bridge should be expanded. Some have been of the view that expansion will bring more trucks and cars into the area; others have argued quite strenuously that we need to duplicate the Chandler Highway bridge as soon as possible.

The recent announcement by Amcor to vacate its site on the corner of the Chandler Highway and Heidelberg Road has brought the debate about the bridge to a head, and it has heightened the need to investigate the traffic movements across the Chandler Highway bridge over the Yarra. There is no doubt that the decision by Amcor will have a huge impact on the Alphington area. I have heard it estimated that this 16-hectare site could contain something like 3000 households. That is an incredible number of families that could be moved into this area if the land is rezoned from industrial to residential zoning. It is an enormous number of families, and when you come to think about it, the area could be considered a new suburb in that part of Melbourne. We obviously need to make a plan about what impact this will have on services in the area: our local schools, our kindergartens, our child-care centres, our community centres, our sporting facilities and the like. All of these things will be impacted on if the area is zoned residential.

I want to take this opportunity to congratulate South Alphington and Fairfield Civic Association members, who were right at the forefront of this debate about how we manage the departure of Amcor from the Alphington site. Their foresight is to be commended, and I look forward to working with them to ensure that we get the best possible outcome for residents living in the area or people moving into the area in the future. I therefore call on the minister to investigate the traffic movements on the Chandler Highway bridge in a bid to improve its use in the future.

Narcissus Avenue–Tormore Road–Boronia Road, Boronia: traffic lights

Mr WAKELING (Ferntree Gully) — The issue I rise to speak on is the intersection of Narcissus Avenue and Tormore Road with Boronia Road in Boronia. The action that I seek is for the Minister for Roads and Ports to install traffic lights at this busy intersection. Boronia Road, as the Minister for Sport, Recreation and Youth Affairs would be well aware, is a major through road in the city of Knox. The road carries significant east–west traffic and services the communities of Boronia, Ferntree Gully, The Basin and beyond. The intersection of Tormore Road and Narcissus Avenue with Boronia Road is a major intersection for users of Boronia Road. Narcissus Avenue serves as an entry point for residents in the Ferntree Gully electorate who reside in Boronia.

To the north, Tormore Road, located in the neighbouring electorate of Bayswater, not only services Boronia residents living within its catchment but serves as the gateway to Boronia West Primary School and the sports facility of Tormore Reserve — home to the Boronia football and cricket clubs — and is also the entry point for Knox City Council’s regional swimming complex, Knox Leisureworks. Given the volume of traffic that is both entering and exiting Narcissus Avenue and Tormore Road, the problem is further exacerbated by the fact that the intersection is located on a crest, thus causing commuters to make a blind right-hand turn when entering Tormore Road from Boronia Road.

I have been approached by a number of concerned residents about the need for this intersection to be upgraded. A number of local organisations are also concerned about the intersection, including local Ferntree Gully resident Peter Cole, who has been forced to form a lobby group with other local community organisations to pressure the government to listen to their concerns and act on this important issue. Both the member for Bayswater and I have worked together on this important issue for a long time.

At the last election we both campaigned heavily for this intersection to be upgraded and called upon the then government to provide urgent funding for the installation of traffic lights at the intersection. She and I will continue to work together with other concerned residents to force the government to listen to the concerns of our respective communities. It is a very important intersection. This has received a lot of publicity of late in local newspapers. Members of the community have made their voices heard loud and clear and have said that they want something done about this intersection — and they want something done now. The community has called for the upgrade to occur so that we do not face the potential for the loss of a life at this intersection being realised.

I call upon the Minister for Roads and Ports to listen to the concerns of my community and to take action to ensure that the intersection of Narcissus Avenue and Tormore Road with Boronia Road is upgraded with the installation of traffic lights.
Geothermal energy: exploration

Ms DUNCAN (Macedon) — The matter I wish to raise is for the Minister for Energy and Resources. I ask the minister to take action to further facilitate the exploration for geothermal energy resources in Victoria. Increasingly in a carbon-constrained future renewable energy will become more and more significant. Furthermore, with the impending introduction of an emissions trading scheme in Australia, the need for more clean energy sources is becoming increasingly urgent.

Last year this government released land across Victoria for the purposes of geothermal energy exploration. Some of this land falls within my electorate of Macedon. Greenearth Energy Ltd has been granted an exploration permit over the area. Geothermal energy is a clean and green energy source that is generated by the combination of naturally occurring heat from dry rocks and water reservoirs deep beneath the earth’s surface. Compared to other forms of renewable energy such as wind and solar power, geothermal energy is a relatively unknown quantity. While geothermal energy sources in Victoria have scarcely been explored, there is a growing awareness of their potential.

Environmental experts are now singing in chorus about the urgency with which we need to combat the effects of climate change. There are fewer and fewer sceptics who are becoming quieter and quieter in their opposition. Given that the energy sector contributes approximately one-third of Victoria’s greenhouse gas emissions, it is vital that we explore all means of producing electricity in a more sustainable way. Geothermal energy could offer that potential.

Some cynicism is expressed about geothermal energy, and some green groups have spoken out against it. Given the huge amount of emissions that are produced through electricity generation, we desperately need to find ways of generating electricity with many fewer of those emissions. It may be through clean coal, which some people see as a pipe dream, but my view is that we need to be doing lots of things together, and exploring geothermal energy is one of those things. We need to explore that in conjunction with using solar and wind power, reducing our energy use and becoming more efficient. I therefore call on the minister to take action to further encourage geothermal energy exploration in Victoria. I believe it is part of a range of things we need to be doing. This is one part of the puzzle of solving the problem of how we reduce our greenhouse gas emissions.

East Gippsland: icon walks project

Mr INGRAM (Gippsland East) — I raise a matter for the attention of the Premier. The action I seek is for the government to endorse and implement in its entirety the icon walks project in East Gippsland. The icon walks project is an ecotourism proposal that was developed by the Orbost and District Community Forum with significant input and support from Parks Victoria, the Department of Sustainability and Environment (DSE), the East Gippsland Shire Council, me, and other people within the community.

Many members of this house will know that East Gippsland contains world-class natural assets which are the basis for an outstanding opportunity to develop nature-based tourism. There is a large number of existing walks and other nature-based tourism opportunities in the area. Croajingolong National Park has just been declared a national landscape by the commonwealth. As I said, this proposal has been put forward by Parks Victoria, DSE, me and the East Gippsland Shire Council. We have been doing a large amount of work to try to get support.

The government has committed to part of this project. It has endorsed a number of new short walks, and basically the community is seeking matching funding to have those short walks implemented by the commonwealth. The full project is a range of 32 short walks, upgrades to 27 existing walks and the development of five new walks. It includes the development of the Croajingolong wilderness coastal walk, which runs from Cape Conran all the way up to the New South Wales–Victorian border. It also includes the development of further eco-lodges or standing camps. It has come about as a result of the Orbost and District Community Forum commissioning a report prepared with federal funding. As I said, the proposal has involved a large amount of work and is widely supported within the East Gippsland community. It is important that our region develop these opportunities, particularly for small towns like Orbost, Cann River and Mallacoota, which will be the major beneficiaries.

The action I seek is for the government to endorse the entire eco-walk package and to work with the commonwealth government to ensure that full funding is achieved so that our community will gain the full benefit from the spectacular natural assets we have in the region.

HMVS Cerberus: preservation

Ms MUNT (Mordialloc) — The action I seek this evening is from the Minister for Planning in the other
place, and it is in regard to the HMVS Cerberus in Sandringham. I ask the minister to encourage his department to continue meaningful talks with the federal Department of the Environment, Water, Heritage and the Arts, which is the department of Minister Garrett. The Friends of the Cerberus group has been running a campaign for many years now to try to save the Cerberus, which is in Half Moon Bay. In its newsletter 86 it has reported that Minister Garrett has asked his department to arrange a meeting with Heritage Victoria to discuss the options and priorities for managing the Cerberus and following these discussions he will consult further with the Victorian Minister for Planning, the Honourable Justin Madden, on those options and priorities for managing the ship.

I would just like to give a brief history of the Cerberus because it is a fascinating story that is an important part of the history of Victoria. The HMVS Cerberus — the HMVS stands for Her Majesty’s Victorian ship — is an exceptionally important ship, not only for our local maritime history concerned but for the naval history of the world. The Cerberus was launched in 1868. It marked the beginning of a new generation of steam-powered ships, transforming the Victorian economy in an age when the main form of transport for trade with England and continental Europe was via the sea. Today the Cerberus is in fact the world’s last remaining monitor warship. This proud and distinguished ship, which at one time was the pride of the Victorian Navy, made her final voyage to Half Moon Bay in 1926, where she has lain ever since. She has weathered the constant and unrelenting battering of the sea surprisingly well. However, the passage of time and the persistence of the elements led to a partial collapse in 1993, and the Cerberus continues to disintegrate at a rate of approximately 16 millimetres a year.

Over the last few years the Victorian government — and this is a credit to the former minister, Mary Delahunty, and a former member for Higinbotham Province in the other place, Noel Pullen — has allocated $70 000 to save the turrets from the Cerberus, which have been removed. The Cerberus is a local gem that is much loved by the local community. In my youth I used to jump off and swim around it, even though the signs said I should not, but it has deteriorated since that time. I urge the minister to ask his department to continue the talks to see what can be done for HMVS Cerberus in Half Moon Bay.

**Schools: Kilsyth electorate**

Mr HODGETT (Kilsyth) — I wish to raise a matter with the Minister for Education in light of the government’s announcements in today’s budget. The action I seek from the minister is to inform the schools in my electorate of Kilsyth of the timetable detailing when they should expect to have their maintenance issues dealt with.

I have 16 state primary, secondary and special development schools in my electorate. On behalf of students, teachers and parents at those schools, I ask the Minister for Education to outline her strategy, her plan, her timetable — whatever words she wishes to use — for the much-needed and ongoing maintenance to be undertaken and completed at these schools. As a result of last year’s announcements, 5 of the 16 schools received no additional maintenance funding. Of the remaining schools, two received $1.67 and $4.35 per student respectively. What can you fix for $1.67?

When I visit the schools in my electorate I witness firsthand the maintenance issues faced by the school community. The issues in these schools are wide ranging. I have been told that one school community fundraises to maintain the school property. Two years ago it raised in excess of $50 000 to have the buildings ready for the beginning of the school year. Parents have had to raise money to fix the gutters and downpipes. Another school has had to move furniture away from external walls as the floorboards are rotting. School toilets require refurbishment and upgrades to the plumbing system.

I have been phoned by irate parents who have seen teachers forced to use a staffroom which one parent suggested was in such a deplorable state that it was not even fit to keep cattle in. School principals are doing the best they can to work through the bureaucracy, but they cannot look sideways to decide what needs to be done, and by creating uncertainty the minister and the government have done little to allay these fears. I ask the minister whether the schools can expect some payment from the government to maintain these government buildings, or do they need to tax themselves some more and rattle the cans on street corners?

Of course, the change of federal governments in our country has left my schools further in the lurch. The Howard Liberal government’s Investing in Our Schools program yielded dividends to the schools in my electorate. Will the minister face the angry crowd of tin-rattling students, parents and teachers in Kilsyth and answer why she is keeping them in the dark? Will she tell them who has been left in the cold?

This government has promised a 10-year program to fix schools in our state. I ask the minister to show me the
plan for the schools in my electorate, show some respect to the principals, teachers, parents and students in my electorate, show these people their school maintenance timetables and make the lives of principals easier than she is currently making them.

Albert Park electorate: sporting facilities

Mr FOLEY (Albert Park) — My issue is for the Minister for Sport, Recreation and Youth Affairs, who, I happily note, is at the table, being as he is the true champion of sport and healthy lifestyles in Victoria. The specific action I seek from the minister is to ensure that the state budget for 2008–09, under its allocations for sport and recreational programs, delivers an increase in community sporting facilities at Albert Park’s Bob Jane Stadium and in Albert Park more generally.

As we all know, this area is a very important part of Melbourne’s recreational landscape. Rich in history as the Lake Oval and home of the former Australian Football League club, South Melbourne, the ground has been an important part of the rich sporting tradition and cultural heritage of the Albert Park district.

Albert Park — that is, the park as opposed to the electoral district — is the largest area of open space in my electorate and indeed in the surrounding communities. It is a park that is tremendously popular with recreational users and sporting clubs right across — —

The DEPUTY SPEAKER — Order! I am sorry to interrupt the member for Albert Park. Earlier today in the chamber we had a discussion about the question of anticipation in debate — in this instance, on the budget and appropriation bill. We do not have a ruling about anticipation for adjournment matters but we do for other areas, and we are seeking clarification on the issue. I would advise the member to seek action from the minister perhaps to ensure that facilities at Bob Jane Stadium are upgraded and to not refer to the appropriation bill at this stage.

Mr FOLEY — I will take your guidance and perhaps rephrase my request to seek assistance from the minister to ensure the upgrade of the processes in the Albert Park — —

Ms Asher interjected.

The DEPUTY SPEAKER — Order! The member’s time has expired. I am sorry that the member had to be interrupted. Ten matters having been raised, I call the Minister for Energy and Resources to respond to the member for Macedon.

Responses

Mr BATCHELOR (Minister for Energy and Resources) — The member for Macedon raised with me the need to encourage the development of alternative clean energy resources, and she particularly emphasised the potential for geothermal energy. The member for Macedon is spot-on; the potential of geothermal is particularly important in trying to develop alternative renewable energy resources. The advantage that geothermal energy has over other renewable sources of energy is that it has the potential to provide baseload electricity, unlike wind and solar power.

An honourable member interjected.

Mr BATCHELOR — This is the real advantage here of providing baseload, and we would ask those who do not understand these subtle differences to become more informed and get a better understanding of what the advantages of different aspects of renewable energy are. As the member for Macedon highlighted, there is a need for increased investment in renewable energy sources here.

An honourable member interjected.

Mr BATCHELOR — And this need has never been more pressing.

Mr Ingram interjected.
Mr BATECHLOR — There is a lot of hot air going on in here tonight.

The DEPUTY SPEAKER — Order! The member for Gippsland East should cease interjecting.

Mr BATECHLOR — The Brumby government recognises the serious threat posed by climate change, and members can rest assured that this government is taking action to reduce emissions by encouraging investment in existing and new technologies, which of course include geothermal. Geothermal has the potential to provide clean and reliable energy, and the important factor here is that it is able to do that with close-to-zero greenhouse gas emissions. As I said earlier, its other advantage is that it has the potential to provide baseload energy from renewable sources.

In hydrothermal energy systems, deep underground water which has been naturally heated to steam temperatures is brought to the surface, and the steam is used to turn the turbines and to make electricity. Also in the geothermal area, in the dry rocks system, water is injected from the surface deep down underground onto these dry hot rocks. It is injected and returned to the surface in a very highly heated form. That method is also used to convert that heat energy into electricity.

The close proximity of high voltage electricity transmission lines adds a potential to geothermal energy here in Victoria. It makes Victoria an extremely attractive site for geothermal investment because of the need for having an energy resource close to an existing transmission resource and therefore dramatically reducing the infrastructure costs of any resultant energy production.

The member for Macedon mentioned that last year this government offered permits to some 12 exploration sites across Victoria for geothermal exploration and that five companies, as a result of that public tender process, have been awarded licences for those sites. As a result they have committed to spending a total of some $64 million over the next five years. This level of exploration for geothermal energy is great news for Victoria. I am pleased to report to the Parliament tonight, and particularly in response to the member for Macedon, that this government has released a further 19 areas for geothermal exploration. We are looking for interested companies to invest their money in trying to find this resource, because we know that if you do not look for it, you certainly will not find it. These new areas are mostly located in the Wimmera.

Honourable members interjecting.

Mr BATECHLOR — That appears to be news to the member for Sandringham, but it is certainly true. These new areas are mostly located in the Wimmera, in the north of the state, and also in Gippsland, and they cover some 154,000 square kilometres. The release of these areas will encourage more investment in Victoria’s emerging geothermal industry.

Clearly we understand that there is no silver bullet when it comes to tackling climate change, and this is why this government is encouraging investment in a whole range of different energy technologies. Earlier this month the Premier announced a $72 million fund to help finance proposals for large-scale, renewable energy demonstration projects across the state and eligible considerations would be projects that involve solar power, wave power, biomass and geothermal. These are all forms of renewal energy. This fund forms the next stage of the successful energy technology innovation strategy — ETIS as we have called it — and the successful grant program that is housed under the ETIS program.

ETIS funding has so far leveraged some $250 million from the commonwealth and $1.2 billion of co-investment, primarily from industry, in a range of brown coal, renewable and clean energy innovation projects right across Victoria. In fact in the latest ETIS round this government contributed some $50 million towards the cost of the construction of one of the world’s most advanced solar power stations and that has been done in partnership with a company called Solar Systems. When Solar Systems solar power station has been completed, we will see a 154 megawatt power station with sufficient plant to provide electricity to light up a city the size of Geelong. This essentially will be through zero emissions energy generation.

Through investment in projects such as these the government will continue to demonstrate its dedication to combating climate change and further position Victoria as a global leader in the development of renewable energy. This absolutely addresses the issues raised by the member for Macedon and there is no doubt that the electors in the electorate of Macedon are very lucky to have a member who is so astute in understanding the needs of renewable energy and obviously supports these projects not only for her electorate but for the rest of Victoria.

Mr MERLINO (Minister for Sport, Recreation and Youth Affairs) — The member for Albert Park raised the issue of a potential upgrade of facilities at Albert Park, and specifically whether any upgrade would include an increase in community use. In any upgrade of Lake Oval and Albert Park there is a real opportunity...
to increase community sporting activity as part of such an upgrade. One clear way would be through the installation of synthetic pitches, of turf pitches, of pavilions and of lighting. Importantly upgrades of that nature would increase community use. For example, touch football, rugby and soccer are all activities that currently occur at Albert Park, and the installation of community facilities such as synthetic and turf pitches will result in increased participation.

I can assure the member for Albert Park that I will give strong consideration to increasing community sport in any upgrade that occurs at Lake Oval and Albert Park. I thank the member for his continued interest in and support of grassroots sport and look forward to working with him and the Albert Park community, the council and Parks Victoria to ensure that community sport increases with any development in that region. The Brumby government will always place as high a value on grassroots sport as it places on any major project. This is clearly demonstrated through the emergency grants to replace essential sports equipment program.

The member for Derrimut raised an application to the program by the Sunshine Cricket Club. I assure the member that I will take on board his strong support for that application. The emergency grants to replace essential sports equipment program is one of the smallest grant programs the Brumby government offers, yet it provides enormous relief to many of our sporting clubs in times of hardship. The program offers a 50 per cent reimbursement to clubs for any losses incurred as a consequence of fire, flood, significant storm event, theft or criminal damage. These grants go a long way towards helping local sporting clubs to function and serve the community while they get back on their feet following a disaster.

I thank the member for Derrimut for raising the plight of the Sunshine Cricket Club with me, and I ask him to convey my best wishes to the club and assure it that I will strongly consider its application. The Brumby government understands the mutual dependency of grassroots and elite sport and will continue to invest in both.

The member for Brighton raised a matter for the Minister for Water; the member for Mildura raised a matter for the Minister for Children and Early Childhood Development; the member for Northcote raised a matter for the Minister for Roads and Ports; the member for Gippsland East raised a matter for the Premier; the member for Mordialloc raised a matter for the Minister for Planning in the other place; the member for Kilsyth raised a matter for the Minister for Education.
Wednesday, 7 May 2008

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

NATIONAL GAS (VICTORIA) BILL
Introduction and first reading

Mr BATCHELOR (Minister for Energy and Resources) — I move:

That I have leave to bring in a bill for an act to establish a framework to enable third parties to gain access to certain natural gas pipeline services, to repeal the Gas Pipelines Access (Victoria) Act 1998, to consequentially amend the Federal Courts (State Jurisdiction) Act 1999, the Gas Industry Act 2001, the Interpretation of Legislation Act 1984 and the Pipelines Act 2005 and for other purposes.

Mr CLARK (Box Hill) — I ask the minister to provide a brief explanation of the various aspects of this bill.

Mr BATCHELOR (Minister for Energy and Resources) — The bill will implement in the energy sector the second phase of the national energy market reform program that has been initiated under the Council of Australian Governments. It is being undertaken by the Ministerial Council on Energy pursuant to the national agreement, the Australian Energy Market Agreement 2004.

Motion agreed to.
Read first time.

DRUGS, POISONS AND CONTROLLED SUBSTANCES (VOLATILE SUBSTANCES) (REPEAL) BILL
Introduction and first reading

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

That I have leave to bring in a bill for an act to repeal the Drugs, Poisons and Controlled Substances (Volatile Substances) Act 2003 and for other purposes.

Ms WOOLDRIDGE (Doncaster) — I ask the minister to provide a brief explanation of the bill.

Ms NEVILLE (Minister for Mental Health) — This bill will remove a sunset clause and will ensure that as part of the act there is a permanent provision to provide a health and wellbeing response to young people who are at risk because of the use of volatile inhalant substances.

Motion agreed to.
Read first time.

PUBLIC HEALTH AND WELLBEING BILL
Introduction and first reading

Mr ANDREWS (Minister for Health) — I move:

That I have leave to bring in a bill for an act to enact a new legislative scheme which promotes and protects public health and wellbeing in Victoria, to amend the Health Act 1958, the Food Act 1984 and certain other acts, to repeal the Health Act 1958 and consequentially amend certain other acts and for other purposes.

Mrs SHARDEY (Caulfield) — I ask the minister to give a brief explanation of the bill.

Mr ANDREWS (Minister for Health) — This is a comprehensive rewrite of the Health Act and will put in place a more modern and contemporary footing in relation to the protection of public health and the promotion of wellbeing and wellness right across the Victorian community. It comes after extensive consultation, the issuing of various papers a couple of years ago and much hard work. This will be a modern and far more contemporary legislative framework and architecture for the promotion of wellbeing and the protection of public health right across our state.

Motion agreed to.
Read first time.

BUSINESS OF THE HOUSE

Notices of motion: removal

The SPEAKER — Order! I advise the house that under standing order 144 notices of motion 26 to 29 and 152 to 181 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 6.00 p.m. today.

PETITION

Following petition presented to house:

Knox Private Hospital: redevelopment

To the Legislative Assembly of Victoria:

The petition of the residents of the area of the Knox Private Hospital bounded by Mountain Highway and Boronia Road, Wantirna, in the state of Victoria draws to the attention of the house that, from its establishment as a bush hospital to a
large, profit-making private facility, Knox Private Hospital has undergone many developmental stages and has begun to encroach on the surrounding residential streets thus changing the amenities and livability of the neighbourhood.

The petitioners therefore request that the Legislative Assembly of Victoria resolve that the Minister for Planning should investigate the Knox Private Hospital’s compliance with former VCAT rulings and stop any further development which encroaches upon the residential neighbourhood.

By Mrs VICTORIA (Bayswater) (151 signatures)

Tabled.

Ordered that petition be considered next day on motion of Mrs VICTORIA (Bayswater).

MEMBERS STATEMENTS

Government: advertising

Ms ASHER (Brighton) — I call on the government to cease its disgraceful taxpayer-funded political advertising campaign on water, a campaign it launched in April 2008. In part it is a press campaign rebutting so-called water myths. The problem is the source of these myths — either from the ALP or as a rebuttal of a coalition position. I quote from an article written by the former Minister for Water, Environment and Climate Change, John Thwaites, on 23 January 2007, which reads:

Fact — industry, including shopping centres, hospitals and sports facilities, uses 30 per cent of Melbourne’s water while households use 60 per cent.

The previous minister ran taxpayer-funded ads reflecting this position. However, the current minister has a different view. He is now running an ad titled ‘Water myth 3’:

Myth — people in Melbourne use most of Victoria’s water.

Fact — Melbourne’s households use less than 7 per cent of Victoria’s water …

We now have a circumstance where the previous minister set up a myth as a fact and used taxpayers money to promote it, and now the current minister is saying it is the reverse. I also note that myth 4 is as follows:

Melbourne is going to steal water from irrigators using the Sugarloaf pipeline.

That is not a myth; that is a political argument put forward by the Liberal-National party coalition, and the government is now using taxpayers funds to advertise against — —

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

That this house meets the Legislative Council for the purpose of sitting and voting together to choose a person to hold the place in the Senate rendered vacant by the resignation of Senator the Honourable Robert Francis Ray and proposes that the time and place of such meeting be the Legislative Assembly chamber on Thursday, 8 May 2008, at 12.45 p.m. or at the conclusion of the Legislative Council question time, whichever is the later.

Motion agreed to.

Ordered that message be sent to Council informing them of the resolution and requesting their agreement.

Anzac Day: Bellarine electorate

Ms NEVILLE (Minister for Mental Health) — It was an honour to once again join with local ex-service men and women and many members of the Bellarine community to commemorate and celebrate Anzac Day this year. The day began with the traditional dawn service at Fort Queenscliff, and I was pleased to be invited to share it with members of the Queenscliff-Point Lonsdale RSL.

The large crowd of about 3000, which gathered before dawn broke, included those who served in the armed
forces in World War II, Korea and Vietnam. Families and friends attended, and there was a strong contingent of schoolchildren and younger people who have taken the spirit of Anzac to heart. As the member for Bellarine I was honoured to have the opportunity to lay a wreath during the service. The service itself was followed by the traditional gunfire breakfast. Congratulations to Colonel Bruce Murray, the commanding officer, and his staff; and to the Queenscliff-Point Lonsdale RSL president, Richard Williams; the chaplain and honorary secretary, David Lamont; and members of the committee, for their hard work and commitment to making this such a special occasion.

Later in the morning I was pleased to participate in the Anzac Day memorial service held in Portarlington. This was also very well attended, with the biggest crowd ever recorded. The service was a moving tribute to those who lost their lives and an opportunity to honour the service that was given by so many from our local community. Thanks to ladies president, Eileen Sharp, and her team for the wonderful lunch that followed the service, and congratulations and thanks to all those involved from the Portarlington-St Leonards RSL, in particular the president, Brian Bergin; the secretary, Bruce Walters; and the committee. The tremendous effort of RSL committees and members across Bellarine ensured — —

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

Weeds: control

Mr JASPER (Murray Valley) — One of the issues of major concern for people living in country Victoria and municipalities is the control and eradication of noxious weeds. In particular they are concerned about who is responsible for the implementation of control measures and the current confusion where it appears local government is being loaded with additional burdens by the state government. With a huge reduction in staff and the closure of country offices of the Department of Primary Industries, officers are greatly restricted in their activities. The state government is now abdicating its responsibility and seeking to force municipalities to shoulder the extra burden of weed and pest animal controls on local roads without appropriate funding support.

Seeking further clarification I wrote to the Shire of Indigo, the Department of Primary Industries and the Minister for Agriculture following representations I received from landowners who are concerned with the lack of support for weed eradication on local roads and Crown land areas. The department confirms that the Catchment and Land Protection Act establishes responsibility for managing land and indicates that local government and VicRoads are responsible for pest plant and animal control programs on roads.

The Indigo shire confirms actions are being taken in town areas for weed control, together with education and incentive programs; however, the response from the minister clearly pushed responsibility back to municipalities in large measure for weed control. The government must provide appropriate funding to attack this critical issue and clarify who is responsible in specific areas — —

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

Oakleigh Centre: facilities

Ms BARKER (Oakleigh) — I was very honoured to be asked to officially open the new community building at the Oakleigh Centre on 21 April. The Oakleigh Centre is a not-for-profit community service organisation founded in 1950 and it has provided ongoing quality services to a very large number of people with special needs, with many of them having been with the Oakleigh Centre since the organisation’s early days. The chief executive officer of the centre, Mr Robert Preston, and the dedicated board members under the presidency of Alistair McDonald, have worked very hard over recent years to forge a new path by developing much-needed plans for the future, including new programs and, importantly, new buildings to ensure the implementation of their community inclusion philosophy. Part of the redevelopment is the new community building, which will house the centre’s administrative wing and provide new rooms for activities. Importantly, this beautiful building has other rooms which will provide greater opportunities for the broader community to also participate in a range of activities. I congratulate Robert and the board for undertaking this $5 million redevelopment utilising their own resources together with substantial fundraising.

Last year the state government announced a contribution of $2 million for the new building. With much of the funding for the community centre gained through fundraising contributions, the Oakleigh Centre framed the government’s capital funding as a contribution towards the total redevelopment rather than only being linked to the community centre. This has enabled the centre to begin the accommodation redevelopment by purchasing a property to develop for one of the offsite houses. Following the opening Robert
announced that, having been with the centre for 10 years, he would retire in July. While we are very sad that Robert is leaving us, we wish him well for the future and thank him for his dedicated commitment during his tenure, which has started the redevelopment of the Oakleigh Centre.

Bridge Road, Richmond: clearway

Mr MULDER (Polwarth) — The Premier must immediately instruct the Minister for Roads and Ports and the Minister for Small Business to meet with the Bridge Road traders before tomorrow’s planned shutdown of Bridge Road by the traders occurs. This new form of negotiation with the Brumby government comes courtesy of the incompetent Minister for Public Transport, who refused to meet with angry taxidrivers protesting over lack of safety screens in their cabs, which caused a sit-in at Flinders Street last week and mass disruption to the city. The screens were promised by Labor as far back as 2006.

Melbourne cannot afford to be labelled a city of sit-down protests. Unless the Minister for Roads and Ports and the Minister for Small Business intervene, that is what will occur. Last week’s ambush announcement against small business operators of the extension of clearway times outside their business premises, without even the basic decency of notification, consultation or an accompanying announcement that strategies would be put in place to help these businesses survive this brutal attack by the Minister for Roads and Ports, reeks of an uncaring and arrogant government whose members are prepared to steamroll Victorians who get in their way.

Is this what it has come to in this state? Each and every time we have a dispute those affected simply sit down in the street and wait for the minister to turn up, or, in the case of the taxidrivers dispute, have the opposition lead a delegation to the minister for transport’s ivory tower whilst Melburnians’ lives are turned upside down.

Equity Valet Parking: Australian workplace agreements

Mr FOLEY (Albert Park) — The Office of the Workplace Rights Advocate has released the results of its investigation into the operation of Australian workplace agreements used by a company calling itself Equity Valet Parking. These AWAs were used by this company to win a tender for Qantas’s high-value valet parking services at airports. They were offered on a take-it-or-leave-it basis to all existing employees in the dying days of the WorkChoices regime. The workplace rights advocate finds that in the space of a few short weeks the company introduced three different versions of its AWAs to all of its employees on a take-it-or-leave-it basis. The AWAs sought to remove conditions previously enjoyed by the staff under their collective agreement, particularly in the areas of overtime, removal of core award community conditions, reduction of Australian standard workplace conditions dealing with unpaid parental leave, the right to return to work on a part-time basis for new parents, the loss of penalty rates, overtime, shift loadings and other conditions — all far outweighing the alleged base rate increases attached to the agreement.

There are other arrangements, such as fines of $100 for any worker who is involved in a car accident. I call upon the federal workplace ombudsman to review these agreements to establish that they comply with the fairness test, and on Qantas to look at the activities of its new rogue contractor Equity Valet Parking and consider its own position in the public face of its high-value customers, and on Equity Valet Parking to do the decent thing and withdraw these agreements.

Racing: bookmakers

Dr NAPTHINE (South-West Coast) — I call on the Minister for Racing to stop procrastinating and immediately introduce a package of measures to save Victorian bookmakers and allow them to compete openly and fairly with corporate betting agencies and bookmakers operating from other states and particularly the Northern Territory. In Victoria bookmakers must physically be at the racetrack to accept bets by phone or on the internet, even when the bet is made on a race or events somewhere else. This means Victoria bookmakers cannot operate on a 24/7 basis as their interstate competitors can. It means Victorian bookmakers must drive hundreds of kilometres to stand at a racetrack to bet with their Melbourne clients over the phone. This must change.

We also need changes to allow Victorian bookmakers to raise external share capital; to abolish the law preventing Victoria bookmakers from hedging their bets with betting exchanges like Betfair; and to provide a competitive taxation and turnover payment rate for Victorian bookmakers, which currently pay 1 per cent in Victoria compared to only 0.3 per cent in the Northern Territory. Victoria is losing bookmakers, jobs, turnover and dollars from the racing industry and our state economy because of this minister’s failure to act and because of our outdated laws. The minister is sitting on the report of the bookmakers reform working party. The minister must stop procrastinating and do
something to save Victorian bookmakers and help Victorian racing.

Budget: Sunbury day hospital

Ms DUNCAN (Macedon) — I rise in support of the state budget. While there were many great things in this year’s budget, one in particular I am very pleased with is the allocation of $14 million for the Sunbury day hospital. The budget funding commitment comes just a month after the Minister for Health announced the Ardcloney site on Macedon Street as the location for the long-awaited hospital. This government made a pledge to build day hospital facilities for the fast-growing areas of Sunbury and surrounds. This funding allocation confirms this commitment. This allocation comes on top of $1 million in last year’s budget to plan this hospital. This year’s budget will complete the funding for the project. I am sure the community looks forward to this great facility being opened.

The Sunbury day hospital will give residents a facility for the treatment of a range of health conditions that require specialist medical care but do not require an overnight stay in hospital. The Sunbury day hospital will provide specialist medical care including diagnostics, pathology, rehabilitation and day surgical procedures. The funding to the day hospital has been committed as part of a $448 million capital boost in the state budget to rebuild Victoria’s hospitals and health services.

I am proud to be part of a government that has made a long-term commitment to investing in hospitals and in rebuilding Victoria’s public health system. This new facility builds on this government’s commitment to health services in Sunbury. This government completed the construction of the Sunbury community health centre in 2002. The day hospital will be located across the road from this community asset.

Budget: regional and rural Victoria

Dr SYKES (Benalla) — On the information provided so far, there is very little in this budget for country Victorians. Country schools will continue to crumble because of the lack of maintenance funding. Country hospitals will continue to have to scrim and save, and country lives will continue to be put at risk because of the lack of investment in country roads and the failure to maintain and upgrade country railway level crossings. Country rail travellers will continue to be frustrated by train delays and continue to endure uncomfortable travel conditions in antiquated carriages.

It would also appear this budget assumes that the drought has broken, as the Treasurer also wrongly assumed last year. In relation to water, the $600 million commitment to the food bowl upgrade is welcome, but it should not come with the additional cost of piping water from a dry northern Victoria to meet Melbourne’s burgeoning water needs.

It is interesting to note that while the government appears to be proceeding with the decommissioning of Lake Mokoan, it does not appear to have increased its budget allocation of $84 million to cover the projected cost blow-out to $127 million. Nor has the government made any commitment to the $30 million required to rehabilitate and revegetate Lake Mokoan post decommissioning.

Whilst it comes as no shock, it is extremely disappointing that the main focus of the budget is on Melbourne, with country Victorians again being left out in the cold. I call on the government to live up to its claim that it governs for all Victorians and to commit adequate funding to services and infrastructure in country Victoria.

Road safety: hoons

Mr LIM (Clayton) — It gives me great pleasure to rise today as a member of the Brumby government. As everyone in this place would agree, it is of vital importance that we as a state do our best to lower the road toll. I have risen many times in this chamber to speak about hoon drivers. Victoria has been a leader in traffic safety dating back to the introduction of compulsory seatbelts, which were a world first.

The establishment of Victoria’s hoon laws, which were introduced in July 2006, have helped make Victoria a safer place to live, work and raise a family. Figures released in April show that almost 2000 P-plate drivers and 191 learner drivers have had their cars confiscated for 48 hours under Victoria’s hoon laws. Since the introduction of the laws, 4393 cars have been confiscated by Victoria Police, with 1954 being probationary licence-holders. Whilst these figures show the effectiveness of the laws in getting dangerous drivers off the road, the real test is whether or not they are an effective deterrent. It is with pleasure that I inform the house that they are proving to be just that, with only 168 repeat offenders. It is, however, still disappointing that such a large number of drivers require their car to be confiscated in the first place to get the message that that sort of driving is unacceptable.
MEMBERS STATEMENTS

ASSEMBLY Wednesday, 7 May 2008

Budget: Evelyn electorate schools

Mrs FYFFE (Evelyn) — I ask the Minister for Education to provide the timetables and amounts of the share of the $20 million in extra funding announced in the budget that will be provided to schools in my electorate such as Seville, Wandin Yallock and Manchester primary schools and the Mount Evelyn middle school campus of Pembroke College, all of which are in need of major maintenance and refurbishment but were not highlighted in yesterday’s budget papers.

Hereford and York roads, Mount Evelyn: pedestrian crossings

Mrs FYFFE — I draw to the house’s attention the government’s lack of action in providing a safe crossing at Hereford Road, Mount Evelyn. It is especially hard for elderly persons and children to cross without risking their lives. Earlier this year one child was almost hit by a car. Small children who are frightened of large vehicles tend to panic when they reach the middle of the road and so bolt to the other side, often without looking out for oncoming traffic. VicRoads has been asked repeatedly to consider pedestrian improvements to Hereford Road. Five years ago residents were told that a proposal to improve the safety of this state-managed road was in the works. We are still waiting. I urge the government to commit to making the installation of a safety refuge in the middle of Hereford Road a priority before someone gets seriously injured or killed.

York Road in Mount Evelyn has been promised a pedestrian crossing and funding has been provided by the federal government. I ask VicRoads to get moving and to get this crossing built. The people of Evelyn are tired of waiting for something that was promised quite a while ago. It is important for the people of Mount Evelyn that the crossing in York Road be built as promised.

Rotary Club of Torquay: 20th anniversary

Mr CRUTCHFIELD (South Barwon) — On Friday, 2 May, my wife and I attended the 20th birthday celebrations of the Rotary Club of Torquay held at the Crowne Plaza in Torquay. It was a wonderful night, with representatives from many Torquay community groups joining Rotarians and their friends in the celebration of 20 years of service to the community of Torquay. Early in 1988 Dick Browne of the Rotary Club of Grovedale conducted a survey within the township of Torquay with the aim of establishing a Rotary club. This survey resulted in the forming of the Rotary Club of Torquay with 25 members on 7 March 1988. The club was admitted to Rotary International on 19 April 1988. To this day members of the Rotary Club of Grovedale continue their close liaison with Torquay.


Finally, to the current president, Greg Plumridge, and his members I say, ‘Well done! It was a great night, and may there be many more’.

Manchester and Lincoln roads, Mooroolbark: pedestrian crossings

Mr HODGETT (Kilsyth) — I wish to raise the matter of pedestrian safety in Mooroolbark and in particular the need for pedestrian crossings in and around the Mooroolbark area. The area of concern for pedestrian safety is along Manchester and Lincoln roads, Mooroolbark, around the area known as the five-ways intersection. Before the Mooroolbark Primary School closed, school crossings existed on Lincoln and Manchester roads in the vicinity of the school site. These crossings were used not only by school children during school hours but also by pedestrians outside school hours. Although the crossings were not supervised outside school hours and were not the standard VicRoads pedestrian crossings, drivers were aware of their existence and they provided safe points for pedestrians to cross those roads.

Following the closure of Mooroolbark Primary School some years ago, both school crossings have been removed, including the lines on the road, fencing, posts and all, with the result that there are no established safe crossings for pedestrians in this area of Mooroolbark. I invite the Minister for Roads and Ports to investigate this matter with a view to funding the installation of pedestrian crossings in or close to these locations in Mooroolbark to ensure the safety of people crossing these busy roads.
**Family violence: Mooroolbark forum**

Mr HODGETT — On another matter, I wish to inform people that a family violence forum will be held on 20 May 2008 at the Mooroolbark Community Centre. It is important to raise awareness that domestic violence is a major issue in the community.

**Ben Joy**

Mr HODGETT — Finally, I congratulate Ben Joy on winning the subject prize for financial management at the Lilydale campus of Swinburne University, sponsored by the Mooroolbark Community Bank.

**Dhamma Sarana Temple, Keysborough**

Mr PERERA (Cranbourne) — On 27 April I had the opportunity to participate in the foundation stone-laying ceremony for the shrine hall in Dhamma Sarana, a Buddhist temple in Keysborough. I was told that about 2000 people from across Victoria attended the ceremony.

As one of the south-eastern state government MPs, I am pleased to note that this centre is open to anybody who wishes to make use of it. The centre will provide classes entirely free of charge in meditation, anger management, and developing compassion and forgiveness. It is a community facility in the true sense, built and operated by the Dhamma Sarana Temple with no cost to the public purse. This is a place that brings peace and serenity to the mind.

I congratulate the chief incumbent of the temple, Naotunne Vijitha Thero; the president, Daya Samarakoon, Badra Samarakoon, the committee of management and the many volunteers who carry out the tireless task of building and operating a facility that is so valuable to the community. This is a great facility. I invite people from all faiths to utilise it.

**Electricity: multiple sclerosis concession**

Mr CRISP (Mildura) — I have recently met with representatives of the Mildura Parkinson’s disease support group, who requested that the current 17.5 per cent reduction on summer electricity bills for sufferers be raised to 25 per cent. This concession is called the summer multiple sclerosis concession, and is offered in recognition that many individuals who suffer from multiple sclerosis have an inability to regulate their own body temperature and therefore require the use of air conditioning in summer. Other qualifying medical conditions are Parkinson’s disease, motor neurone disease and quadriplegia, amongst others.

Because they are unable to regulate their body temperatures, many sufferers of these conditions tend to stay inside during summer, especially during the hot summers we have in the Mallee. I ask the health minister to consider action to raise the current rebate of 17.5 per cent to 25 per cent and to also increase the summer period covered by the rebate from three months to four months to ensure that the hot month of March is included in the summer period.

With the cost of energy programmed to rise above the consumer price index rise, the cost of controlling body temperature has become a considerable impost for sufferers of these diseases — those in our community who are physically weakest and deserve the most protection.

**Member for Gembrook: mobile office**

Ms LOBATO (Gembrook) — Over the last couple of months I have continued to conduct mobile offices throughout the Gembrook electorate to ensure accessibility for my constituents. This very simple method of ensuring that my communities have their say about issues important to them has been well received for more than five years now. Recently I have conducted many meetings in public halls, community houses, libraries and even at the Puffing Billy railway station. Countless numbers of constituents have met with me in Belgrave, Belgrave South, Emerald, Cockatoo, Gembrook, Woori Yallock, Yarra Junction, Warburton, Upper Beaconsfield, Nar Nar Goon North and Pakenham Upper.

Issues that have been raised with me over the last few weeks have included disability issues, raised particularly by those seeking special needs assistance for their children; local and state roads; and the state of our schools, particularly in the Upper Yarra region. I have received an unprecedented number of representations in relation to environmental and water issues, with many people sharing their concerns relating to the introduction of genetically modified crops. I thank the individuals and organisations that have hosted my mobile offices, and I look forward to my next mobile offices being conducted at Edrington Park and Fiddlers Green retirement villages next week.

**Country Fire Authority: Wesburn-Millgrove brigade**

Ms LOBATO — On Sunday I was honoured to attend and speak at the celebration of the 60th anniversary of the Wesburn-Millgrove brigade of the Country Fire Authority. Today I again congratulate all past and present members and express my gratitude...
to them and their families along with all the most supportive organisations that contribute to the brigade so that they may continue to protect residents — —

**The DEPUTY SPEAKER** — Order! The member’s time has expired.

**Member for Warrandyte: committee resignation**

**Mr R. SMITH** (Warrandyte) — I rise to inform the Parliament of my intention to resign from the Scrutiny of Acts and Regulations Committee. I am seriously concerned about the committee using its government numbers to rubberstamp a bill that the committee was recently under the parliamentary obligation to scrutinise.

These concerns have culminated in my intention to resign from the committee due to this recent incident, which because of the restrictions placed on me in discussing committee business under the Parliamentary Committees Act 2003 I am unable to divulge to the Parliament in any detail. Suffice it to say there has been in my mind a suggestion of inappropriate interference in the workings of the committee by the executive government. I have profound and significant concerns that the processes of the committee are not being adhered to in a fitting manner, and further about whether the confidentiality of the committee’s deliberations is intact.

The Scrutiny of Acts and Regulations Committee is a significant mechanism that the Parliament has to hold government to account. If the operations of this committee are in question, then Victorians can have no confidence that the government is allowing itself to be scrutinised. I was pleased and privileged to be appointed to the position of secretary of some of government-appointed boards. We have great women chairing major government boards such as the Victorian WorkCover Authority and great women have been appointed to the position of secretary of some of our biggest government departments, such as the Department of Human Services, with a budget of over $13 billion. Its time to call misogyny what it is and to allow an audience to be pursued at the expense of the depiction of women. It is a matter of ratings above respect. Everyone female and male I have spoken to about the disgraceful episode in which a mannequin was dressed with a photo of a respected female journalist on its face thought it was just not funny and was offensive. The *Footy Show* is always on at my place as I, like many others, live in a household that loves footy. My 15-year-old daughter watches the show and loves to go to the footy. What sort of messages is she getting?

If you look into the crowd at any game on a weekend, you will see that around half of the footy fans are female. Football is a big business, so the notion that women do not serve any purpose on footy boards is an insult to all women who serve on them. The Brumby government recognises the equal value that women bring to boards and wants to give women the recognition they deserve. Our objective is to increase the number of women on boards and to raise the profile of the contribution that women make on boards and in the community. We are setting the example by achieving our goal of 40 per cent women on government-appointed boards. We have great women chairing major government boards such as the Victorian WorkCover Authority and great women have been appointed to the position of secretary of some of our biggest government departments, such as the Department of Human Services, with a budget of over $13 billion. Its time to call misogyny what it is and to drag a few Neanderthals into the 21st century, where most of us are already living.

**Golden Way–Bulleen Road, Bulleen: traffic lights**

**Mr KOTSIRAS** (Bulleen) — I call upon the government to provide funds to install traffic lights at the intersection of Golden Way and Bulleen Road, Bulleen. Despite my having raised this matter on numerous occasions, the government is ignoring the needs of people living in the city of Manningham. I raised the issue of this intersection in Parliament in 2004 and 2007. Unfortunately the Minister for Roads and Ports refuses to come to the electorate of Bulleen to see how dangerous it is when our senior citizens attempt to make a right-hand turn from Golden Way into Bulleen Road. It is very difficult, and it will not be long before someone gets seriously hurt.

I call upon the government to provide funds to install traffic lights at this intersection. I think it would cost approximately $400 000 to install lights. The intersection is dangerous — the local council has said it
is dangerous — yet this government will do absolutely nothing for the people of Manningham; it has done absolutely nothing for Manningham for the last eight years. The government has given up on the residents of Bulleen and Doncaster because it thinks it cannot win a seat in the area. That is why it is not prepared to provide a single cent for the upgrading of dangerous roads in Templestowe and Bulleen. I call on the minister to at least visit Bulleen to see how dangerous the intersection is. When government members decide to visit Bulleen they come after dark and distribute no press releases to ensure — —

**The DEPUTY SPEAKER** — Order! The member’s time has expired!

**Heidelberg: pedestrian safety**

Mr LANGDON (Ivanhoe) — I congratulate the Heidelberg shopping centre for its effective campaign. In particular I congratulate Kim Gibb, the manager, and Dean Turner, the president, on their persuasive powers in getting a new pedestrian crossing installed outside Leo’s supermarket. They are also getting $200 000 for the Heidelberg sustainability hub, so there will be a combination of pedestrian safety and the new hub. In addition to that we have managed to get a school crossing supervisor in Heidelberg for the St John’s Primary School in Yarra Street, which is something I am very pleased to have persuaded the government to fund. We are making the entire area a pedestrian-friendly place, with a pedestrian crossing, a school crossing and this sustainability hub. I would like to commend the Heidelberg Central Traders Association for all its work behind the scenes, and for getting the council and the state government on board. These things do not just happen by accident. A lot of careful planning goes into them. I congratulate the association, as I said, for all its work in making sure that Heidelberg is a great place to live, work and raise a family.

**MATTER OF PUBLIC IMPORTANCE**

**Local government: government performance**

**The DEPUTY SPEAKER** — Order! The Speaker has accepted a statement from the member for Shepparton proposing the following matter of public importance for discussion:

That this house expresses its concern at the Victorian government’s continuing and destructive attacks on local government and local government councillors, which are designed to weaken the authority of local government and reduce its capacity to advocate on behalf of local communities where such advocacy conflicts with state government agendas, including:

1. cost shifting by state governments to local councils;
2. the reduction of planning powers of councils and councillors;
3. an unsatisfactory electoral review process designed to weaken continuity in local governance; and
4. the imposition of requested and unworkable zoning changes to local planning schemes.

Mrs POWELL (Shepparton) — I am pleased to speak on this matter of public importance. The opposition expresses its concern about the continued destructive attacks on local government and local councillors; it needs to be stopped. Many members in this place have either worked for local government or have been a councillor or a mayor, and they understand the importance of local government. Local government, when it works well, is the best proponent for local communities; it is the voice of local communities, and we have to make sure we can hear that voice for local communities.

The Brumby government boasts about enshrining local government in the Victorian constitution, but it continues to weaken local government. It does that by stripping local government of its powers when it suits it, it does it by undermining its authority, it starves local government of funds, while at the same time it increases the responsibility of local government for state government programs without the appropriate funds.

It is not just the opposition which is concerned. A number of councils are concerned and in fact the Auditor-General is very concerned. In the Auditor-General’s report of February 2008, which contains the results of the 2006–07 local government audits, it says:

We conducted an analysis of all 79 local councils against five indicators of financial sustainability. Our review included looking at each council’s results for the past five financial years as well as looking forward using each council’s three-year strategic resource plans.

The results of our analysis show that three councils are at a high risk of not being sustainable in the medium to long term. A further 18 councils are rated as moderate risk.

This is a huge concern, and it should be for this government. In the broad scheme of things we are talking about 21 councils that are not sustainable, that are reliant on grants from the government. If they do not get those grants, obviously the only other action for them is to increase rates or reduce services. Many
councils at the moment are going through some tough times and are going through drought. That capacity to increase rates is just not there, and it is not fair on the communities.

One of the areas that the Auditor-General talks about, which is also one of local government responsibility, is regional library corporations (RLCs). I remember when the payment to libraries was a fifty-fifty split between state government and local councils. Now the Auditor-General says:

An analysis of the composition of revenue for 2006-07 for RLCs shows that 62 per cent of RLC funding comes from council contributions, and 29 per cent from government grants.

It is appalling that this state government has reduced its funds and now local government has to pick up the tab. The biggest issue for councils is this cost shifting from the state government onto local government. The MAV (Municipal Association of Victoria) has done many reports in the past criticising the state government for its lack of funding. At one stage there was a shortfall of about $40 million that the state government had not paid to enable local governments to carry on with their services.

Some of the other cost-shifting issues relate to legislation the government has brought in; legislation like the Road Management Bill which has put a huge burden on councils. They have had to increase the number of inspectors and inspections, do audits and prepare plans, and not one cent more goes on roads. What we are looking at is making sure that councils have appropriate and safe roads that the public can travel on, not congested roads. Councils in areas with bridges are even further disadvantaged because you cannot close a bridge; you have to have a bridge open. The imposition of the Road Management Act, which this government brought in, is a huge burden on our councils. The government has known about this problem with roads for years; we have warned it for years that this would be an issue, and it has still not been dealt with.

The other issue is roadside weeds. For four years the councils have been saying to the state government, ‘Could you fix this problem?’ Nobody knows who is responsible for roadside weeds, and while the government is talking the weeds are growing and taking over many of our communities. This is a huge issue for local councils. In the current budget the government has put in $20 million, which it says is new funding on top of the funding that is already there. But this funding is not just for councils, it is for the state government to enable it to deal with feral animals; it is to do with education; it is to do with all sorts of things, not just the eradication or management of weeds. The state government should have been sitting down and talking to the councils — and it did. But it decided to hand the management of that problem back to local government. It was virtually saying, ‘Local government will carry that can. We are not going to give you the appropriate funds’. Weeds are a huge issue for local governments, particularly those that have many kilometres of roadsides, which applies to many of the rural councils.

There are also problems in the areas of health and community services and Meals on Wheels. This issue could not have been put better than by the president of the MAV, Cr Dick Gross, who was reported in an article in the Weekly Times today as saying that:

Council rates have risen from a state average of $431 in 1983 to $1198 today, but the government’s pensioner rebate has risen from $135 to only $172 across that period.

The cost to councils of the Meals on Wheels program has risen from $3.59 a meal in 1980 to $9.95 today, but the government subsidy has risen from $1 to only $1.32.

Again, councils are having to just carry on and make sure that local government is picking up the tab, which means increased rates.

The article continues:

Victorian government funding for children’s crossing attendants has risen from $6 million … to $7 million today. The government grant should be closer to $10.8 million, factoring in population growth …

The cost of running council libraries has skyrocketed from $99 million in 1997–98 to $152 million today, but … government funding has risen from $22 million to only $30 million.

Mr Gross said inadequate government funding was forcing councils to downgrade services.

It was the president of the MAV who said that.

One of the other issues we need to talk about is the fact that this government has foisted Melbourne 2030 onto councils — the failed Melbourne 2030 blueprint for Melbourne’s growth. The government did not even get that right. It said that the population would increase by 1 million by 2030, but by all indicators it will increase by that figure by the year 2020. Still this government is sitting on its hands and not preparing for that growth. Melbourne 2030 was introduced in 2002.

There is a review happening now but the review is still not saying, ‘Let us scrap it, let us start again; let us have a look at how we really should deal with councils and planning’. It is not one size fits all, and the government needs to know that. The Melbourne 2030 blueprint has
not managed Melbourne’s growth; it has not contained Melbourne’s urban sprawl. It has not provided enough land for affordable housing. The opposition has indicated to the government over many years that there is not enough land available to allow enough housing. It has warned this government, and now it is coming in with changes to the urban growth boundaries all the time. We come in year on year and change them. We come in year on year and the government gives us a day’s notice to have a look at these urban growth boundaries. It says that the councils are asking for changes. The reason the councils are asking for changes is because they do not have enough land. We told the government that but it did not listen, and now it is having to listen because the community is saying it.

There is not enough public transport. The government said when it introduced Melbourne 2030 that it would prepare for growth. Look at the debacle we have now: the trains are unreliable, they are overcrowded, there is congestion on the roads, we have greenhouse gas emissions, and there is a reliance on cars.

Under this government supply has not kept up with demand, including water supply. The population is growing — we know it is going to grow to 6 million by 2020 — yet the government is going to increase Melbourne’s water supply by taking it from where there is already not enough water. I do not know how the government works that out.

The government is now looking at introducing a new metropolitan planning authority as part of the review of Melbourne 2030. Instead of reviewing Melbourne 2030 and finding what its mistakes have been it is going to put in another level of bureaucracy. This will take the decision making and leadership away from local councils and communities. Communities deserve a say in the type of development that takes place in their areas. They need to be able to oppose developments in their communities, but this government is taking that right away from them. It is part of Labor’s plan to strip councils of their planning powers.

We have been told that that is not true and that ministers will not do that. I refer to Hansard of 20 December 2006. The Leader of the Opposition asked the then Premier if:

… under a re-elected Labor government the planning powers of local councils and councillors would not be reduced and would remain as they are now?

The then Premier, Mr Bracks, said:

Yes, we have set out all our policies in the election campaign. Those policies will be adopted by our government over the next four years. And of course one of the things we want to do, and we have committed to, is have a new agreement with local government which enshrines and upgrades its powers and reinforces local government as the third tier of government in this state.

… We have reaffirmed the primacy of councils. It is up to the public to decide whether it is happy with the work of councils …

Again, on 18 July 2007, the Leader of the Opposition asked the Premier to confirm that local planning powers would stay with local councils and councillors and again the then Premier said that was going to happen and that the government did not have a proposal to change that.

In fact I asked the Minister for Local Government in question time yesterday if he stood by the former Premier’s comments that the planning powers of local government councils would not be reduced. The minister said:

In relation to local planning decisions, they are matters for local government and that is where they belong.

That is true. Now let us see whether this government is going to bring in this authority which will take away the powers of local government. We have seen unworkable zoning changes made right across local government. I start with green wedges, where private land is now landlocked, although it is not necessarily good farming land. There was a lack of consultation at the time with landowners and the Victorian Farmers Federation — and the VFF and land-holders have actually stated that. There are lots of right-to-farm problems, including the encroachment of urban land, noise, and dogs and cats coming onto land, so that people are not able to farm properly.

Regarding the urban growth boundaries, amendments have come into this Parliament and been rushed through this house. I have been told the councils have asked for changes, which proves that the government got it wrong; there is not enough land for residential development. The changes to the rural zones were an absolute fiasco. This government thought that to protect agricultural land all you had to do was change the name from ‘rural zone’ to ‘farming zone’, and it also dictated that local councils must automatically change those zones. No notification was given to adjoining land-holders and there was no chance for anyone to oppose it by going to the Victorian Civil and Administrative Tribunal. It was done by stealth.

People found out that the zoning of their land had been changed and perhaps that they could not build a house on it only when they went to the council and asked for a permit. They were then told they were no longer in a
rural zone but were in a farming zone. They asked how that had happened. Councils said they were told by the state government that they could just go ahead and do it. Now councils are revisiting that situation. They are doing land audits and saying they want to change the zones. They are doing it at their own cost. The government has put in some minor money for councils to be able to do that, but it is not enough and the councils are having to go ahead with it in any case.

There are now three residential zones. The government is looking at bringing in three new zones to apply to areas outside of activity and neighbourhood centres. They are the substantial change zone, the incremental change zone and the limited change zone. These changes will mandate high-rise development in two of the three zones. Third-party rights of appeal will be removed. A person will not have to be notified about a neighbouring development. This government is again bringing in planning changes by stealth so that the community and the people who are neighbours to land on which a development is proposed will not have any say. Labor is trying to ram through high-density, high-rise development to justify Melbourne 2030. These changes will substantially change the character of every street in every suburb right across Victoria.

Many councils have been critical of the Victorian Electoral Commission process. Regarding boundary changes, there has been an unsatisfactory electoral review process designed to weaken continuity in local government. The VEC is conducting a review, and while there are some complaints from councils and the community, we do not criticise the VEC. It must do its job, but it needs to take into account comments from the community. For example, Boroondara City Council has contacted me and advised me that 80 per cent of submissions from Boroondara residents were in favour of retaining the status quo of 10 wards with one councillor for each ward. There are 160 000 people in that council area and the number of submissions from there was greater than from anywhere else. In its draft report the VEC has ignored those submissions and made a different recommendation. It wants three large wards with three councillors each and one smaller ward with two councillors, which would increase the total number of councillors by one. The residents feel that the VEC has acted undemocratically, and I urge the minister to listen to the community when making a decision.

This government is pressuring councils to fall in line whenever there is conflict with the state government. The mayors and chief executive officers in the areas affected by the north–south pipeline were told by the Premier not to criticise the government’s pipeline plan.

It was indicated that further funding could be jeopardised. Such threats are this government’s way of trying to dominate local councils and take away the voice of their communities. It is appalling that the government can go to councils and tell them to fall into line or that they had better be careful or they will not be funded. I have spoken to the people involved, and they have told me that the threats were real.

Mr Nardella — Rubbish!

Mrs Powell — The member for Melton says it is rubbish. It is not rubbish. If this government wants cash-strapped councils to deliver programs, it should have the decency to fund them properly and to allow proper democracy to operate.

Mr Nardella (Melton) — The honourable member for Shepparton has put an appalling matter of public importance before the house. It is a disgrace and a fraud. The honourable member is part of a coalition which has a history both in office and in opposition of trampling on local democracy.

I want to go through Democracy 101 for honourable members on the other side of the house. Democracy is, according to Abraham Lincoln: ‘Government by the people for the people’. I quote from the Oxford English Dictionary second edition 1989:

… that form of government in which the sovereign power resides in the people as a whole, and is exercised either directly by them … or by officers elected by them.

From the Macquarie Dictionary 2006:

… a form of government in which the supreme power is vested in the people and exercised by them or by their elected agents under a free electoral system.

We have the honourable member for Shepparton coming into this house and talking about democracy and rights being taken away, when she took the 30 pieces of silver when she was a local government commissioner in the Kennett government. She was a collaborator with Kennett and destroyed local democracy and the ability for local communities to have a voice and to have councillors advocate on their behalf. She, along with the honourable member for Lowan, took the $90 000 a year under Kennett. Yet they have the gall to come in here today and talk about how this government has been destroying local government and has taken away democratic rights and planning rights.

Honourable members should remember how many call-ins Mr Maclellan, as the then Minister for Planning, undertook year in, year out, taking power
away from local councils. Was it 250 or 300 a year? The honourable member for Shepparton does not remember. She collaborated under the Kennett government. She took the 30 pieces of silver and then got rewarded with a seat in the Legislative Council with me in 1996 and then finally a seat in this house. Deputy Speaker, do not be fooled when the honourable member for Shepparton comes in here and starts talking about democracy in local government being taken away by this government.

The matter of public importance refers to the ‘destructive attacks on local government and local government councillors’. I remind the house of the history of the Kennett government and the Kennett commissioners: 1600 councillors were summarily dismissed. We had 210 councils automatically, unilaterally, without any consultation, destroyed by the coalition government back in the mid-1990s. We had the imposition of commissioners on every single one of those council areas. Time and time again the honourable member for Shepparton voted in the other house and later in this house to take away the democratic rights of my residents and ratepayers in Melton. We had those corrupt commissioners — and I can name them — in Melton whom the honourable member for Shepparton supported by voting for them time and time again. They sold off $30 million of my ratepayers assets. That was $30 million down the drain, without any mandate whatsoever. Yet she has come in here today to talk about how this government has been destroying local government.

Mr R. Smith — On a point of order, Deputy Speaker, could the member stay in his place when he is talking to the house?

Mr Delahunty interjected.

Mr NARDELLA — The honourable member for Shepparton and the honourable member for Lowan, who are in the house today, were part of a process that summarily sacked 11 000 local government workers, the vast majority of them in country areas. How democratic is that, when you go out there and destroy communities and take away their voice — their ability to advocate — and collaborate with the Kennett government to make sure that the decisions on the boundaries of the new municipalities have no input from local people? Yet she has the gall to come in here and talk about planning and — —

The DEPUTY SPEAKER — Order! The member should refer to the member by her appropriate title.

Mr NARDELLA — Sorry. The honourable member for Shepparton has come in here and said that this government has taken away power and not allowed people to have their say through the independent VEC (Victorian Electoral Commission) process — that is something new to the honourable member for Shepparton, that there is an independent process. The honourable member for Shepparton was complicit in making sure that local people had absolutely no say in redrawing the boundaries when the number went from 210 down to 78.

After that time, under that undemocratic system, in the city of Mildura the legacy left by the commissioners was increased debt and an aquatic centre that is a white elephant.

Mr Delahunty interjected.

Mr NARDELLA — That was okay under Kennett; you could make those decisions under Kennett because he gave them the imprimatur. Members of the then National Party were just the lackeys, doing the bidding of the Kennett government. Members on this side did not go and have not gone, as per this matter of public importance before the house today, out of our way to appoint highly paid political and destructive commissioners to amalgamated councils. We have not imposed $100 poll taxes on municipal ratepayers. We have not sold off council assets that belong to local ratepayers — as happened in Melton, as I have explained — and destroyed their base. We have not left a mess in local government finances.

Honourable members should remember that in 1994–95 the Kennett government unilaterally reduced rates by 20 per cent.

Mr Delahunty — Hear, hear!

Mr NARDELLA — The honourable member for Lowan says, ‘Hear, hear!’ . Of course he does — because this is part of their modus operandi. That action destroyed local jobs. Here we have the honourable member for Shepparton crying crocodile tears about the councils that are struggling at the moment, when those opposite destroyed the viability of local governments throughout rural Victoria. Then they imposed unilaterally — without any consultation, discussion or
debate — a restriction on rate rises to the CPI (consumer price index) rise minus 1 per cent, which meant that the councils could not repair the damage left by the commissioners. All the commissioners did that after their appointed terms.

This government has not imposed compulsory competitive tendering in local councils. If members want to talk about a system that was inherently undemocratic, under which councils could not make decisions — a system based on the policies of the Kennett coalition government, which the National Party toadies implemented without any view of their own — they should talk about compulsory competitive tendering, which destroyed local communities, especially in rural areas.

This government did not sack council worker after council worker, as the honourable member for Shepparton and her toadies did whilst they were commissioners. There were 11 000 people throughout Victoria, many of them in rural Victoria, who lost their jobs under the previous Kennett government.

This government did not sell off council assets built up over generations by local ratepayers that provided valuable services to local families and local people. This government has not trampled on local democracy, as I said. Quite simply, we have not sacked 1600 elected councillors. We have not rewarded people, as those who did the unconditional bidding of the Kennett government were rewarded, either. We have not sold off country Victorians and called them the toenails of Victoria, as Premier Kennett did, with the supple commissioners like the honourable members for Shepparton and Lowan. We did not come in here like others crying crocodile tears for local government on this issue. We have never in this house or in the other house supported dictatorships within local governments, and I will fight any dictatorships in local government. That is why I supported the amendment to the state constitution to recognise local government within the constitution.

The Liberal-National party coalition talks about how we degrade local government and councillors. The coalition has a dismal history on this, and it is recent history. At every opportunity opposition members attack, degrade, belittle, cajole and put down local government and individual councillors or their advisers. Let me give a couple of examples of this. This is the caring, sharing coalition that comes in here today with this matter of public importance, saying that we are not serious about local government. The honourable member for Bass was the local government spokesperson for the Liberal Party just recently when it was not in coalition. How did he refer to councils in Parliament? He called them the cesspools of criminality. Is that caring and sharing? Is that giving respect to local government? Is that saying to local government, ‘We are going to work in partnership with you’? No, it says that that is the attitude of the Liberal Party and The Nationals in this house. That comment followed other outbursts and bizarre statements by the honourable member for Bass, but we will not go there. That shows the real view of the opposition.

The opposition wants to talk about how it is supportive of local government, and yet it attacks councillors unendingly. Last year Robert Larocca was attacked by a member of this house, so how can opposition members come in here and cry crocodile tears and then continually go on the attack against local government?

I expected more from the honourable member for Shepparton. I expected a matter of public importance that would put on the table the coalition vision for local government into the future, a vision that it could take to the next state election, a vision that it could debate with local councils and ratepayers in the Victorian community, but instead we had wide generalisations from the member for Shepparton. It is unfortunate that The Nationals are just toeing the Liberal Party line and are not prepared to do the hard work. They have no understanding of Melbourne 2030, primarily because they do not live in the metropolitan area. I have been part of those consultations, and I know how much consultation has occurred. This criticism really is not up to the standard that I expected from the member for Shepparton, and I oppose the matter of public importance before the house.

Mr MORRIS (Mornington) — It is a pleasure to be involved in the debate on local government this morning, because this government’s record of stewardship of local government is appalling. There are lots of fine words of support, but it is nothing more than lip-service to the ideals. It is worse than lip-service because it is combined with a calculated undermining of local government.

Since 1999 we have seen sustained attacks on the independence and the integrity of the whole structure, attacks that are always dressed up as support. We have seen sustained cost shifting; local government is constantly asked to do more and more with less and less. We have seen as recently as this morning in the Weekly Times comments from the Municipal Association of Victoria president, Dick Gross, about, amongst other things, the cost to councils of Meals on Wheels programs that have risen from $3.59 a meal in
1980 to $9.95 today, while the government contribution has risen by 32 cents.

On the cost of running council libraries, a matter which is dear to my heart, in 1997–98 the total cost of public libraries was $99 million. It is now $152 million, and in the same period the state government has increased its contribution by only $8 million. Howard Templeton, the chairman of the Central Highlands Regional Library Corporation, indicates that now his library receives about 20 per cent of its running costs from the state government, and he makes the point quite rightly that in rural areas there is already significant disadvantage because of the vast stretches of local roads that have to be maintained. The article talks of a possible cost-sharing agreement with the government, which the minister comments on as well, but Cr Gross says that the agreement will not be worth the paper it is written on unless the government addresses past funding shortfalls. He makes the point that there appears to be no change in culture, which is the real problem — the culture of this government’s dealings with local government.

Has the government ever been prepared to consider offering local government a guaranteed and growing revenue stream the way the Howard government did with the states for the GST? Of course it has not. We have seen the constant erosion of the relevance of local government to the planning process. When a Labor member of Parliament happens to show up at a public meeting about a planning application — it does not happen too often in my patch, but it does happen occasionally — and they are asked to stand up and say what their view is on the matter, they will always say it is a matter for the council. What they do not ever go on to say is that if the council refuses the application, no matter how deficient it may consider it to be, and it conforms with state policies, when it goes to the Victorian Civil and Administrative Tribunal the application will be approved, often without all the necessary safeguards that the council would have imposed.

Whenever there is conflict between state policy and local policy, state policy will win, and it is often that wonderful policy, Melbourne 2030, which I reckon is best practice, world class, bad policy. It is an example of absolutely what not to do, but it overrides local policies developed by councils in consultation with local communities.

Many councils continue to fight hard to stop the character of their towns and suburbs being destroyed. Stonnington, Banyule and Boroondara are a few which have been fighting hard, but despite claims to the contrary, the government is keen to silence the critics. It is considering taking planning powers away from councils, and it is going to take its critics out. Certainly it will not come out and say it. There will be some sort of Trojan horse to hide its true intentions. Possibly it will dress it up by removing the burden of considering all these planning applications: ‘We will leave you the strategic planning process; we will just take away all the troublesome day-to-day stuff, but you will have overall direction’. It will leave the strategic powers — all the work and no authority. The minister says when a council can start a planning scheme amendment, the minister says what the final shape of the planning scheme amendment is, and all that happens is councils have to do the work and make the running; but it is the minister who decides what actually happens. Local government will be removed from a serious role in planning forever.

The third point on the matter of public importance is the unsatisfactory review process, referring to the electoral representation reviews inserted into the act in 2003. It is a process that compromises the continuity of councils. It disrupts and distorts the electoral process and is a complete distraction from the business of getting on and running local councils and looking after communities.

Quite frankly, I question the intent. Why do we need to have such a complicated and varied system across Victoria? It is exactly the same as saying that the people of the Western Victoria Region will decide how they elect their members of the Legislative Council. That may be totally different; they may divide the Western District into five districts, whereas Eastern Victoria Region may elect to have only one district. It is exactly the same thing. The old system was straightforward — it was almost entirely uniform, though options did exist — but now sometimes you find there is a huge variation inside the council, and not just across councils but inside the councils.

I will mention briefly some of the changes that have been made: Bayside council went from nine councillors with nine wards down to two wards with two councillors and one ward with three; Baw Baw, from nine with nine down to one ward with three and three wards of two; Brimbank, from nine with nine down to three wards of three and one ward of two councillors; and the champion, Cardinia, went from seven single-councillor wards down to one ward of three councillors, one ward of two councillors and two wards with one councillor each.

Most people want to vote for their own person, and in many cases across the state the communities and the
councils have campaigned hard against having these changes imposed. I think the member for Shepparton referred to Boroondara. In my own Mornington Peninsula Shire Council, thankfully, we still have single-councillor wards. We won that fight, despite the recommendation against, but the Victorian Electoral Commission now wants to change the boundaries so the councillors do not reflect communities of interest. Democratic systems need to be both transparent and easily understood, and this system is neither.

The final point I want to talk about is the culture of local government, because that is what makes it so special. I have been involved with local government for a long time, and I remember the old days — all the benefits and all the faults, and there were certainly both. The Cain government introduced a new Local Government Act and replaced the Town and Country Planning Act with the Planning and Environment Act. You cannot help but contrast the approach the Cain government took to legislating for local government with the current practice.

In the case of the Local Government Act 1989 we had discussion papers, exposure drafts, a decent period of adjournment when the second reading of the bill was finally done, lots of drafts and lots of input from councils and councillors across the state, and it was good legislation when it went through. Unfortunately there was the botched attempt at municipal restructure. Everyone knew that changes had to be made, because 210 municipalities were too many and they were too varied. Any serious player in local government knew it had to be done, but the process was not right. Had it been right, perhaps the changes that were made later would not have been necessary.

Post 1992 there was a very similar process — wide discussion, decent adjournment times and the opportunity for decent input. I remember being on the executive of the Metropolitan Municipal Association when the changes were being made in 1993. I remember sitting down with the then Minister for Local Government, Roger Hallam, as part of the executive. We were a broad church; we covered every party across the political spectrum. The minister made the point that our fingerprints were all over that bill, and indeed they were, because we put up many propositions to the minister and he accepted the vast majority of them, and they were not necessarily from a Liberal point of view, minister and he accepted the vast majority of them, and indeed they were, because we put up many propositions to the minister and he accepted the vast majority of them, and they were not necessarily from a Liberal point of view, but from a local government point of view. In each case — the Cain reforms and the Kennett reforms — local government might not have liked what was proposed, but there was genuine consultation, lots of straight talking — —

Mr Nardella — What? Under Kennett?

Mr MORRIS — And full, frank and fearless exchanges on both sides. Both sides were fair dinkum, they were honest, and they had a good, solid debate. What distresses me most now is that local government and councillors have been silenced. We hear the squawks from the other side about constitutional recognition, and if you have a look at the words, sure, it is there. It is better than nothing, it is warm and fuzzy, but it does not actually do anything. Local government really needs a decent go from this government.

Mrs MADDIGAN (Essendon) — I must say I was rather intrigued by and found quite humorous the matter of public importance that the member for Shepparton has presented to us. I came into the chamber looking forward to what she would identify as the Victorian government’s continuing and destructive attacks on local government. I must say I was a bit disappointed in the member for Shepparton, who I think is a really good member of Parliament, because in her speech she did not provide any factual information that supported the matter of public importance she has brought before the house. In some cases she was factually wrong, but I will come to that a bit later on as I make my contribution.

It is appropriate that I speak on this matter of public importance, because I was a councillor with the former City of Essendon, which was abolished by the previous Liberal-National coalition government. I worked for the former City of Footscray, which was also abolished by the previous coalition government, and I worked in the Maribyrnong Library Service. We all recall the absolutely appalling attack — perhaps the worst attack on libraries in this state’s history — of the compulsory competitive tendering process that was imposed on councils against their will by the Kennett government and which was supported, I regret, by the member for Shepparton when she was a commissioner with the Shire of Campaspe.

It is interesting that even the Liberals and The Nationals gave up on compulsory competitive tendering because, in the end, it just did not work. Many theories have been put forward for why it was brought in by the government of the day, and none of them shows a great deal of credit to that government. That is an excellent indication of the way the previous government treated councils.

During her contribution the member for Shepparton attacked Melbourne 2030. She said the government has its figures wrong in relation to population growth, but those figures were not our figures — in fact a cursory
Coalition members have attacked Melbourne 2030 several times, but I have yet to hear any planning policy that they would have brought in that would actually help with the planning of Melbourne’s growth. The only thing I have heard them say is that perhaps we should return to some of the earlier processes. That would be really interesting, because some of us remember very well the planning processes under the last government. In particular I refer to item 2 of the member for Shepparton’s matter of public importance. She claims that this government is reducing planning powers of councils and councillors. Can I remind her of the previous Minister for Planning in the Kennett government, one Robert Macelllan. Let us talk about the way he dealt with councils and the way he totally ignored the interests of councils.

In particular I turn to ministerial interventions, because I know that when members of the present government were in opposition — when the coalition of The Nationals and the Liberals was in power last time — this was a subject of great concern to councils. Councils frequently complained about the heavy-handed tactics of the previous planning minister and were totally and utterly ignored. If members talk to councillors now and bring up that subject, they will find that councils find the situation much better, because one of the first things we did when we were elected to government was change the guidelines relating to ministerial interventions. We did that because the planning processes of the previous government were haphazard, were based on fear and favour and were quite appalling. Let us have quick look at that so we can compare the different governments, because opposition members are making claims that I think they are unable to substantiate in relation to planning powers of councils.

The member for Shepparton is shaking her head, but she only has to go and take a look at the practice note which was introduced by the Labor government when we were first elected in 1999 to find that we did change the guidelines quite substantially so that ministerial interventions have to be of regional importance — not the sorts of interventions that occurred under the Kennett government. In fact I can tell the member for Shepparton that from April 2007 to April 2008 some 167 ministerial amendments to planning schemes were approved, one has been called in from the Victorian Civil and Administrative Tribunal and five planning applications have been called in from councils.

Let us compare that to what happened when the previous government was in office. There were 400 ministerial interventions in two years — an average of over 200 a year. What were they? Were they of regional importance? I do not think so. Let us have a look at some of the approvals that were called in by the former Minister for Planning during the time of the previous Kennett government. He overrode Stonnington City Council to help a Windsor nightclub open when it was in breach of planning conditions. That decision was supported by the Liberals and The Nationals. He overrode the City of Port Phillip to allow high-rise development on the foreshore, which was also supported by the Liberals and The Nationals. He removed a longstanding covenant on the Yeshiva Centre in North Caulfield to enable a kindergarten to be redeveloped for multi-units, which was also supported by the Liberals and The Nationals. He approved 1369 subdivision lots in the Yarra Valley and Dandenong regions, contrary to the previous government’s own regional strategy plan. An example which we discussed at length in this house in 1997 was when the previous government allowed a Shell petrol station to be built against the wishes of the community at Mitcham. At the time 238 formal objections were made to the Whitehorse City Council, 1100 people signed a petition and the council knocked back the approval. The next day the minister called it in and overturned the council decision. That was his idea of consultation with councils. That is the experience of councils under a Liberal-Nationals government. It may come as a surprise to the opposition, but I can assure you that councils do not want to return to that idea of planning. Of course there was also the famous Lindsay Fox boatshed, which was called in by Robert Macelllan. That decision was also overturned by the Labor planning minister, Mr Thwaites, when we came into government.

The member for Mornington spoke about Meals on Wheels. I have good news for him. Yesterday’s budget has $16 million in it for the development of a central facility to ensure that Meals on Wheels will be cheaper for a large range of councils and to allow for food to be made for people with special dietary requirements. That is called listening to the community and acting on community wishes.

In the short time I have left, I will turn to my favourite subject of libraries. The member for Shepparton said
that libraries should have fifty-fifty funding. If you think through the logic of that, it is absolute nonsense. We fund libraries on a basis of need. Under her proposal, a wealthy council would put in more money and the state government would give them the same amount of money. If you matched the funding of councils that are not as well off, the libraries administered by those councils would receive less funding. Is the idea of the Liberal-Nationals coalition that it wants to fund wealthy councils and not fund councils that are less well off?

I will just go through some of the funding provided in this year’s budget to support libraries. I think members will find that people in the library profession — I probably talk to a lot more of them than the member for Shepparton does — are pretty happy with the sort of funding and technology improvements they are given by the current government. In this year’s budget $1 million has been allocated to give all library members in Victoria wireless internet access via the provision of increased broadband speed and greater bandwidth to public libraries. It is a response to what public libraries have been asking for.

A further $1 million will be spent to protect children and ensure safe and fair access to library computer services. On top of this, $100 000 has been provided for the conduct of a feasibility study into a single library membership that would give users access to library resources across the state as well as to their local library. That would provide great support to regional libraries in this state. Finally, $190 000 per year will support the LibraryLink Victoria system that enables users to borrow materials from any public library in Victoria. Again, that will provide great support to regional libraries. This is on top of the funding we already give. There are of course also the continuing programs, such as the $1 million provided to public libraries through the continuation of the Premier’s Reading Challenge Book Fund program.

Mr Delahunty — And there’s more to be done.

Mrs Maddigan — It is a pity, as the member for Lowan says, that I do not have more time to talk about the excellent funding being provided for public libraries and the excellent library services that are being provided in the state. Of course there is also fairly significant funding for the State Library of Victoria, which will benefit communities as well.

I work very closely with my local council. I visit the council on a very regular basis, and I am glad to say that its officers do not think it has been given a hard time by this government. It works in a cooperative and helpful way. We have recently had a boundary review. Contrary to the remarks of the member for Mornington, not everybody in this community supports single-ward councils. The council had a public process, and there were views for that side. I know it comes as a big surprise to the member for Swan Hill, but the Victorian Electoral Commission is actually an independent body. Our process was unlike the process under the Kennett government, which split up councils and determined how many there should be and how wards were to be arranged. It was done directly by the government, not by the VEC.

Mr Delahunty (Lowan) — I rise to speak on this very worthwhile and important matter of public importance put forward by the member for Shepparton. It states:

That this house expresses its concern at the Victorian government’s continuing and destructive attacks on local government and local government councillors which are designed to weaken the authority of local government and reduce its capacity to advocate on behalf of local communities where such advocacy conflicts with state government agendas …

I want to cover three of those points: firstly, cost shifting; secondly, the reduction of planning powers; and thirdly, the imposition of zoning changes which were not requested and which are unworkable. It is unfortunate the member for Melton is walking out of the chamber because I would have asked him why he did not put back all the 210 local governments. He forgets to mention that the Melton Shire Council he talks about voted in a democratic election to keep commissioners. It was one of the few councils that did so.

I was involved in local government for many years before I started in this place in 1999. I had about 12 years of involvement with local government, including nearly 10 as a councillor and a couple as a commissioner. In all instances I was very proud to represent the people I have been involved with. At the Horsham council I was elected mayor. Later I was stood down and appointed as a commissioner for Mildura. Then I was re-elected as part of the first council after the commission days and was the first mayor of the Horsham Rural City Council. I have a fair bit of information and knowledge about local government. I agree, as the member for Shepparton said, that councils are the closest level of government to the people. Most people in country areas know their local councillor. They know them because councillors are very approachable, but more importantly, because they get on and do the work of representing their communities.
I also need to say that in my electorate, unlike the member for Essendon, who has only has one council in her electorate, I have seven councils in my area. My electorate includes the total area of Hindmarsh shire, Horsham rural city, West Wimmera shire and Southern Grampians shire; a fair bit of Ararat rural city; a large slice of Glenelg shire; and a very small amount of Moyne shire. I have dealings with all seven councils, some of which have raised concerns about some of the things I will be mentioning today.

I want to refute some of the statements made by the member for Melton. He spoke about the removal of democratic local government. He forgot to mention that since this government was elected, it has also stood down councils. It stood down the Melbourne City Council. However, it did not appoint commissioners; it appointed what it calls administrators.

Mrs Powell — Consultants!

Mr DELAHUNTY — Or consultants, as the member for Shepparton says.

The member for Melton talked about restoring the councils that were removed in the Kennett days. The Labor government put back only one council, even after all its talk. I do not see the member for Melton promoting — or is it new Labor government policy? — that the government will take away the 79 councils and put back 210 councils. He knows that is not going to happen. The councils of today are much stronger and more robust, and that was one of the reasons for being able to get on top of the debt we had in Victoria when the Kennett government was elected. Not only that, local governments became more focused. They had the ability to attract quality staff to be able to deliver the services that people wanted in their area.

Again, the member for Melton is all puff and wind when it comes to reality. He spoke about the fact that the Mildura Rural City Council was left in debt. The reality is that the newly elected councillors — the democratically elected councillors that he spoke about — voted to build the aquatic centre. I was not part of that decision-making process, but I agreed with the decision. It was one of those things that should have happened, and after I left the council I was pleased to see the council voted to do it.

The member for Essendon spoke about libraries. She did not say that it was the Auditor-General who forced the government to do something about increasing library funding. She spoke about the fact that libraries spend on need. Are councils, who in a majority of cases have responsibility for these libraries, going to waste money? Because they have limited resources, they are going to make sure they meet the needs of their community. Back in the days of the Hamer government local government libraries were funded fifty-fifty. As has been highlighted in the paper today, that funding has decreased a lot since the days of the Hamer government.

I want to refer to some other matters in the short time I have left this morning. One matter is cost shifting. As the member for Shepparton highlighted, an article in today’s *Weekly Times* is headed ‘Councils’ plea for funds’. We know the Municipal Association of Victoria (MAV) will be meeting tomorrow and will vote on a number of resolutions on this issue. The article states:

Victoria’s rural councils — particularly —

are demanding state and federal governments stop the rot in library, home help, maternal and aged-services funding.

The member for Shepparton spoke about the fact that council rates have risen from a state average of $431 in 1983 to $1198 today. The member for Melton spoke about the fact that in the Kennett days rates decreased for a while because they created greater efficiencies. It was the only time that we ever saw a reduction in council rates.

The article reports that the costs to councils of the Meals on Wheels program have increased enormously and that the costs for school crossing supervisors have also increased. It states:

The cost of running the council libraries has skyrocketed from $99 million in 1997–98 to $152 million today.

The member for Mornington spoke about a very good councillor, Cr Howard Templeton, who is chair of the Central Highlands Regional Library Corporation, who said that where funding used to be fifty-fifty between state and local governments, today it is a lot more like 20 per cent from the state. Even though we know he is a Labor man, Cr Gross as the president of the Municipal Association of Victoria has said that many rural and regional councils are particularly vulnerable and that with high road and other infrastructure costs and ageing populations there is a need for more in-home council services. Again we are seeing the concerns of the MAV.

Last week the Brumby government announced that it would handball roadside weeds to local government. As I said, I have several local governments in my area. With from 2247 kilometres ranging up to
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3500 kilometres of roads in their areas, the minimum amount of funding those councils require is probably $250 000 per council. We know that they are not going to get that. We are seeing a cost shifting from state government in looking after weeds, and next it will be vermin. Weeds and vermin are the responsibility of the state government.

We used to have a lot of departmental people living in towns across country Victoria. Because of this government’s cost shifting to local government, we will see the loss of those staff. Local councils in country Victoria are sick of picking up the tab for this city-centric government’s cost shifting, particularly when it has a massive surplus.

Back in 2003 there was a federal parliamentary inquiry into local government and cost shifting. I looked in our parliamentary library for this information, and I thank the library staff for their help. I quote from the foreword of that report:

This major inquiry into local government and cost shifting has addressed not only the matter of cost shifting but also revealed the underlying issues relating to governance arrangements …

This unanimous report from that committee said that there needed to be more work done by the commonwealth and state governments in relation to progressively increasing the contribution to local government, particularly where the federal government contributions had been maintained and state government contributions had been lowered. The committee received many submissions, but I do not have time to go through them.

I want to cover the rural zones issue. Back in 2005 the minister rushed through, with haste and without any consultation with councils, the new rural zones. The member for Shepparton — who is still in the chamber and is prepared to listen to this debate, unlike the member for Melton — presented a petition to Parliament opposing the new rural zones in country Victoria. The petition said the zones were too restrictive on land-holders and local governments.

We believe there is a need to strike a fairer balance between the need to preserve prime agricultural land and acknowledge the rights of land-holders, but importantly to also give local government flexibility in determining subdivisions and land use. Right across country Victoria today we are hearing that these rural zones are causing enormous problems for councils. Councils believe that under section 55 of the Planning and Environment Act there are many referral authorities, whether it be the Department of Sustainability and Environment, VicRoads, the Environment Protection Authority, the catchment authorities, Parks Victoria, the water authorities. They believe local government is a planning authority by name only; it is not the real planning authority when you have so many referral authorities that are taking away its authority. The rural zones issue was an example of that.

We also see the imposition of this as an unworkable and unrequested zoning change. It is creating big and costly problems for country councils. Many of the farmers in my area have partners who want to have alternative incomes. Most of these are women, but they need a permit. With the drought, lack of rain and lack of income there is an urgent need for change in this area.

Ms MUNT (Mordialloc) — I am pleased to rise this morning to speak on the matter of public importance submitted by the member for Shepparton. I understand it is a nice little earner for MPs occasionally to come out in support of their councils. An ex-MP once told me that if you were after a front page, it was a nice little earner to actually criticise the council. However, this matter of public importance stretches credibility, particularly if you have some memory of the history of the previous government and some knowledge of how planning works in your local area.

I will go through this matter of public importance, make some comments on the four points listed and talk about my experience of how the council operates in my local area, giving some examples of where problems have arisen because of history or because of the previous federal government.

The wording of the matter of public importance is:

That this house expresses its concern at the Victorian government’s continuing and destructive attacks on local government and local government councillors which are designed to weaken the authority of local government and reduce its capacity to advocate on behalf of local communities where such advocacy conflicts with state government agendas …

The matter of public importance lists four agendas, none of which I have ever known to be an agenda of this state government.

The first agenda item is:

cost shifting by state government to local councils …

I recall when I was first elected around 2003 and a representative from Kingston City Council came to the member for Carrum and me, distressed that the home and community care funding from the federal
government was fast diminishing, with consequences for the services that could be provided by the council to those very vulnerable members of our community who were elderly and disabled and still living in their own homes. The council was having extreme difficulty maintaining those services, so representatives came to us to talk about what we could do. After we saw the minister responsible at the time, then Minister for Aged Care Gavin Jennings, the state government made up the federal Howard government’s funding shortfall. We did that because we had a genuine concern about maintaining those services to people in their homes in our area.

Kingston is a local government area with an ageing population and therefore an increased need for these sorts of services to give people the independence that they require to live in their own homes as they age, so it was a major concern. To say that cost shifting to local councils is an agenda of the state government is absolutely untrue. In many instances the state government is most concerned with maintaining funding and services for the community.

I was interested to note that yesterday’s state budget allocated $45 million for stage 2 of the Kingston Centre regeneration. That is a regional aged care facility. As I mentioned, the Kingston population is ageing. The facility will include a hydrotherapy pool in order to conduct all sorts of therapy. If that is a reduction in state government funding for local areas, I will go he for hidey!

The second agenda item listed is:

the reduction of planning powers of councils and councillors …

Once again that is simply not true. Unfortunately I am old enough to remember the Maclellan form of intervention in local decision making. There was no local decision making; it was overwritten every time. It took the Bracks government to put in place systems so that councils could make their own decisions.

The third agenda item is:

an unsatisfactory electoral review process designed to weaken continuity in local governance …

As has been mentioned, the electoral review process is carried out by the Victorian Electoral Commission. It is an independent process, and a much better one than I recall regarding the Mordialloc and Moorabbin councils; they were simply sacked, with ongoing ramifications for my local area. The Kingston City Council was put together then. I remember the debt levels from the sacking, the competitive tendering processes that were put in place and the loss of community and council history. I remember talking to the current mayor, Bill Nixon, about a foreshore plan that was put together by the Mordialloc council before the sacking. He told me that all that knowledge and history have been lost. All that documentation was simply put in a dumpster at the back of the council building; it had gone forever.

The history of our local government and area has huge gaps in it as a result of those sackings. The matter of public importance talks about weakening continuity in local governance; that sure weakened the continuity of local governance — it was simply gone. Councillors were sacked; it was absolutely dreadful. The old Mordialloc and Moorabbin councils were very good councils; they did a good job. Why on earth all that was broken up and taken away, I have absolutely no idea.

The fourth agenda item is:

the imposition of unrequested and unworkable zoning changes to local planning schemes …

A departmental discussion paper was released recently. The review was instigated at the request of a group of mayors. The expert group to take an independent look at the issues was led by Peter Cummings, a respected planner, with representatives from local government, the Municipal Association of Victoria and the Victorian Local Governance Association. Rather than the department just saying, ‘This is what we are going to do’, a discussion paper has been put out and submissions have been called for.

I wonder if those on the other side of the house have been involved in that submission process, done the hard yards, read the discussion paper and put the effort into making a submission, as a number of my colleagues and I have done. We want to represent our local areas; we want to be a part of that discussion. This government is willing to have those discussions. We are willing to take account of local communities and local councils and to hear what their thoughts are. Consultation is actually what we do best. We listened to the community, and as the former Premier, Steve Bracks, used to say, ‘We listen and then we act’ — and that is what is going to happen with this discussion paper.

Finally, I would just like to talk about one thing that has been important for our local area which, once again, was put in place by the former federal Howard government and which is still an issue for the local council and for me, and that is Moorabbin Airport. The airport was leased, and the airport authority put together a master plan so it does not have to have any relevance
to council planning schemes or to state government planning schemes. It is simply a matter of standing alone. That was put in place by the former Howard Liberal government, and is another example of Liberal governments not taking account of local communities and not taking account of local councils. We had a Liberal government which took no account of communities, which sacked councils and which did not get involved in discussions.

We have before us this matter of public importance that laments our record. If I were an opposition member I would hang my head at their record. Would I be a bit reluctant to want to bring it out and discuss it. I cannot agree with this matter of public importance; I do not think it has any relevance. Our government has a record that it can be very proud of in these matters of working together with our local councils.

Mr KOTSIRAS (Bulleen) — I cannot believe what I am hearing from members of the government. I cannot understand why they cannot see that the aim of this government is to strip powers from local councils. That is its no. 1 aim. I have to congratulate the member for Shepparton for putting up this matter of public importance (MPI) before the house.

I cannot understand why the Minister for Local Government is not in the house. Is he hiding? If he feels so passionately about local government why is he not in the chamber debating this matter of public importance? He should at least have the decency to come in here and listen to the member for Shepparton. Unfortunately he cannot debate what is a very well thought through and carefully put together MPI. It is obvious that the member for Shepparton cares about local councils. She cares about the impact of government red tape and the financial burden that this government has placed on councils. Councils have no option but to increase rates every year.

The member for Melton spoke about council amalgamations under the former Liberal government. Why does he not talk to the minister and ask him to reinstate the councils? Why can we not go back to the 210 councils that were in place prior to the amalgamations? If this is the government’s policy, then I challenge the member for Melton to urge the Minister for Local Government to go back to 210 councils. It is also strange to hear the member for Melton say that councillors and council workers today are independent. This government is only happy if councillors and councils do its bidding. If they do not, then the government will take action to ensure they do.

The member for Essendon said she has not seen any policy from the opposition. I ask her to go back prior to the last state election and to read the opposition’s policy. I advise the member for Essendon that over the last two years the government has taken over 40 of our policies which it has now used as its own. During the election campaign the government was critical of the Liberal Party’s policies, but in the last two years it has taken over 40 of them. It is a shame that despite all the advisers and all the public servants, the government has to rely on the Liberal Party and The Nationals because it is inept and unable to come up with its own policies.

Local government has access to three sources of revenue. The first is rates, fees, fines and charges; the second is general purpose payments; and the third is specific-purpose payments. When this government places extra financial burdens on councils, they need to increase rates. Again I congratulate the member for Shepparton for putting up this matter of public importance, because it is important to illustrate this government’s disregard for local councils. The first part of the MPI refers to cost shifting, and I wish to refer to page 28 of the Hawke report, which states:

The committee received three estimates of cost shifting …

- the Municipal Association of Victoria (MAV) estimated the cost shifting in Victoria to be $40 million per annum in the recurrent funding of three major specific purpose programs — home and community care (HACC) services, libraries and maternal and child health. A further $20 million was estimated to be the cost shift on a range of other specific programs; and

- the CEO of the City of Stonnington provided a similar indicative figure of cost shifting in Victoria at $10 per head per annum or $50 million per year …

Cost shifting is a real problem in the city of Manningham. That council is playing an increasing role in the provision of human services, and as a result it is constantly being asked to subsidise programs that should be the responsibility of the state government. Why should ratepayers, who this government has taxed at record levels, also pay more rates every year? In 2000 my rates were $898 while in 2008 they have skyrocketed to $1376 — a massive 53.2 per cent increase in eight years. The consumer price index increased by only just under 30 per cent in the same period. Why the massive difference?

One of the main reasons is cost shifting by this government at a time when Victorians pay the highest level of stamp duty of any state. Receipts from stamp duty are estimated to have skyrocketed 250 per cent from $1 billion in 1999 to $3.5 billion this financial year. Land tax has increased by over 160 per cent to almost $1 billion since 1999. Payroll tax will have
increased nearly 70 per cent from $2.2 billion in 1999 to $3.7 billion this financial year. Insurance taxes have risen 106 per cent to $1.1 billion since 1999. Fines have increased to over $400 million per annum. Gambling taxes have risen over $1.5 billion this year.

Labor has imposed 15 new or expanded taxes that extract hundreds of millions of dollars a year extra from Victorians, and yet Manningham City Council is required to increase its rates every year. While I have been critical of the Manningham City Council and its need to increase rates, a lot of the blame comes back to this government because of cost shifting. A lot of the blame must be laid at the feet of this government for its disregard for local government.

I turn to some specific examples of cost shifting in Manningham. Arterial roads are the responsibility of the state government through VicRoads. There are two main arterial roads in my electorate, King Street and Templestowe Road, which are the responsibility of VicRoads. They are very dangerous roads, and accidents have occurred there. The council could not wait for this government to take action, so in 2005 it had to allocate $100 000 for road safety improvement works on King Street. The local council could not wait for this government to provide funds to make King Street safe, which is the responsibility of VicRoads.

I wish to quote from the minutes of a Manningham City Council meeting. Under the heading ‘King Street and Templestowe Road update’ it states that Lidia Argondizzo, who was then the Labor member for Templestowe Province in the upper house:

… reported on her actions to submit requests for a range of funds on both roads from low cost to full cost works.
Claude … advised the meeting that a minimum of $110K is needed and this has been provided in council’s budget.
Lidia … considers that this allocation has been extremely useful in encouraging VicRoads compliance.

Unfortunately that did not happen. It is perhaps one of the reasons why Ms Argondizzo lost her seat at the last election. Despite the fact she said it was a problem and that VicRoads should fund the road, the government refused to do so.

Another example is water savings on local sporting grounds. Again, as recorded in council minutes, at a meeting with local MPs in 2007 Cr Gough expressed his concern regarding cost shifting in relation to water, namely that public services, including sporting and recreational facilities, are being required to install water tanks and/or have restricted access. Again the council was required to provide extra funds. The costs of school crossing supervisors used to be 70 per cent, met by VicRoads. Today it is estimated that VicRoads only funds 30 per cent of this cost, a decrease of 40 per cent — it is an enormous amount. For Meals on Wheels the current subsidy is $1.32 per meal, and it has been at that level for a number of years. Again the pressure is on local council to provide this vital service to the community. Libraries used to be fifty-fifty funded — 50 per cent by local council, 50 per cent by state government. Unfortunately today most councils have to put up about 80 per cent of the funding for libraries — because this government does not care.

The second part of the MPI refers to councils’ diminishing planning powers. This government has basically taken away the planning powers of Manningham City Council. In the past residents would open their windows and look into parkland and open space. Now when they open their windows they see another window on the other side, which is only 6 metres away. Council is restricted in what it can do, and residents have had enough. They live in Manningham for a specific reason — they like the open space, they enjoy the parklands. Yet this government is destroying their lifestyle — the lifestyle that they have grown up with or have chosen. It is one of the main reasons residents have chosen to live in Manningham. So it is a shame this government is taking away the planning powers of the local government. I call upon this government to properly fund councils and to allow councils to do their job. They are elected by the people. Allow them to do their job.

Mr BROOKS (Bundoora) — I rise to speak on the matter of public importance today moved by the opposition. The matter of public importance that has been put forward by the honourable member for Shepparton left me absolutely gobsmacked — of all of the different topics and portfolio issues that coalition members could have chosen for a matter of public importance! In terms of their own political nous they have obviously misjudged this one because if there are areas that stand out from the record of the previous coalition government, where they wreaked havoc on Victorian communities, local government is certainly one of those areas.

The matter of public importance reads:

That this house expresses its concern at the Victorian government’s continuing and destructive attacks on local government and local government councillors which are designed to weaken the authority of local government and reduce its capacity to advocate on behalf of local communities where such advocacy conflicts with state government agendas …

And it goes on to list four issues around cost shifting, planning powers, electoral review processes and the
imposition of unrequested and unworkable zoning changes. As a previous speaker on this side of the house mentioned, the matter of public importance sounds very biting, as if we were going to hear a whole raft of concerns and issues coming from the members opposite, but they have been absent. There has not been a substantial issue raised by the members of the opposition to support this statement. This matter of public importance represents some of the breathtaking hypocrisy we are seeing from the members of the opposition, who insist that this government should be delivering the things that they tried to tear down, that the opposition tried to destroy.

Interestingly, I remember not too long ago — in fact it was at the end of last year, on 21 November — one of the most destructive attacks on local government that I have heard came from the member for Bass in this house. Part of his contribution was:

...councillors and council officers who commit various offences, involving stealing, making threats of violence, assaults, bribery, corruption, fraud, disclosure of confidential information and conflicts of interest — and he went on to rail against local government.

Honourable members interjecting.

Mr BROOKS — Unsubstantiated allegations that members of the opposition make in the Parliament — —

Honourable members interjecting.

The ACTING SPEAKER (Ms Beattie) — Order! Members of the opposition! The member will be heard.

Mr BROOKS — And then they come in here with a matter of public importance complaining about destructive attacks. It is unbelievable hypocrisy from members of the opposition; unbelievable! The fact is that the Brumby Labor government, the Labor government in this state, has a very proud record of supporting local government in our community. As someone who served on a local council for over eight years, including a couple of terms as mayor, I saw both the performance of the previous Liberal government — which I will come to in a minute — and then the transition to a state Labor government and its support for local government. The fact is — and members of the opposition do not like hearing the truth — that the federal government has historically been responsible for base funding of local government through untied grants. That obviously runs through the financial assistance grants, and under the previous commonwealth government untied financial assistance to local government fell from 1.02 per cent of

commonwealth taxation receipts in 1996 to 0.66 per cent in 2006.

If the opposition is concerned about a reduction in services through local government, it should have been raising these issues with former Prime Minister John Howard and former Treasurer Peter Costello, who left local government across the country substantially underfunded. But we did not hear a whimper. We did not hear a whimper from the opposition during those days, because we know that members of the opposition are Liberals and Nationals first and Victorians last. That is always the way. We have seen that in this house time and time again — they protect their own party but will not stand up for Victorians. Particularly when it was against the former federal government, they were missing in action.

Part of my role in the local council involved being on a local library board, the Yarra Plenty Regional Library board, which I recall is one of the largest regional library boards in the country. Recurrent library funding has been increased to a record $30 million in the 2007–08 budget, and I will be expecting to hear that there will be record funding amounts in the budget that was released yesterday. In addition $15 million was provided over four years from 2007–08 to extend the very successful Living Libraries program, and of course there is the $6 million provision for libraries to purchase books as part of the annual Premier’s reading challenge, which is a very successful program.

One of the reasons I stood for local government back in 1997 was that I was concerned about the impact of compulsory competitive tendering and the policies of the Liberal government on very serious service delivery areas like home care and maternal and child health, which impacted on some very vulnerable people in local communities. This Labor government has struck an agreement on the cost of delivering universal maternal and child health services between local government and the Department of Human Services (DHS) so that they each share 50 per cent of the funding of the agreed schedule of activities.

You would not have seen that sort of cooperation under the previous coalition government. If we ever have the situation where unfortunately we see the coalition on the government benches again you can bet your bottom dollar we will never see that sort of cooperation again. We would see the authoritarian approach to local government that we saw during the Kennett period. The kindergarten budget, for example, was reduced by 25 per cent under the Liberals and Nationals. That was $11 million ripped from kindergartens across the state. Members of the opposition obviously do not care that a
25 per cent reduction was inflicted on kindergartens across the state.

Another important issue which is often forgotten by people is the 2004 announcement by this government that it would increase the cap for the municipal rate concession — it went from $25 to $160 — and index that cap to the municipal rate from July 2005 and subsequent years to keep pace with inflation. As I said, one of the areas I was very keen to pursue when I was first running for local council was children’s services. I was very glad at the end of last year to see the Premier announcing a $38.56 million investment over four years in this state’s early childhood services. That program includes $20 million in grants of up to $500 000 to build at least 40 children’s centres.

Instead of locking people out of children’s centres and kindergartens this government is building new kindergartens. It is providing $13.7 million in grants of up to $100 000 for community kindergartens and child-care centres for major renovations and $4.4 million in grants of up to $5000 for community-based kindergartens, child care and outside-school-hours care, as well as $500 000 to assist councils to plan the redevelopment of their early years services. That is on top of the government’s $23.2 million investment in 55 children centres over the past four years. So we have just seen massive investment in those important early years programs.

The Brumby government recognises that access to high-quality, integrated early years services is vital to giving every kid the best start in life. As I said, this is unlike the opposition, which ripped out a quarter of the budget from kindergartens, causing fees to skyrocket and participation rates to fall to a record low of 87 per cent.

I know that we have not yet debated the appropriation bills, but I was very pleased to see the support of the government for the regional Meals on Wheels kitchen with the announcement of $6 million in funding. In my electorate there is a fantastic project being run by the Banyule City Council and the Liberal mayor, Wayne Phillips, a former member of this place. The Greensborough project is a massive redevelopment on which the state government is cooperating with that council to redevelop the town centre with a $7 million dollar injection of funds.

With regard to local sporting facilities, I recently went out to the Watsonia Tennis Club in Bundoora where the government, in conjunction with the council, is funding sporting complex improvements. This is a stark contrast to the dark days of the coalition, when we saw compulsory competitive tendering putting pressure on human services. Members will remember the $100 poll tax — a lot of people do — and the forced amalgamations of councils across Victoria. Then there was Robert Macelllan, who was Minister for Planning. I wish I had another 10 minutes to talk about Robert Macelllan calling in planning applications at will. Then there is his famed Good Design Guide. If ever there was a title for a planning policy that was completely the opposite, it was the Good Design Guide. It was basically an open-slather policy for development across Melbourne’s suburbs. We are still waiting for the coalition policy on planning. Its members complain a lot, but will we see a real policy on how they are going to manage Melbourne’s growth? Do not count on it. We have to remember that the current Leader of The Nationals voted over 1000 times with Jeff Kennett to close 178 schools and country hospitals.

Mr HODGETT (Kilsyth) — I rise to speak on this matter of public importance submitted by the member for Shepparton. It states:

That this house expresses its concern at the Victorian government’s continuing and destructive attacks on local government and local government councillors which are designed to weaken the authority of local government and reduce its capacity to advocate on behalf of local communities where such advocacy conflicts with state government agendas, including:

(1) cost shifting by state government to local councils;
(2) the reduction of planning powers of councils and councillors;
(3) an unsatisfactory electoral review process designed to weaken continuity in local governance; and
(4) the imposition of unrequested and unworkable zoning changes to local planning schemes.

Labor is failing local government. It has failed to deliver and meet its responsibilities in accordance with its supposed partnership with local government. It has ignored and stifled local government wherever its policy is required. The voice of local government has become marginalised and unheard by Labor. Labor has shifted cost burdens onto local government. Since the election of Labor the Municipal Association of Victoria (MAV), local government’s peak body, estimates that cost shifting by the state government onto local government has reached $37 million per annum in recurrent funding plus $20 million across a range of other specific programs.

How many examples do we hear about from our local government municipalities where the state government comes up with a pilot project and funds it, the project is
then run by local government, is successful and achieves everything it was meant to, an evaluation and review follows and the funding is pulled, leaving local government stuck with carrying the can? In such a case the council is damned if it does and damned if it does not continue with the project. If it just dumps the project, the community blames the council because it was given the money to fund and run it. However, usually councils pick up the tab and continue to run these very worthwhile projects. Again, this is just a blatant example of cost shifting onto local government, which has to pick up the tab and continue to run those pilot projects. There are numerous examples. There are so many examples that we have not got time to go through them all today.

Labor has cut state grants to local government. It allocated $206 million in grants and transfer payments to local government in the 2002–03 state budget, but the allocation has steadily fallen since then to only $113 million in the 2005–06 budget. This has left a huge gap in local government finances only partially filled by increased grants from the federal coalition government as it was.

Labor has cut funding to public libraries. It has crippled them by cutting the public library grant to just $29 million a year, which is only 20 per cent of the overall cost of running the libraries. Many library branches are facing closure. The number of permanent libraries has fallen under Labor since 1999–2000, while the number of mobile libraries has fallen by 5 to 27 and the number of mobile library service points is down by 177 to 428. More mobile library services are at risk of closing.

Labor has and continues to reduce local government planning powers. After promising to clearly define and protect local government planning powers and allow fewer areas of unilateral ministerial intervention, Labor in practice has stripped councils of planning powers and delivered the real planning power to the Minister for Planning in the other place and the Victorian Civil and Administrative Tribunal (VCAT). It is this area — the reduction in planning powers — that I wish to focus my comments on for the remainder of my contribution to the debate.

As a local government councillor and three times mayor with the Shire of Yarra Ranges, I am fully aware that planning is a huge part of a councillor’s duties. Councillors are elected to represent the needs and wishes of the residents and ratepayers rather than wider state-based values or narrower ward interests. On this side of the house we believe participation at the local level always improves decision making and the delivery of services. We support local government planning powers; local government is said to be the closest level of government to the people; it is grassroots government, and those powers rest better there. We certainly support local government having planning powers to make decisions in its local area.

One of the fundamental purposes and objectives of a council is to facilitate and encourage appropriate development of its municipal district in the best interests of the community. Planning at present is in disarray with uncertainty for all parties — councillors, developers, planners, planning consultants and the local community. I will give the house some examples of where Labor has stripped council planning powers and delivered that real power to the Minister for Planning and VCAT.

A particular example from when I was on the Shire of Yarra Ranges Council was the Croydon Golf Club application which was made to relocate the course at the intersection of Victoria Road and MacIntyre Lane in the shire of Yarra Ranges. When that application first came to council a number of concerns were expressed by objectors. The council worked through the process, but at the end of the day the shire made a decision to approve that application. An objector subsequently appealed the council’s decision to VCAT, and VCAT overturned the council’s decision and disallowed the application. Fair enough, that is the process.

The developer, however, then came back and made a second application on exactly the same matter to relocate the golf course to that parcel of land in the Yarra Valley. As I said, the first application had been approved by the shire but VCAT knocked it back. Based on the precedent set by VCAT in that first decision, the Shire of Yarra Ranges refused the second application. If you like, it had the VCAT decision before it which it could refer to in terms of considering the second application made by the developer, and it refused the second application. That application was again appealed to VCAT and much to our amazement VCAT approved it. Where is the sense in that? The government gives VCAT the laws it operates under. How can you have trust in VCAT and in the system? The golf club’s application was approved by the shire, then knocked back by VCAT; it was subsequently refused by the shire and then approved by VCAT. It is an example of the government’s blind trust in VCAT as an unelected body.

In her contribution to the debate the member for Essendon gave a number of examples of where the previous government went against the wishes of the local community; she gave examples of ministerial
intervention on planning. Within the electorate of Monbulk, which adjoins my electorate of Kilsyth, Boral Resources was asked to prepare an environment effects statement (EES) for a proposed extension to its Montrose quarry. The EES was completed and Boral subsequently requested that the Shire of Yarra Ranges prepare an amendment to the Yarra Ranges planning scheme to rezone part of the site to allow for the expansion. It was intended that the EES would be exhibited concurrently with the planning scheme amendment for public comment.

The Shire of Yarra Ranges resolved not to seek the minister’s authorisation to prepare a planning scheme amendment. Boral has now requested that the Minister for Planning become the planning authority and exhibit a planning scheme amendment for Boral to expand its quarry at Montrose. As I understand it, that request is currently being considered not just by the Minister for Planning but in consultation with a number of other senior ministers. We will wait to see what the minister does with that request given the comments by the member for Essendon on how ministers should not intervene in local planning authorities.

A final example, although it was not in my time at the Shire of Yarra Ranges, concerns a logging application in Hoddles Creek. The merits of whether the logging should go ahead or not can be debated, but it is the actual circumstances of local planning authorities’ controls in place being ignored and overturned by VCAT that I wish to discuss. The area had the strongest possible environmental overlays permitted under the planning scheme. There was strong community opposition and objection to it. The council vehemently opposed the application to log the forest area and subsequently refused it. The application was then appealed to VCAT and overturned. Councillors, developers, planners and local communities are confused about what can and cannot be permitted under a planning scheme, and it beggars belief when a minister and VCAT can just charge in and do what they want.

I would urge the Brumby government and the Minister for Local Government to start listening to the concerns of local communities and stop its destructive attack on local government and councillors and allow them to get on with the job they have been elected to do in their local communities.

Mr HAERMeyer (Kororoit) — I have to say that I was a bit perplexed, listening to the member for Kilsyth. I just wish I could reveal some of the conversations that I had with him when he was a councillor of the Shire of Yarra Ranges. I will not reveal confidences of private conversations, suffice it to say: how the worm turns. It is as if 1992 to 1999 never happened. There is this seven-year block in history that has just sort of disappeared through this process of selective Lib-Nats amnesia.

The member for Kilsyth went on to talk about planning powers, of all things. I recall that in this house there was a Minister for Planning by the name of Robert Maclellan. That minister was responsible for some 1700 call-ins of planning matters. It was not that some general process or guidelines were to be applied. Individual people with planning proposals for individual sites, not matters of regional significance, would go to him and say, ‘We don’t like what X council is doing’ — presumably they were also very good donors to the Liberal Party — and they would have the council’s decision overturned.

I understand that sometimes decisions have to be made on matters of regional or statewide significance that should not be overrun by a sort of very locally focused nimbyism and that sometimes there needs to be a process for making those decisions. What this government has done and is continuing to do is put in place a consistent and proper process that enables those decisions to be made in a consistent and reliable way, rather than leaving it to ministerial caprice. That was planning under the Kennett government: ministerial caprice. I remember that when representatives of one council that I represented in Yan Yean went to see Minister Maclellan about a planning matter, he condescendingly waved his finger and, looking down his nose at them, he threatened, ‘You must not displease me’. That was planning and local democracy under the Kennett government.

I have to say that the Lib-Nats coming in here and lecturing us about local democracy, planning matters and cost shifting is a little bit like Troy Buswell lecturing people about the foibles of glue sniffing, or New York Governor Spitzer lecturing on marital fidelity, or maybe Robert Mugabe pontificating on democratic processes and good government, or maybe Tony Mokbel holding forth on the evils of drugs, or perhaps the member for Bass coming into this chamber and lamenting the lack of decorum in the chamber. That is the context in which I see this matter of public importance from the Lib-Nats.

The member for Shepparton went on about cost shifting and roadside weeds. She cited, as did a number of speakers from the opposition, areas where council costs have increased, as if it is then automatically the responsibility of the state government to immediately pick up those costs. Councils have responsibilities as
well. They have a capacity to raise their own revenue through their rates and they must make decisions on how far they will raise rates and to what extent they will contain their costs. I will get to the issue of cost shifting a little bit in a moment. This government has actually addressed in a big way a lot of those areas where that cost shifting occurred under the Kennett government. It has funded properly things like neighbourhood houses, local libraries and kindergartens, where the Kennett government was ripping resources out of them.

The member for Mornington went on about Meals on Wheels and library costs rising. This government has poured more money into those areas than any government before it did. The member for Mornington wants a guaranteed and growing revenue stream. As I said, local governments have the capacity to raise their own revenue through rates. State governments are in a bit of a different situation. One of the reasons the states receive revenue from the GST is that at Federation the states gave away most of their revenue-raising or taxing powers, and they are reliant on a very narrow stream of income.

I reiterate: local governments have the capacity to raise their rates. While state government support for local government in all those areas where state and local governments share responsibilities has never, ever been higher, there is not just a bottomless pit. If councils want to increase their expenditure in certain areas, this government understands that needs in certain areas continue to grow — we have a growing population and this government has done its bit — but local government also needs to find that balance between how far it increases its rates and at what stage it cuts or contains its costs. They are decisions that those at any level of government have to make at any time.

The member for Mornington also argued for greater uniformity in the process of electing councils. This goes to the issues of governance. Each council in this state is different and people in different areas want different ways of electing their local councillors — it is horses for courses. What we have put in place is an independent process — not with a politician telling people how councils will be elected — through an independent electoral commission that makes those decisions on how local government is structured and elected. It is an absolute non sequitur and a false analogy to suggest that somehow that is the same as having members of this house from different areas elected by different processes. It is the same as state governments having different structures and being elected by different processes. What is appropriate in Queensland is not appropriate for us in Victoria, and what is appropriate for the city of Melbourne is not necessarily appropriate for Mildura, Brimbank or other municipalities. We have allowed some room to move and have put in place an independent and proper process for dealing with that.

The member for Bulleen then came into the chamber and said that the no. 1 aim of this government is to strip powers from local government. This is a bit rich, coming from someone who worked in the office of Premier Kennett — the loyal adjutant to the great dictator, the man who sacked 1600 councillors. You cannot make people more silent than by sacking all the councillors and all the councils. Sorry, there was one that was not sacked. It was the Borough of Queenscliffe, because we could all see that Queenscliff was so different from every other place — it just happened to be in the marginal seat of Bellarine! The former government sacked all the councils and all the councillors.

As for the member for Shepparton coming in here with this matter of public importance, she was one of the commissars appointed to dictatorially run local government in this state — because Jeff Kennett, the Kennett government, the Lib-Nats over there, decided that the voters in each of those municipalities did not know what was in their own interests, they were not capable of electing a local council for themselves. That was the contempt in which those opposite held the Victorian people. That was their attitude: ‘We’ll just sack these councillors and put these unelected commissars in place across the state’. Instead of the member for Shepparton getting up and talking about elected local and participatory democracy, I have to tell her: for some of us there are some things that it is best not to go near, and local democracy according to someone who served as a commissar in the Kennett government is not something I would go near.

Mr BLACKWOOD (Narracan) — It is with pleasure that I rise to make a contribution on this matter of public importance. In my nine years as a local government councillor in my area of West Gippsland I witnessed many instances of state government interference in planning decisions, constant cost shifting from state to local government, enormous time delays in rezoning, the imposition of unworkable zoning changes and more recently an electoral review process that has frustrated and angered local communities and their representative councillors. Often it is the review process that the state government expects local government to follow that causes the greatest amount of grief. In most cases the process is so demanding that specialist consultants have to be employed at great expense to the shire.
The Shire of Baw Baw, for example, developed a growth management strategy for the shire that was to underpin a major rezoning of land to cater for population growth in Warragul and Drouin well into the future. The process was commenced back in 2002, the growth management strategy was finally adopted by council in 2005 and in the same year the planning scheme amendment process was commenced. Today the council is still waiting for the state government to sign off on the amendments prepared by council. The frustration that this has caused shire staff and developers and the cost incurred by the community have been enormous. There is now a chronic shortage of residential land in Warragul, which has pushed prices up, putting housing affordability beyond the reach of many young families and first home buyers.

We constantly hear state and federal governments paying lip-service to their concerns about housing affordability. If they were really concerned and fair dinkum, they would clean up their own backyards first and remove some of the ridiculous demands that are placed on local government in the planning scheme amendment process. Giving local government more autonomy and flexibility in this process would save an enormous amount of money and allow whole communities to have more of a say in how they think their communities should grow. The state planning scheme is often in conflict with the outcomes that are preferred by rural councils and communities. For example, the scheme encourages developers to keep lot sizes small, even as small as 350 square metres, in the interests of better utilisation of the available land. This leads to ghetto-style suburbs and houses with no eaves positioned on blocks with no flexibility to consider environmentally friendly outcomes, or more importantly, energy efficiency.

Local government understands the need to utilise land sensibly and sparingly where possible. It knows that high-quality farming land is at a premium. It knows that because most country communities rely on agriculture to sustain their local economies. Local government, through community consultation, is best placed to make decisions on lot sizes and population densities that suit its particular area. You cannot have a one-size-fits-all situation, as the state planning scheme dictates in many cases. It also exposes local government to challenge at the Victorian Civil and Administrative Tribunal when it follows the wishes of the community it represents.

In 2006 the then planning minister decided to implement a transition of all land zoned rural to farming. This was imposed on the Baw Baw shire overnight without any consideration of the objections council had raised or the huge problems it was going to cause people who were caught midstream in the planning process — for example, those applying for a section 2 use involving some bed-and-breakfast accommodation and holiday farm-type activities which are allowed in a rural zone but disallowed in the new farming zone. The minister was absolutely arrogant in his determination to push ahead despite being made aware of the impact this would have on the Baw Baw shire. All the shire needed was more time to get the rural activity zones identified and declared, which would have saved the shire and many applicants facing difficulties by being left in limbo by the actions of the minister.

The imposition of regulations by the state government on a whole range of activities has become the responsibility of local government to police — for example, food handling regulations, changes to the septic tank code of practice and the tightening of engineering standards for road construction, especially in new subdivisions. The more stringent the regulations, the more time is involved in supervision, which leads to unreasonable cost increases that have to be borne by local government and subsequently the ratepaying community.

The government’s native vegetation management policy imposes a whole range of restrictions on farmers, developers and landowners. It was introduced by this state government, but guess who has to police and monitor compliance with the act?. That is right — local government. The code of practice for timber production on private land was, once again, legislated by this state government, but local government has to take responsibility for its implementation and compliance. Local government planning departments had this particular piece of legislation thrust on them to administer, yet they had no qualified staff and in many cases had to employ consultants to train and advise their planning staff. In Baw Baw shire and the city of Latrobe there has been significant plantation development on private land and some harvesting of native forest on private land. Both councils have borne significant cost in ensuring that the state-government-imposed legislation is adhered to.

Before I leave the native vegetation management policy I must mention that I recently had meetings with representatives of the Victorian Farmers Federation, and they have some real concerns with this act and the impact its enforcement is having on the ability of farmers to maintain the productive capacity of their farms. They are not talking about wholesale clearing of native vegetation but problems they have in managing pasture growth in the vicinity of small pockets of unviable and unsustainable native vegetation. The
The inconsistencies in the final outcome for the two municipalities were quite extraordinary. In the case of Baw Baw shire the councillors were quite keen to retain the status quo — that is, one ward, one councillor. Baw Baw shire has traditionally been apolitical. It seems that the VEC ignored the council’s preferred position, and the minister signed off on multicouncillor wards.

The Latrobe City Council has traditionally been recognised as a Labor council. It requested the status quo in the face of very strong community support for multicouncillor wards, in particular in Moe. In fact members of the Moe community presented me with information which would suggest that Latrobe made late representation to the VEC, indeed after submissions had closed, in a last-ditch attempt to influence the outcome. I made representations to the Minister for Local Government on this issue and supplied him with the information provided to me by the concerned constituents. As is typical of this divisive Brumby government, their concerns were completely ignored.

The state government currently sets what it believes to be the appropriate number of poker machines in a certain area. Local government is powerless to act on the wishes of its community, if an application for more machines is received in an area not fully saturated with poker machines. The Shire of Baw Baw refused an application for gaming machines in Drouin in recent years based on very strong community concern about the adverse impact experienced in the community of Baw Baw as a result of problem gambling. The applicant took the shire to Victorian Civil and Administrative Tribunal (VCAT) as was its right, and the council’s decision was overturned purely based on the number of machines. Community concern was totally ignored. The cost to council and the community in defending their decision at VCAT was considerable.

There are many examples of cost shifting from the state government to local government. A lot of it has occurred because of shire and councillor concern for their communities due to constant lack of concern from this government for the needs of rural communities. In summary, local government continues to fund kindergarten infrastructure, libraries, community health, and aged and disability services, all of which are the responsibility of the state government. In Baw Baw, for example, the shire contributes over $80 000 each year to the West Gippsland Healthcare Group to assist the group to deliver its community-based health programs.

The Brumby government has to stop being divisive and arrogant, get out of peoples’ lives, provide the funding and put in place the processes which will allow local government to work with its communities to identify and deliver the services, planning outcomes and infrastructure that are important to them.
I am pleased to note that obviously there is some agreement across various parties that this at least has been mentioned as a concern, because it is certainly a concern that I hold.

On page 28 there is an interesting analysis of the time spent answering government and opposition questions. Given you are in the chair, Acting Speaker, I do not know what time you have to ask questions — I am sure you will have your own calculations done on that. Under the previous government — from 1996–99 — the average number of minutes taken to answer questions from government ministers was 3.6 minutes, and yet questions from non-government members took only 2.2 minutes.

Honourable members interjecting.

Ms ASHER — Hold it! I am actually making the same point for both governments; I am trying to be fair. I know this is a great shock to the member for Albert Park, because he is new to this chamber, but in areas like committee reports one can actually be objective. Under the previous government, ministers only spent 2.2 minutes answering questions from non-government members.

I turn to the figures for the Labor government between 2002 and 2006. The average number of minutes taken to answer a question from a government member was 5.1 minutes, and questions from non-government members received 1.6 minutes of attention. Irrespective of Labor or Liberal, the Dorothy Dixers receive a lot of attention and the answers to questions which are designed for accountability and scrutiny are very brief. It is my observation in this place that when a minister is uncomfortable with a question, that minister is incredibly brief in answering it. On page 28 of its report, the committee makes the point that roughly 70 per cent of question time is spent answering government questions and 30 per cent answering non-government questions.

The remedy proposed by the committee is the system that operates in the upper house at the moment. I recall the Independents charter which had a series of reforms, many of which were based on practices of the upper house. People like to say the upper house is behind the times, but it provides the model that in many instances PAEC has adopted.

Recommendation 5 of the report is that the Standing Orders Committee revise its standing orders to allow supplementary questions without notice. I urge the Standing Orders Committee to consider that. It may be some source of improvement, although clearly it will not be a panacea.

I also refer to recommendation 8 on page 33 of the report, where a suggestion is made for time limits on individual questions without notice. I would be keen to see more work done on this, because I think one of the fundamental problems of this Parliament is that question time at the moment is scarcely worth the effort, because ministers have so much flexibility in answering various questions, so I urge the Standing Orders Committee — because I know it is so independent and a creature of the Parliament — to consider some of these recommendations put forward, I have to say, by the PAEC in an attempt to try and get question time a better place in this Parliament.

Privileges Committee: right of reply — Robert Larocca

Mrs MADDIGAN (Essendon) — I wish to make a statement on a Privileges Committee report handed down on 15 April, and I will use the report as an illustration of what I see as a problem in the way that we deal with privileges matters in this house. This report was produced in response to some comments made by the member for Kilsyth about Robert Larocca and Mr Larocca’s time as mayor of the City of Moreland. In these circumstances the Privileges Committee has fallen into a habit that it has had for some years, but I do not think that it provides justice for the person who has lodged the complaint with the Privileges Committee when that complaint is considered to have been upheld. In this case it was considered to be upheld. I use this case as an example, but this has happened to other people — and not necessarily against Liberal members, but against Labor members as well. I am using Mr Larocca’s case as an example.

The habit the committee has fallen into is that its members produce a report, but they do not ask for that report to be incorporated into Hansard, which means that there is no remedy in that the community cannot see that the matter has been addressed. Most people do not read Hansard as a matter of course. However, the report of the Privileges Committee is never reported in Hansard, so the incorrect statement remains in Hansard. Other parliaments seem to have a much more sensible process — that is, that their privileges committees recommend that reports be incorporated into Hansard. The advice I was given was that that can be done in this house later, but I have found out that it can only be done by leave, which brings the matter of the report into the political arena. The report about Mr Larocca was a unanimous report; no-one dissented.
from the view of the committee. Members of Parliament from all parties who were on that committee agreed with the recommendation. However, there is no way that any person in the community can see that that change has been made.

I have asked the Privileges Committee to look into somehow tagging the response to the original report in Hansard, so that when people look up information or read the speeches in future they can understand that that statement has been adjusted. Obviously to have that matter redressed would be much fairer for people who feel that they have been offended by someone in this house. In the case of Mr Larocca the Privileges Committee found that the comments made by the member for Kilsyth were incorrect, and the committee allowed a particular response from Mr Larocca. In all fairness, particularly where the committee is unanimous in its views, that response should be incorporated into Hansard, which would make the process more transparent and give the person who feels that they have been aggrieved a much fairer response.

Privileges Committee: right of reply — Robert Larocca

Mr McIntosh (Kew) — The member for Essendon has made a statement on the Privileges Committee report on Mr Robert Larocca. I also want to make a statement on matters that have arisen through that report. The member for Essendon is quite correct in that the committee did find unanimously that two errors were made in the members statement made by the member for Kilsyth about Mr Larocca. I also note that the committee itself made a factual error in its findings, because it refers to the statement being made during the adjournment debate, but it was actually made during a members statement, so nobody is above reproach in relation to these matters.

The two errors made in the report are, firstly, that Mr Larocca:

... was mayor when a controversial $18 million, 10-storey development in Brunswick by Tony Mokbel was approved ...

Mr Larocca has made the point that he was not the mayor, but a councillor, when Mr Mokbel’s development was approved.

Secondly, Mr Larocca has made the point about the statement:

... despite the wishes of his own internal department — that the development was recommended for approval by the director, city strategy — it was not his department. Those points were sustained.

The committee also stated that a number of matters raised were unchallenged and uncontested as fact. Mr Larocca was a member of the Eastern Transport Coalition, which was a body set up to lobby about public transport in the lead-up to a federal election. The Minister for Public Transport, who is sitting at the table, knows well that this is a state issue, not a federal issue. It raises the question of why that coalition of various councils was lobbying a federal government in relation to public transport when it is solely a state issue.

It was discovered that Robert Larocca — and of course he was named as such in the original statement by the member for Kilsyth — was a Labor mayor of Moreland, which is a matter he has not denied, and that he has served under two well-known Labor members of Parliament. He served under the current member for Footscray and under the federal member for Wills, Kelvin Thomson, who I understand at one stage was married to the member for Footscray. He was an adviser to both of those people, and indeed was an adviser to Kelvin Thomson at the time that Kelvin Thomson apparently wrote a reference supporting Tony Mokbel’s $18 million development in Brunswick. This matter, which the member for Kilsyth has quite properly brought before this house, should be a matter of profound concern. The committee cannot deal with that significant issue; of course it cannot get involved in it.

This state desperately needs a broad-based, independent anticorruption commission to look into these sorts of issues, which occur when the Labor Party and its mates do grubby deals for developments with people such as Tony Mokbel. I am sure all members of this house wish Tony Mokbel was back in Melbourne to tell his tale. Perhaps he could be called before an anticorruption commission so we could get to the bottom of what was the basis of the reference in relation to his redevelopment that was written by Kelvin Thomson.

We could go on and talk about cases relating to other members of Parliament dealing with things like bingo or even cleaning contracts and the like. What I desperately want is an independent, broad-based anticorruption commission for this state so we could get to the bottom of such things as the inappropriate use of the LEAP (law enforcement assistance program) database.

I see the member for Albert Park is in the chamber. As former chief of staff to the Minister for Police and
Emergency Services, he would no doubt be aware of the LEAP database and the way it was misused by a former police minister. That has been unable to be dealt with by the Ombudsman, because the Ombudsman cannot look into the operation of a ministerial office. I am sure the member for Albert Park knows that the Ombudsman cannot look into the operation of a ministerial office.

What this report indicates is that we desperately need an independent, broad-based anticorruption commission to look into people like Mokbel and his relationship with Kelvin Thomson, and to investigate police ministers who misuse the LEAP database and other clear Labor Party abuses of power in this state.

**Law Reform Committee: property investment advisers and marketeers**

Mr **FOLEY** (Albert Park) — It is with pleasure that I rise to speak to the Victorian Parliament’s Law Reform Committee report of its inquiry into property investment advisers marketing activities, which was tabled on 10 April. This was a reference that the government gave to the committee to seek to review the regulatory framework regarding the provision of property investment advice, with the objective of establishing how best to control the exploitation of Victorians in the context of keeping the burden on business as low as possible, whilst obviously seeking to focus on the commonwealth’s role in regulating financial advice and the ongoing work of the Ministerial Council on Consumer Affairs, which can sit in regulation in this area.

Given the new era of federal-state cooperation that has opened up in this country following the election of the Rudd Labor government, it is now an opportunity to make sure we deliver in this tough area of state-commonwealth regulation and coordination. It is not surprising therefore that the basic tenor of this report argues that Victorians at risk from the activities of shonky marketeers and advisers are best protected under a genuine national scheme.

In short, the report argues that the commonwealth government should extend its financial regulation to pick up property investment advice, but in a light-handed and productive manner. In the event, as unlikely as it is, that the commonwealth and the states should not take up this opportunity for a coherent system of national regulation, the report then foreshadows options that the state might pursue as to how to deal with the issue at hand.

The report sensibly identifies the fact that the issues surrounding property investment and advice are not solely the responsibility of governments. The role for consumer awareness and the development of investment literacy was also dealt with. Equally transparent and quality information provided to consumers and markets is seen as a vehicle to handle the problems that the report identifies.

What are these problems caused by the small number of shonky operators in the industry that target vulnerable and susceptible consumers? The committee received a number of harrowing examples of rogue traders and activities in this area. Chapter 3.3 details in some length these concerns. Examples of marketing disguised as education and advice services are an all-too-regular occurrence. The selling of advice and then the selling of the product itself seemed to be a common problem, as did the non-disclosure of conflicts accompanied by heavy-handed pressure tactics for selling. The evidence of Neil Jenman, a New South Wales-based consumer advocate, was particularly insightful, as indeed was the evidence of the Financial Planning Association. These organisations and individuals were themselves aware of examples where people had consciously sought to deceive and had set out to give the impression of self-serving advice to milk managed superannuation funds, sometimes at unrealistic price levels. Examples of conflicts of interest, of disreputable sales and marketing activities, of conscious overpricing, of exaggerated and impossible likely returns and of deliberate failures to disclose risks were all brought to the committee’s attention.

In these times of high exposure to debt levels by consumers, of mounting interest rates due to the irresponsible economic management of the now thankfully former Howard Liberal government, sadly the welfare of mum-and-dad investors, of families looking to secure their own futures, of self-funded retirees and of a growing number of self-employed contractors is being targeted by this potential group of shonky marketeers and advisers.

The report identified the systematic issues of a regulatory, educative and informative regime and stated that these should be sought on a consistent national basis. Essentially this report sought to make sure that the opportunity for genuine national arrangement that is available to the ministerial council in this area is taken up and run with; failing that opportunity, that the state will go ahead and pursue some appropriate information, education and regulatory reform. I am sure, however, that the forthcoming ministerial council in this area will pick up this opportunity and ensure that the interests of both the reputable marketers and advisers — by far
I urge the Public Accounts and Estimates Committee to continue to investigate the matter of rail maintenance to ensure that the minister provides the information that was promised. Country Victorians need confidence that past moneys are accountable so that those dependent on the country rail infrastructure can be assured that future moneys will also be accountable and be well spent. Country rail maintenance ought to be a priority of the government. It is obviously featured within the Public Accounts and Estimates Committee. Those communities that are dependent are looking to some leadership here to show that this will occur.

The long exchange that occurred between the various parties in the committee indicates that some accounting issues need to be addressed. In particular, the confidence required by our community to go forward knowing that the past moneys were well spent, and if they were not well spent, confidence will be eroded that the future moneys will be well spent.

I urge the committee to go forth and continue to pursue this issue. It is one that is extremely important to country Victorians.

Mr SEITZ (Keilor) — I rise to talk on the Public Accounts and Estimates Committee’s report on strengthening government and parliamentary accountability in Victoria and specifically the section regarding parliamentary committees, joint committees and investigative committees that we have here in Victoria.

I am pleased to see that the committee’s observation and information regarding committee procedure is quite satisfactory. We have a unique system of joint parliamentary investigatory committees, which has served this Parliament and the people of Victoria very well for quite some time. It provides the opportunity for bipartisan input on questions and issues which are before the Parliament, before a minister to deal with or which are of general concern in the broader community and are dealt with by community submissions. Individual people, groups and organisations can make representations to the committees, and then the deliberations and the findings are done in the backrooms, in the offices, of the committee rooms, where the political sides get together — unlike when matters are debated here in Parliament where you have political adversaries and sometimes out of necessity the opposition has to disagree with the proposal of the government.

Rail maintenance is an important issue in my electorate, and no issue is more important than the Murrayville railway line, which is about 100 kilometres running westward from Ouyen. Unfortunately the line is closed due to the lack of maintenance and some issues that have occurred through the summer. To give that community assurance we need to know where the $25 million for rail maintenance was spent. There is speculation that $7.7 million went to Pacific National for some rail maintenance, but the balance of $17.3 million is outstanding. For that community to be looking at a closed railway line, it needs to know where that money was spent elsewhere in the system and that it was a higher priority than maintaining that vital grain link.

At a maintenance cost of around $100 per sleeper, a lot of work could have been done with that $17.3 million. About 173 000 sleepers could have been laid, which should have restored to use several hundred kilometres of rail track. The recent announcement that we will have $42.7 million going forward and $19 million for general maintenance has raised the hopes for country freight lines again in those communities that are dependent on them. However, just as the $25 million was previously announced by the former Bracks government, the community needs assurances about how that $19 million will be spent.
It is a very rare occasion that we finish up with minority reports on some issues. My observation has been that in most cases the committees come up with sensible recommendations that are worked out when all political persuasions are presented to the government, here in Parliament. Ministers — the government — then have to respond to the committee reports, particularly if there are recommendations, and determine which recommendations they will implement, which ones they will consider, or have the department further look at. The reporting process is an important function of the committees, because it is not only about the Parliament and legislation, it is also about how the departments that read them follow them and look at how they can improve their own operation. All in all the committee set-up here is excellent.

The second topic I will talk about is question time, which the committee also looked at. It is quite clearly spelt out. Sometimes we waste our own time by taking points of order and raising issues. The only suggestion the committee came up with was that perhaps the Standing Orders Committee should consider the amount of time allocated to the minister to answer the question. However, the standing orders are quite clear that ministers may choose to answer questions in whichever way they wish. The committee has made no recommendation to change that.

The committee looked at the current standing orders. If members read the report, they will see that the time allocated for answering questions could be curtailed, but many times it is the interruptions by members who raise points of order that extend question time. We should be able to finish question time within half an hour, because there is a standing order, but we seem to be going over that time because of unwarranted interruptions and arguments over points of order that sometimes occur. The standing orders are quite clear. I do accept the point. I am not sure what time limits for answers to questions without notice the Standing Orders Committee is looking at now. However, it is also incumbent on the people who frame and ask questions to make them acceptable to the Speaker. In these sittings we have already had one question that had to reworded three times before it was acceptable to the Speaker.

The Parliament relies on questions without notice. The media and people in the public gallery watch question time. It is the job of the opposition to ask questions and elicit information from ministers. It is up to ministers how they answer questions. It is frustrating when ministers do not respond directly to a question that is put to them. However, the standing orders state that ministers can choose to answer questions in whatever way they wish. When you are in opposition — and I have been in opposition — you have to accept the standing orders.

The ACTING SPEAKER (Mr Ingram) — Order! The member’s time has expired. The time for making statements on committee reports has also expired.

STATE TAXATION ACTS AMENDMENT BILL

Statement of compatibility

Mr HOLDING (Minister for Finance, WorkCover and the Transport Accident Commission) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:

In accordance with section 28 of the Charter of Human Rights and Responsibilities (the charter), I make this statement of compatibility with respect to the State Taxation Acts Amendment Bill 2008.

In my opinion, the State Taxation Acts Amendment Bill 2008, as introduced to the Legislative Assembly, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of bill

The purpose of the State Taxation Acts Amendment Bill 2008 is to amend the Duties Act 2000, the First Home Owner Grant Act 2000, the Land Tax Act 2005 and the Payroll Tax Act 2007.

In particular the bill makes a number of changes to the administration of the off-the-plan stamp duty concession, introduces new stamp duty exemptions, clarifies the application of an existing stamp duty exemption where property passes to unit holders from unit trust schemes, increases the thresholds for general stamp duty, principal place of residence and the pensioner exemption/concession. The bill provides for an additional grant to first home buyers purchasing a newly constructed home in regional Victoria.

There is an increase in the thresholds for land tax, a reduction in the top rate and the introduction of an exemption from land tax to assist in the accommodation of disabled young people. The bill also provides for a reduction in the payroll tax rate and a number of minor payroll tax amendments.

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.

Clauses 3, 4 and 6 of the bill require a person to produce documents upon written notice by the commissioner, which includes information about calculations of percentage of construction completed on a building or refurbished lot as at the date of the contract. These requirements raise the right to privacy to the extent that they compel a person to provide documents to the commissioner.

These clauses do not, however, limit the right to privacy under the charter. The documents which a person may be compelled to provide in relation to the off-the-plan amendments are necessary to enable the commissioner to verify the accuracy of the information provided to calculate the quantum of the concession. This is fundamental to the bill achieving its purpose of proper and effective functioning of the off-the-plan duty concession provisions. In a self-assessment system it is important the commissioner can verify claims for the concession through compelling a person to produce documents. In these circumstances the provision of records is not arbitrary and is clearly lawful.

Clause 18 provides benefits to landowners in the form of an exemption from land tax for certain land used as residential services for people with disabilities.

In order to receive the benefit available under the amendment being introduced, applicants would necessarily have to provide relevant evidentiary materials to satisfy the conditions of the benefit such as details of the relevant property including evidence of its use as such a residential service. This clause does not, however, limit the right to privacy under the charter. The information required from persons to obtain a benefit is necessary to establish the eligibility of the applicants for that benefit and forms a fundamental part of the proper administration of this provision. The requirement for the information is relevant to give effect to the provision, which is to benefit eligible persons. Moreover, persons have a choice whether to apply for this benefit and produce the information or not. In these circumstances the provision of records is not arbitrary and is clearly lawful.

The Taxation Administration Act 1997, section 91, contains certain safeguards concerning the use of information obtained under or in relation to the execution of the bill. For example, section 91 prohibits past or present tax officers from disclosing this information except as expressly permitted.

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.

Notwithstanding that this clause raises the right to privacy it does not limit that right because it is neither unlawful nor arbitrary.

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. A statutory deprivation of property will not breach section 20 of the charter if it is lawful and is for a non-arbitrary purpose and is proportionate to that purpose.

Clauses 3, 4 and 6 of the bill may engage this right because they permit the commissioner to require a person, by written notice to produce a document and it allows for transferors to be jointly and severally liable with the transferees for any additional duty if information provided by the transferor is found to be incorrect.

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, the 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 and compliance. These powers also help to ensure that the commissioner can adequately protect the property rights of the lawful beneficiaries of the off-the-plan duty concession.

Further the production of documents in these circumstances is reasonable to ensure the public benefit aim of the off-the-plan duty concession is achieved in circumstances where there may be serious non-compliance with the requirements of the bill. Accordingly, while the right to property may be engaged by these provisions it is not limited for the purposes of the charter.

These powers are not unlawful because they will be provided for by law, and will only be exercised for purposes connected with the administration and enforcement of the Duties Act 2000. In these circumstances, the operation of joint and several liability is not arbitrary and is clearly lawful.

 Clause 18 may also engage the right to property to the extent that there are requirements on persons to produce documents in order to receive a nominated benefit under the Land Tax Act 2005. However, as is the case for the right to privacy, these requirements are not mandatory as persons have a choice to submit such documentation as part of an application for a benefit, or not. The information required from persons to obtain a benefit is necessary to establish the eligibility of applicants for those benefits and forms a fundamental part of the proper administration of these provisions. The requirement for the information is relevant to give effect to the provisions, which is to benefit eligible persons. Also, the relevant requirements will be permitted by law.

Notwithstanding that this clause may engage the right to property it does not limit the right because the requirement for documentation as part of an application for a benefit is neither unlawful nor arbitrary.

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.

Clauses 3, 4, 6 and 18 of the bill may engage this right because they permit the commissioner to require a person by written notice to produce a document.
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.

**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.

Clauses 8, 10, 15 and 18 of the bill may engage this right as they respectively provide an exemption from stamp duty for situations where a trust is established and/or property is transferred into such a special disability trust for disabled persons; a concession from stamp duty is provided in certain circumstances for certain pensioners; a grant is provided in certain circumstances for first home buyers in regional Victoria; and a land tax exemption is provided in certain circumstances where land is used for residential services for disabled persons.

To the extent that clauses 8, 10, 15 and 18 provide more favourable treatment to persons disabled, of pensioner status or who buy homes in regional Victoria, they may limit the right of recognition and equality before the law.

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

**Freedom of expression**

The right to freedom of expression under section 15 of the charter may be limited by the operation of clauses 3, 4, 6 and 18 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 3, 4, 6 and 18 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 for clauses 3, 4 and 6 is to ensure that the commissioner is able to verify the accuracy of the information provided which is fundamental to the bill achieving its purpose of proper and effective functioning of the off-the-plan duty concession provisions. In a self-assessment system it is important the commissioner can verify claims for the concession through compelling a person to produce documents. The relevant requirements will be permitted by law, in these circumstances the provision of records is not arbitrary and is clearly lawful.

The purpose of this limitation for clause 18 is that the information required from persons to obtain a benefit is necessary to establish the eligibility of the applicants for that benefit and forms a fundamental part of the proper administration of this provision. The requirement for the information is relevant to give effect to the provision, which is to benefit eligible persons. Moreover, persons have a choice whether to apply for this benefit and produce the information or not. The relevant requirements will be permitted by law, in these circumstances the provision of records is not arbitrary and is clearly lawful.

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

Under clauses 3, 4, 6 and 18 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 verifying the applicant’s eligibility for the relevant concession.

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

The limitation is directly related to the purpose which is to verify the accuracy of applicant’s eligibility for the relevant concession.

(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 commissioner can verify information necessary to effectively administer concessions available pursuant to the bill.

**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 clauses 8, 10, 15 and 18 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 certain disadvantaged persons are eligible for particular taxation concessions or grants. This limitation is important because it assists some of the most vulnerable members of society.

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

The nature of the limitation is the favourable treatment provided to certain disadvantaged persons because it provides them with access to stamp duty concessions, additional grants and exemptions from land tax. 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 with certain disadvantages and the purpose of protecting and assisting the rights of those who are more vulnerable because of those disadvantages.
(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 certain disadvantaged persons by allowing them to be eligible for particular taxation concessions or grants.

In all other circumstances whilst the bill raises human rights issues, it does not limit any other human right, therefore it is not necessary to consider section 7(2) of the charter.

Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities because, 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.

On 6 May 2008 the government handed down its 2008–09 budget. This budget continues the legacy of prudent fiscal management coupled with fair and sensible taxation reform established in prior budgets.

Changes enacted in this bill represent the first major revision to the thresholds for stamp duty on land transfer in 10 years. These thresholds in the Duties Act 2000 will be increased by approximately 10 per cent. This measure provides a degree of relief to residential, business and investor property purchasers.

The government will provide further benefits to first home buyers by extending the concessional rate of duty for principal places of residence to those currently eligible for the first home bonus. This will replace the current requirement where first home buyers must elect between the two and is firmly targeted at helping Victorians into the housing market.

The threshold increases importantly also apply to the stamp duty brackets currently in place for the principal place of residence land transfer concession and the eligible pensioner concession ensuring these special categories similarly benefit. These duties changes are estimated to be worth $420 million in tax savings over the next four years and will take effect for contracts entered into on or after 6 May 2008.

Special disability trusts are a federal government initiative aimed at helping immediate family members and guardians provide for the current and future care and accommodation of children with severe disabilities. The scheme allows families to make financial provision for their family member without impacting on his or her eligibility for social security payments. It also offers an alternative form of accommodation to persons with severe disabilities other than aged-care facilities or hostels. In the budget the government announced that it will provide duty exemptions in respect of such trusts to support the federal government’s initiative and assist persons with severe disabilities in gaining access to suitable care and accommodation.

In the absence of an exemption, the establishment of a special disability trust and vesting of property therein (the dutiable value which is up to $500 000) may incur stamp duty of more than $25 000.

The corporate reconstruction exemption from stamp duty is being expanded to remove a potential disincentive for Australian-listed property trusts to invest overseas. In keeping with recent federal tax reform, this exemption will be extended to restructures of stapled entities in specified circumstances which will assist industry to be more competitive in offshore markets and provide greater returns for Australian investors.

In 2007 the government authorised the State Revenue Office to undertake a review of the off-the-plan stamp duty concession. This concession is only available in Victoria and is an important feature of the government’s housing affordability policy. The amount of concession available is determined by reference to the extent of construction completed when the land is purchased, and is also available in respect of refurbishments of existing buildings. The review was timely given evidence of rorting via inflated concession claims, and it allowed refinement to simplify aspects of the administration of the concession.

This bill enacts a package of measures in the Duties Act 2000, much of which industry is aware of and which should be welcomed. The measures apply to the transfer of dutiable property if the contract of sale of the land is entered into on or after 1 October 2008. This is to ensure there is a suitable period for all stakeholders to adjust their practices and to ensure all parties entering into new contracts are fully cognisant of these requirements. These measures, together with further administrative simplification, will shorten the calculation process, lower the occurrence of error and provide a disincentive for rorting.
Section 36B of the Duties Act 2000 provides an exemption for a transfer of dutiable property from a unit trust scheme to unit-holders who were unit-holders when property was first vested in or transferred to the trust. The underlying rationale for this exemption is that in such cases stamp duty must have been borne at that first vesting or transfer effectively by those unit-holders and there is no change in the beneficial ownership of the property by the transfer.

The bill seeks to restore the objective of providing only the same level of stamp duty relief as is available in parallel sections 36 (that deals with fixed trusts) and section 36A (that deals with discretionary trusts).

The budget contains a new additional payment of $3000 for first home buyers purchasing a newly constructed home in regional Victoria. Regional Victoria is defined in a schedule to the bill as being 48 municipalities outside of metropolitan Melbourne plus the alpine resort areas.

This additional payment will be provided to eligible recipients in addition to the first home bonus. Homebuyers entering into contracts on or after budget day will be eligible for this additional amount. The Brumby government recognises the importance of growth in our regions. This measure is targeted at improving housing affordability and toward encouraging further population and jobs growth in regional Victoria.

In the budget the government committed to further land tax reform. The Land Tax Act 2005 will be amended to increase all thresholds by approximately 10 per cent and reduce the top tax rate from 2.5 per cent to 2.25 per cent. This means there will be a tax-free threshold of $250 000 up from $225 000.

These changes will apply for the 2009 land tax year onwards.

The threshold changes also flow through to the trusts land tax rate scales though maintaining a lower tax-free threshold, the surcharge of 0.375 per cent, and the tapering off of the surcharge before hitting the new upper threshold of $3 million.

These changes to the land tax scales are worth approximately $490 million over the next four years and will benefit all land tax payers. Virtually all Victorian businesses with land-holdings valued between $0.4 million and $5.7 million will pay less land tax than they currently would in New South Wales or Queensland and will pay the second lowest rates in Australia.

In recent years the government has dramatically reduced land tax rates and abolished middle brackets. These measures to increase thresholds complement earlier reforms and emphasise that this government is committed to providing a fairer tax system for all Victorian land-holders.

The Land Tax Act 2005 is also being amended to introduce an exemption from land tax for land which is used as long-term shared supported accommodation for young people with disabilities. This is an extension of the current exemption for residential care facilities and supported residential services. The possibility of unfavourable land tax treatment may have acted as a barrier in the past to the establishment of shared supported accommodation for younger people with disabilities that require a high level of care.

The payroll tax rate was already scheduled to fall from 5.05 per cent to 5 per cent in 2008–09. The 2008–09 budget further reduces the payroll tax rate to 4.95 per cent, effective 1 July 2008. This additional reduction benefits over 28 000 businesses by a further $170 million over the next four years.

The bill further amends the Payroll Tax Act 2007 in a number of relatively minor ways. This act was rewritten last year to harmonise with New South Wales except for rates and thresholds. A number of minor issues have been identified which require legislative amendment in both Victoria and New South Wales. There is already a bill before the New South Wales Parliament addressing these issues. It is important that having established the degree of consistency that we have, that this is maintained.

The changes include:

(a) ensuring that organisations which are charitable at common law enjoy the charitable organisation exemption. This is the policy objective and how the State Revenue Office currently administers the act; however, a strict reading suggests the exemption could be interpreted in a more restrictive fashion, and practitioners have requested clarification;

(b) confirming that the exclusion provision does apply, as intended, to trustee companies;

(c) enacting a new component in the grouping provision to overcome a technical anomaly whereby the same person may hold a majority interest in several businesses via interposed entities. This anomaly was brought about by the increase in the controlling interest test from
‘50 per cent or more’ to ‘greater than 50 per cent’.

There are further minor amendments to the leap year calculation formulae, to update the weekly amount for registration and to modify a clause title.

The budget measures are fair and affordable. The further taxation reform amendments in the bill are justifiable. This government is committed to a balance of sensible, cooperative tax administration. The government will protect the revenue base whilst striving to provide a competitive yet equitable tax regime for Victorians.

I commend the bill to the house.

Debate adjourned on motion of Mr WELLS (Scoresby).

Debate adjourned until Wednesday, 21 May.

Sitting suspended 12.56 p.m. until 2.03 p.m.

QUESTIONS WITHOUT NOTICE

Budget: Maffra Secondary College

Mr RYAN (Leader of The Nationals) — My question is to the Premier. I refer to a press release issued yesterday by the Treasurer, in the course of which he stated that the Maffra Secondary College will be funded from this year’s budget for its school modernisation project, and I ask: will the Premier confirm that the government will honour that promise?

Mr BRUMBY (Premier) — I thank the Leader of The Nationals for his question. This matter was brought to my attention just a little while ago. The budget papers refer to funding for Maffra Primary School, the press release referred to Maffra secondary school, and the budget provides $4.1 million for Maffra Primary School. In relation to Maffra secondary school, there was a clear commitment that that would be undertaken during our term of government, and I can assure the member that it will be undertaken during our term of government.

Budget: community response

Mr HAERMeyer (Kororoit) — My question is to the Premier. I refer the Premier to yesterday’s budget and what it seeks to do for our suburbs and our regions, and I ask the Premier if he could explain to the house how the Victorian community is reacting to the budget?

Mr BRUMBY (Premier) — I thank the honourable member for his question. I think it is fair to say that across the state communities have responded well to the budget which was delivered by the Treasurer yesterday. Whether it is in the suburbs of Melbourne, whether it is among the business community or whether it is in regional Victoria, the response to this budget, which is about taking action in our suburbs and our regions — a family-friendly budget, a business-friendly budget — has been first-rate right across the state. I was particularly pleased with the front page of the Australian Financial Review today, which is headed ‘Victorian budget win for business — stamp duty, land, payroll taxes cut — buoyant surplus but risks ahead’.

In terms of the business tax reductions that the Treasurer outlined yesterday, these are significant tax cuts, and what they do is ensure our industry can be competitive in this state so it can invest and generate jobs for the future. We are entering more challenging economic times globally, so getting the cost base, the competitive base, right for business is crucial for our state if we are to continue to generate strong job growth. If you look at the tax changes that were made yesterday, you will see the land tax reductions — the 5 per cent top rate under the former government is now 2.25 per cent under this government. The payroll tax rate is now below 5 per cent for the first time in 34 years.

This morning the Treasurer and I were out at Manor Lakes highlighting one of the house and land packages at $280 000, where a first home buyer buying that house would have saved $2000 in stamp duty under the budget announced yesterday. Of course if you are in a regional area there is an additional $3000 for a newly constructed home, which is a huge incentive for people to buy their first home in country Victoria.

There have been some strong endorsements of the budget: in an Australian Financial Review article headed ‘Victorian budget win for business’, which I have already mentioned; in the Age; in the Australian in an article headed ‘Lenders delivers for the baby boom’; and some of the third-party endorsements have been very strong indeed. Enzo Raimondo of the Real Estate Institute of Victoria said:

A first home buyer in Melbourne will save around $3200 on a median priced home. This is a significant cut and will help around 35 000 young families buy a home every year.

The head of economic and industry policy for Victorian Employers Chamber of Commerce and Industry, Steven Wojtkiw, said:
The cut in payroll tax to 4.95 per cent and the 5 per cent cut in WorkCover premiums will help many businesses.

Tim Piper of the Australian Industry Group said:

WorkCover premiums have reduced again — again that is something that is supportive of business in Victoria.

There are many other quotes from organisations such as the property council, the Victorian Farmers Federation and the Master Builders Association of Victoria. Last night on Channel 10 Asher Judah of the MBAV said:

Today’s budget will save Victorian families $13 every fortnight on the average home loan. It will save them $338 a year.

I can only say that Asher Judah has certainly got a way with numbers — he is very good with numbers. He is someone who will go places in the Liberal Party. We welcome his active involvement in community life, and we welcome his endorsement of the John Lenders budget.

I want to make one final point on the competitiveness of our state. The changes we made yesterday mean that as a share of the national economy, Victoria’s aggregate taxes will now be less than those in Queensland. If you had said 10 years ago, back in the 1990s, that Victoria’s tax levels would ever approach those of Queensland, people would have thought you were joking. We have managed to drag down business costs and now enter this new era of business competitiveness.

I will make another point. If you are a medium-sized business in this state with $2 million worth of land and a $4 million dollar payroll you are now paying the lowest rate of land tax and the lowest rate of payroll tax of any state in Australia. If your land was worth $4 million and your payroll was $8 million you would be paying the lowest land tax and the lowest payroll tax anywhere in Australia. As I have before in this house, you cannot get any lower than the lowest. It is true that for the vast bulk of businesses that are investing around Australia, in terms of their land tax costs and in terms of their payroll tax costs, the place to be is Victoria and the place to invest is Victoria. Couple that with the WorkCover cuts and this is a very strong budget which will sustain our economic future.

**Budget: debt**

Mr BAILLIEU (Leader of the Opposition) — My question is to the Premier. I refer the Premier to yesterday’s debt-driven budget which will plunge the Victorian public sector into $23 billion of debt by 2012 and I ask: will the Premier explain to the house why, despite state government income doubling in the past eight years, debt levels have increased massively, and future generations will be paying for this government’s economic incompetence?

Mr BRUMBY (Premier) — Let me make a couple of points in response to the Leader of the Opposition. Firstly, for every budget that we have been in office we have delivered a budget operating surplus. Secondly, in every budget we have brought down while we have been in office we have also delivered a cash surplus. I doubt that there are too many other eras in the history of this state where for eight budgets in a row there has been a recurrent budget surplus delivered and a cash operating surplus delivered. For the 2008–09 budget we predict again a budget operating surplus and a cash surplus.

When we won government in 1999, net debt as a share of the economy was 3.1 per cent. If you read the budget papers, as I am sure the shadow Treasurer and the former shadow Treasurer, who was out of the house yesterday, were doing — —

Mr Wells interjected.

The SPEAKER — Order! The member for Scoresby!

Mr BRUMBY — If you look at the budget papers you will find that in 1999, under the Kennett government, $1 in every $50 of revenue was going to service budget sector debt — $1 in every $50! Today it is $1 in every $300. At the end of the forward estimates period, 2011–12, the amount of interest going to service budget sector debt will be $1 in $100. It was $1 in $50, it was $1 in $300, and it will be $1 in $100.

This question is about the coalition saying that it does not support investment in schools, in the biggest school building program — —

Honourable members interjecting.

The SPEAKER — Order! I ask the Premier to confine his remarks to government business.

Mr BRUMBY — This is about the Leader of the Opposition opposing the investment we are making in schools, hospitals, public transport, roads and water right across the state. We should be clear about that.

What we are doing as a government is building for the future. What our political opponents want to do is sell stuff off just as they did in the 1990s. I was born in the 1950s. In the whole of my life — —

Dr Napthine interjected.
The SPEAKER — Order! I warn the member for South-West Coast, and he will not be warned again.

Mr BRUMBY — Net debt has never been so low as it was during the whole of that period. By the end of the next four years forward estimates, net debt will still be lower than it was when we were elected. Here is Standard and Poor’s — —

Mr Wells interjected.

Mr BRUMBY — You are laughing at them as well? Like you know more than Standard and Poor’s?

The SPEAKER — Order! I ask the member for Scoresby and the Premier not to have a discussion across the table in that manner. The Premier, to conclude his answer.

Mr BRUMBY — Standard and Poor’s, which does know the difference between capital and recurrent, yesterday in its assessment of the budget rated it AAA and said:

The AAA rating is the highest —
you cannot get any higher than highest —

assigned by Standard and Poor’s, and reflects Victoria’s strong balance sheet, strong operating performance, solid economic outlook and a supportive system of government. The outlook is stable.

It then went on to say:

The Victorian state government can easily afford its projected net debt increases.

The fact of the matter is we are building for the future. We are investing in hospitals, we are investing schools, we are investing our public transport system, we are investing roads and we are investing in major economic infrastructure, and we make no apologies for that. We want to build this state to make it productive, livable and sustainable. What we are doing within the confines of a very strong AAA budget balance sheet is pay it off. That is Liberal Party policy, to pay it off — say it, say it!

Honourable members interjecting.

The SPEAKER — Order! I ask the Leader of the Opposition not to interject in that manner. The minister should not have to yell across the top of the constant interjections.

Ms PIKE — What we see in this budget is the largest ever investment in education infrastructure in this state’s history. When you compare that to a function that was about selling off 300 schools, then of course the contrast could not be starker.

The $592.3 million of additional investment sees some very specific initiatives. Twenty-five schools will be upgraded and renovated through major capital programs in places like Bacchus Marsh and at schools such as Daylesford Secondary College, Dromana Secondary College, Wangaratta West Primary School, Colac South West Primary School, Elizabeth Murdoch College and Mount Evelyn Primary School — the list just goes on.

An honourable member interjected.

Ms PIKE — Yes, and Maffra Primary School. An amount of $20 million has been allocated in this budget to build the John Monash Science School co-located strong widespread support across the Victorian community.

Budget: schools

Mr NARDELLA (Melton) — My question is to the Minister for Education. I refer the minister to the government’s 2008–09 budget overview Taking Action for Our Suburbs and Our Regions, and I ask: can the minister inform the house how the Brumby Labor government is taking action so that all children get the best possible education no matter where they live?

Ms PIKE (Minister for Education) — I thank the member for Melton for his question. This budget is a great budget for our children and their families. It is a great budget for education, and it provides extra funding to continue a very important piece of work in rebuilding, renovating and extending every single government school in this state. It also delivers on a number of other recurrent initiatives which go to the heart of continuing to improve the quality of education for our young people.

Education is this government’s no. 1 priority, because we know that we need to continue to invest in children right from birth through to adulthood if we are to continue to be a productive community.

Mr O’Brien interjected.

The SPEAKER — Order! I warn the member for Malvern not to interject in that manner. The minister should not have to yell across the top of the constant interjections.

Ms PIKE — What we see in this budget is the largest ever investment in education infrastructure in this state’s history. When you compare that to a function that was about selling off 300 schools, then of course the contrast could not be starker.

The $592.3 million of additional investment sees some very specific initiatives. Twenty-five schools will be upgraded and renovated through major capital programs in places like Bacchus Marsh and at schools such as Daylesford Secondary College, Dromana Secondary College, Wangaratta West Primary School, Colac South West Primary School, Elizabeth Murdoch College and Mount Evelyn Primary School — the list just goes on.

An honourable member interjected.

Ms PIKE — Yes, and Maffra Primary School. An amount of $20 million has been allocated in this budget to build the John Monash Science School co-located
with Monash University. What a fantastic school, which is at the forefront of innovation and research. There is $19 million to begin the first stages of Victoria’s two new selective-entry schools in Berwick and Wyndham Vale. There will be 11 brand-new schools under a Partnerships Victoria package in outer metropolitan Melbourne. There is $29 million to build new schools in Caroline Springs, Craigieburn North, Wallan and Wyndham Vale. I could go on and on because this budget is just full of initiatives for a huge number of schools — and they absolutely love it!

Communities want to see this kind of infrastructure built for them, and this is the government that is absolutely committed to building infrastructure to strengthen our communities, whether they be in the suburbs or regional and rural areas. Right across this great state of ours, this is a building, growing and developing government.

Of course we are going further. This budget also sees initiatives for improving the quality of education for our young people. There is $70 million for incentives to get our best teachers and school leaders to work in schools where they are needed the most, to reward principals and attract them with executive contracts, to establish partnerships between high-performing and low-performing schools, to push forward with additional professional development, and of course to employ 67 school improvement leaders, who will be working with the schools to really get them to continue their excellence but also to lift their performance.

The opposition can laugh and muck around and be stupid, but we are very serious about this task and we match our commitment and dedication with the resources to invest in our young people, because we know that is the key to a strong future here in this state.

Budget: debt

Mr WELLS (Scoresby) — My question without notice is to the Premier. I refer to the estimated $1.8 billion in interest repayments which Victorians will be forced to pay by 2012 for Labor’s $23 billion of debt, and I ask: will the Premier confirm that this $1.8 billion could double the police force, treat almost half a million hospital patients or build almost 100 new schools?

Mr BRUMBY (Premier) — I thank the honourable member for his question. As I indicated earlier in relation to the Leader of the Opposition’s question, the debt-servicing requirements under our government, both now and in the forward estimates period, are less than those under the former government, so I have difficulty — —

Honourable members interjecting.

The SPEAKER — Order! The member for Narre Warren North may wish to withdraw that remark.

Mr Donnellan — I withdraw the remark.

Mr BRUMBY — As I said before, if you look at the overall position of net debt and the superannuation servicing costs — so you take an even broader view — you will see that as a proportion of total revenue, superannuation expenses and finance costs will rise from 1.1 per cent in 2007–08 to 2.1 per cent in 2011–12, well below the level of 7.6 per cent under the Kennett government in 1998–99. I do not know — —

Honourable members interjecting.

The SPEAKER — Order! The member for Kew!

Mr BRUMBY — I can only assume that this is a latent and veiled criticism of Jeff Kennett and Alan Stockdale — that is what it is — because our debt now is lower, our debt-servicing costs are lower and in four years time they will be lower still, and the opposition is critical of them. Members of the opposition are very critical of their predecessors, former Premier Jeff Kennett and Treasurer Alan Stockdale, who paid more of the budget servicing debt than will be the case in four years time.

There is a bigger issue here, as I said before, which the member for Scoresby referred to in terms of building schools. It is true that we are borrowing modestly in the future. The reason we are doing that is because we want to invest more in our schools and we want to invest more in public transport. I can only assume from the train of questions which are coming today from the opposition that it opposes the investments that we are making in schools, we are making in hospitals, we are making in public transport and we are making in roads. We will certainly make sure that that message is well promulgated right throughout the state.

Budget: families

Ms LOBATO (Gembrook) — My question is to the Minister for Children and Early Childhood Development. I refer the minister to the government’s 2008–09 budget overview document Taking Action for Our Suburbs and Our Regions, and I ask: can the minister inform the house how the Brumby Labor government is taking action to help young Victorian families get the best possible start?
Ms MORAND (Minister for Children and Early Childhood Development) — I thank the member for Gembrook for her question and for her interest in supporting young families.

The Brumby Labor government has recognised the importance of investing in the early years, and this budget is certainly a great budget for Victorian families. Victorians are demonstrating that Victoria is the best place to raise a family, and that is demonstrated by the high number of and significant increase in births that we have seen over the past few years, particularly last year — and particularly in the Deputy Premier’s household!

Last year more than 73,000 babies were born in Victoria, which is the biggest number of babies born for 35 years and is a massive increase. In fact the number of babies born last year significantly exceeded the Australian Bureau of Statistics projections. It had predicted that the number of 73,000 babies born in one year would not be reached until 2020, so we are way ahead of projections.

This increase is particularly significant in the growth corridors of Melbourne and in parts of rural and regional Victoria. In Wyndham we have seen a 58 per cent increase in births compared with six years ago, and the members for Ballarat East and Ballarat West will know that in Ballarat there has been a 45 per cent increase in births compared with six years ago. Casey, which had the largest number of births by local government area last year, had more than 3700 births, a 30 per cent increase.

This is fantastic news for Victoria, and we are taking action to make sure that we have the services and programs in place to meet this increase in demand. The funding in this year’s budget will make sure that we have increased services for kindergartens, maternal and child health services and supported playgroups to ensure they get the support they need in those crucial early years. Nearly $55 million will go towards maternal and child health services to expand those services and continue our successful partnership with local government in delivering those services.

Honourable members interjecting.

Ms MORAND — Opposition members say that this is boring. We have more than doubled the funding to maternal and child health services, as opposed to the reduction they made to kindergarten services when they were last in government.

There will be $29 million in extra funding to provide 1000 extra early childhood intervention service places across Victoria. These places will support children who need special education, therapy and counselling and those with very complex needs to participate in kindergarten. Fifteen million dollars will be provided for more home-learning environments for children and supported playgroups in vulnerable communities. Ten million dollars has also been allocated to develop the early learning framework. Based on that there will be transition statements for children moving from preschool into school, something that young families will very much welcome, I am sure.

What we have outlined in the budget very much goes towards the vision that we have articulated in the blueprint for early childhood development. That is about increasing participation, increasing the quality of the services that we are providing, improving the early intervention services we are providing and making sure that they are provided as early as possible. We are investing early, we are supporting families and we are taking action to make sure that they get the best possible start in life.

Budget: land tax

Mr WELLS (Scoresby) — My question without notice is to the Premier. I refer the Premier to claims of cuts in land tax of 10 per cent, and I ask: is it a fact that land tax revenue will rise by $300 million, or a massive 40 per cent, since last year’s budget?

Mr BRUMBY (Premier) — I thank the member for Scoresby again for his question. The fact of the matter is that we have a strongly growing economy — as Access Economics describes, the most impressive of the state economies.

Mr Clark interjected.

Mr BRUMBY — He is well known for his support of a flat land tax rate, which would penalise small business. The fact is we have got a strong and growing economy, and when you have got a strong and growing economy, revenues increase. What we have done in this budget is give back some of the benefits of that strong economic growth. To be honest, this question coming from the Liberal Party is a bit rich given that it was the Liberal Party that left the land tax system with a top rate of 5 per cent. It was at 5 per cent, and we reduced it to 4 per cent, then to 3.5 per cent, then to 3 per cent, then
to 2.5 per cent, and from 1 July it will be 2.25 per cent. When I went to school, 2.25 per cent was less than 5 per cent; it is less than half of it. We have slashed the top rate of land tax, something which the Liberal Party in this state could never do, and there are 10 per cent cuts across the scales.

Again, I am not sure what is the intent of the honourable member’s question, because if the intent is to provide a competitive tax system in this state, which is a reasonable objective, if you are a business operating in this state with land valued at between $400,000 and $5.7 million, you are paying the lowest land tax anywhere in Australia. You cannot get any lower than lowest. This has been delivered by a Labor government.

I repeat that there have been cuts of 45 per cent in WorkCover premiums over the last five budgets and there have been reductions in land tax and reductions in payroll tax for medium-size businesses — $4 million of land, $8 million of payroll; $2 million of land, $4 million of payroll; it does not matter what combination. This is the lowest set of business costs in Australia, and from 1 July this year we become more competitive than Queensland. Who would have ever said that could happen? I just wish I had the papers from 10 years ago, with the doom and gloom and the high tax rates under the former government. We have transformed this tax system, and it is not surprising that the Liberal Party does not like it.

**Budget: public transport**

Mr SEITZ (Keilor) — My question is to the Minister for Public Transport. I refer the minister to the government’s 2008–09 Victorian Budget Overview — Taking Action for Our Suburbs and Our Regions, and I ask: can the minister inform the house how the Brumby Labor government is taking action to deal with the massive growth in public transport patronage?

Ms KOSKY (Minister for Public Transport) — I thank the member for Keilor for his question and his interest in public transport. Everyone knows that we have record high patronage on our public transport system. The fact is that that is a credit to the work that this government has done in really boosting support for public transport here in Victoria. Yesterday’s budget continued to deliver on our long-term plan for public transport growth in this state. We have added capacity, we are freeing up bottlenecks and we are building up a solid foundation for future growth.

I was asked about the massive growth in patronage, and I think it is important to inform the house that Melbourne’s public transport patronage — that is, on trains, trams and buses — has grown by 20 per cent over the past two financial years. In the calendar year 2007 we had 86.7 million trips on Melbourne’s buses, 156.4 million trips on our iconic tram network and a huge 189.4 million trips on our trains. That is massive. We proudly govern for the whole state. Our long-term plan for regional rail that brought constant criticism from those opposite has been an outstanding success, and V/Line recorded its biggest patronage ever in March of this year with almost a million passenger trips. That is the highest number ever.

In relation to Melbourne’s rail system, this budget has delivered on our commitments through Meeting Our Transport Challenges, the plan that we brought down in 2006, with $153 million being spent on the Dandenong line to add a third track and train stabling to create extra capacity on that line. But Meeting Our Transport Challenges did not just look at rail, and yesterday we announced $11.2 million to upgrade the Doncaster bus service, obviously using road infrastructure to provide this vital service. Yesterday we also reaffirmed our commitment to extend the metropolitan rail network to South Morang with $10.4 million for the major planning and design works that are required so that we are able to proceed with that project. This brings forward that project according to the time lines that were set in Meeting Our Transport Challenges.

In relation to other stresses that we have within the public transport system we are investing over and above the Meeting Our Transport Challenges commitments, and yesterday’s budget demonstrates that. The Werribee line has very high patronage growth. It is 7 per cent higher than the city-wide average, and we have responded to that patronage growth. The Laverton rail upgrade will build new track and a new platform and will create the capacity to run additional services at the cost of $92.6 million. We are also putting in $30.2 million for works at Craigieburn, which will benefit the metropolitan services but which will also, and just as importantly, improve the very popular V/Line service to Seymour.

We have a plan. We have a very comprehensive plan. We are making major investments in public transport in this state, and as we demonstrated through our political commitment to regional fast rail, we will deliver on that plan. Despite the protestations from across the table from those who constantly criticise investment in public transport, we will continue our commitment as we did with the delivery of regional fast rail. Our government has already added almost 1500 additional services right across Victoria since we came to office, and this government continues its commitment to make sure that Victoria is a great place and the best place, to live, work, raise a family and transport a family.
Budget: payroll tax

Mr BAILIEU (Leader of the Opposition) — My question is to the Premier. I refer the Premier to claims of a $170 million payroll tax cut in yesterday’s budget, and I ask: is it a fact that payroll tax revenue has actually risen by $360 million since last year’s budget and more small businesses will be burdened with payroll tax next financial year? And I ask: is that part of the plan, too?

Mr BRUMBY (Premier) — I am looking forward to the opposition’s tax plan in the budget response tomorrow. I know the people at the Australian Financial Review are waiting. They want to put it on the front page; they are not quite sure what will be in it.

When we came to office the payroll tax rate was 5.75 per cent. We have increased the threshold to $550 000, and we have reduced the rate from 5.75 per cent to 4.95 per cent. What that means is that if you are a business in this state with a payroll of $4 million, $6 million or $8 million, you are paying less in payroll tax than you would pay in any other state in Australia.

I gather from the Leader of the Opposition’s question that he would like to cut taxes and spending even more. Is that right? Is that correct?

Honourable members interjecting.

The SPEAKER — Order!

Mr BRUMBY — Here we go!

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

Honourable members interjecting.

Mr BRUMBY — Let the record show that the Leader of the Opposition wants further cuts in recurrent spending.

Honourable members interjecting.

The SPEAKER — Order! The Premier should confine his remarks to government business and not debate the question.

Mr BRUMBY — It is true that payroll tax receipts are increasing. Do you want to know why payroll tax receipts are increasing?

Honourable members interjecting.

Mr BRUMBY — Have a guess! Because there are more people in jobs. Do you reckon that is a bad thing?

It is a good thing to have more people in jobs. Because more people are in jobs and because the economy is growing strongly, we have been able to cut the rate of payroll tax to give us the most competitive payroll tax rate in Australia.

But it is also important that we use the growth of the economy to ensure that we can deliver the best possible services to the people of Victoria — giving every child the best start in life, giving every child in our state the best educational opportunities anywhere in Australia and making sure that we run the best hospital system in Australia. As the former federal government said and as the Productivity Commission says, we run the best hospital system in Australia. That is what taxes are for — to pay for the services that the people expect government to provide. If the Leader of the Opposition does not accept that proposition, I am surprised by it. I guess you could sum up these questions today as follows: if it comes to a choice as to whether you believe and support Standard and Poor’s or you support the opposition’s poor standards, I would back Standard and Poor’s.

Budget: regional and rural Victoria

Mr HOWARD (Ballarat East) — My question is to the Minister for Regional and Rural Development. I refer the minister to the government’s 2008–09 budget document Victorian Budget Overview — Taking Action for Our Suburbs and Our Regions, and I ask: can the minister outline to the house how the Brumby Labor government is taking action for families, communities and jobs in communities across Victoria via the 2008-09 budget?

Ms ALLAN (Minister for Regional and Rural Development) — I thank the member for Ballarat East for his question. Certainly we see from this year’s state budget how the Brumby government is continuing with its absolutely unwavering commitment to regional and rural Victoria. It continues the work we have done in rebuilding and rejuvenating our regions after seven years of neglect by the former Liberal-National coalition. Since those dark days, over the past eight years we have worked hard. We have invested in infrastructure, we have invested in new services and we are driving new opportunities to bring more jobs and more people into our regional communities. This has been one of our government’s highest priorities, and it has delivered. It has delivered 138 000 new jobs in regional Victoria and record low unemployment levels. It has delivered $8.9 billion in new investment in regional areas, and of course we have seen record population growth as a result.
To continue this strong performance in regional Victoria we know we have to continue to work hard. We have to continue to work hard to continue strong growth, and yesterday’s budget demonstrates how this government is taking action. We are taking action to respond to the future challenges, but we are also delivering new services and infrastructure across our region. Let us just have a look at what this budget delivers for our region, or as the Warrnambool Standard says ‘Cash splash’. The budget delivers $224 million for new roads right across regional Victoria. As we have just heard from the Minister for Public Transport, to respond to the record growth on our passenger services and on the regional fast rail project, a project that has been consistently opposed by those opposite, we are allocating a further $254 million for ongoing maintenance.

It is a great budget for education. As the Border Mail says ‘Schools in — education the big winner in budget’, with $125 million in new schools and $30 million in capital facilities at our regional TAFEs. That includes $15.5 million for Wodonga TAFE. The health budget is another great budget this year, with a record $137 million in capital funding to upgrade our health and hospital services, and of course the $185 million ambulance package that has been welcomed across the state.

But the one announcement that has really got regional Victoria talking is the introduction of the Brumby government’s $3000 regional first home bonus. Look at what is being said: in the Herald Sun ‘Hooray for home buyers’; in the Bendigo Advertiser ‘New regional growth push’; in the Wimmera Mail-Times — the member for Lowan would like this — ‘State cash hits home’; and in the Ballarat Courier ‘Bonanza for new builders’. Not only will this initiative benefit new homebuyers, it is a great win also for regional builders.

Just this morning the member for Ballarat East and I were in Ballarat talking with local builders about how they and the community are going to benefit from this new initiative. We met with a local builder, Don Rogers, who was in the process of putting up a frame on a brand-new home at Macarthur Park in Ballarat. He has got a house there as part of a house-and-land package that will sell for $320 000. The lucky new owners of this home are going to get not only a 17 per cent reduction in their stamp duty costs, they are also going to get $15 000 in government initiatives to support them in buying that new home. That is $3000 more thanks to the Brumby government’s budget.

But it is not only builders in Ballarat who are welcoming this initiative. The Master Builders Association of Victoria has also come out in support of this regional first home bonus because it benefits builders right across the state. As you can see, Speaker, the reason this budget has been so well received across regional Victoria is that it is investing in those areas that matter to regional communities — education, health, road, rail and assisting first home buyers. They are the same areas that were deliberately and systematically targeted by the slash-and-burn policies of the previous Liberal-National coalition. You have just to look at this budget and at how far we have come in Victoria, where we have rebuilt and reinvested in regional Victoria, to see that that now makes regional and rural Victoria the best place to live, work, raise a family and build a house.

THE UNITING CHURCH IN AUSTRALIA AMENDMENT BILL

Second reading

Order of the day read for resumption of debate.

Declared private

The SPEAKER — Order! I have examined The Uniting Church in Australia Amendment Bill 2008, and in my opinion it is a private bill.

Mr HULLS (Attorney-General) — I move:

That this bill be treated as a public bill and that fees be dispensed with.

Motion agreed to.

Debate resumed from 10 April; motion of Mr HULLS (Attorney-General).

Mr CLARK (Box Hill) — The Uniting Church in Australia Amendment Bill updates the definition of ‘synod’ in relation to the Uniting Church, increases the number of trustees of the Uniting Church in Australia Property Trust (Victoria) and vests various functions in designated officers of the trust.

The bill comes before the Parliament because the Uniting Church in many of its aspects is governed by The Uniting Church in Australia Act 1977, which is an act of this Parliament. The bill before the house is an act to give effect to some relatively limited amendments that have been requested by the Uniting Church. The change to the definition of ‘synod’, which is contained in clause 3 of the bill, is to define it in a way that means whichever synod of the Uniting Church is allocated responsibility for the region which consists of, or includes, Victoria.
The reason for this amendment, as I understand it, is that the Uniting Church currently has a single synod responsible for both Victoria and Tasmania. The amendment being made by the bill encompasses that arrangement and would encompass any future changes to geographical responsibilities for the church’s synod. As I said, whichever synod has responsibility for Victoria will be defined to be the synod for the purpose of the legislation.

The other changes in the bill all relate to the Uniting Church in Australia Property Trust. This is a trust that is a statutory corporation established by The Uniting Church in Australia Act 1977. There are currently five members of the trust elected by the synod, together with ex-officio members, being the moderator, the general secretary and the property officer. The trust has responsibility for all church property in Victoria which is vested in the trust. The trust has some important responsibilities in relation to the management of church property. Its decisions can affect the full spectrum of church entities, ranging from congregations to agencies, church, schools and colleges.

As in so many different fields of life the management of property and finances brings home to the activities of any body the importance of making decisions and choices as to the allocation and use of resources at the body’s disposal. The Uniting Church in Victoria, as do other churches in Victoria and Australia, face issues about the use and deployment of its property and other assets, particularly in the context of changing demographics and changing congregation numbers. Over recent times the Uniting Church and its trust have had to deal with a number of those issues, where congregations in some areas have been reducing and in others have been expanding. There have been difficult policy decisions as well as logistical and administrative decisions to make about whether to retain property in certain areas — property that may well be used for community activities — or whether to dispose of that property and to redeploy the funds realised from the process.

This is part of the role that falls to members of the property trust. They therefore have a very responsible role at both an administrative and a policy level to be the custodians and stewards of the church’s resources and to ensure that those resources are deployed to best possible effect for the purposes of the church, both its spiritual purposes and its wider social activities and objectives.

I would like to express the opposition’s appreciation to Peter Shepherd, the legal officer of the synod, who has been very helpful in providing information to the opposition about the trust and its activities. I would also like to acknowledge the very helpful briefing with which the opposition was provided by the officers of the Department of Justice and others associated with this legislation.

The opposition understands that during the course of 2006–07 the property trust had 62 meetings relating to the sealing of documents. That resulted in the common seal of the church being affixed to 360 documents. Over the same period 1005 other documents were required to be signed by the property officer or secretary which were not required to be executed under seal. This was a significant amount of paperwork involved with the activities of the trust. It is that paperwork that gives rise to some of the amendments that are being made by this bill.

In particular the bill will allow a designated officer alongside a member of the trust itself to be a co-signatory of various documents. Clause 5 authorises a designated officer to be the co-signatory of documents to which the common seal of the trust is affixed. Clause 6 allows a designated officer to be a co-signatory of receipts issued by the trust. Clause 6 also allows a designated officer to be a co-signatory of authorities that may be given to another person to sign receipts issued by the trust.

The activities of the trust include receiving all bequest funds made to the church on behalf of any congregation, agency or council of the church and to provide a legal receipt for those funds. Thus the issuing of receipts is particularly important to the trust. The trust is also required to obtain proper documentary evidence of the terms of the bequest from the executor or estate solicitor. Information provided to the opposition in relation to the trust indicates that there has been a range of very generous benefactors of the trust who have given some quite considerable bequests to the church, including up to recent times, and those bequests are of course an important part of the functioning of the trust.

The trust also has responsibility for reviewing endowment funds for the church in its various programs and agencies to ensure that the annual income is being allocated to the appropriate beneficiaries. As well, the church has policies in place that require congregations, presbyteries, agencies and programs of the church to deposit funds not required for their day-to-day operations with the funds management arrangements established by the church. From the church’s point of view those policies ensure that those funds are invested as effectively as possible.
An important aspect of the trust’s operations is that the trust functions with dedicated and committed members and staff. A further amendment contained in the bill is to increase from five to seven the number of members of the trust who are to be appointed by the synod, and that is effected by clause 4 of the bill. The opposition understands that this greater number of members of the trust will allow the church to appoint a wider diversity of members, which the church believes will better suit the way in which it intends the trust to operate. No doubt the additional members of the trust will lend their own expertise and qualifications to those of the other five members of the trust and assist in the trust’s overall operations. As I said at the outset, this legislation comes before the Parliament at the request of the Uniting Church. The opposition is informed that the church is happy with the bill as drafted. Accordingly the opposition is pleased also to give its support to the bill before the house.

Mr Hudson (Bentleigh) — I am pleased to support the Uniting Church in Australia Amendment Bill, because this bill is in sync with where the government is going in delivering services and social justice. The Uniting Church’s UnitingCare agency has been one of the great agencies in Victoria with a great tradition of delivering services, promoting social justice and helping those who are most in need. The bill will improve the efficiency and effectiveness of the Uniting Church in delivering those services. The Uniting Church has a great record in these kinds of services. Indeed the Minister for Education was the director of UnitingCare for seven years during the Kennett government’s time in office and was one of the most forceful advocates against the many cuts instituted by that government — the privatisation and the massive expansion of gambling that went on in the state during that period.

I have had some strong links with agencies of the Uniting Church. I fondly remember Reverend Kevin Green, who was the superintendent of Wesley Central Mission in the city. He is a top man, a great champion of social justice, a great people person and a great worker in that community. I was honoured when he married my wife and me in his church some 14 years ago.

The work of the Uniting Church is strongly aligned with what the Brumby government is trying to achieve in A Fairer Victoria, because it is basically about saying that everyone, no matter what their circumstances, can participate in the social, economic and civil life of the state. Social justice is central to what the government is about; it is central to what UnitingCare is about. It stands for saying that irrespective of people’s circumstances or their class, gender, race, ethnicity, religion or age we need to work for them, and that is what the Uniting Church does. The bill is important because it promotes the values that we in the Victorian government hold strong in our hearts. The bill is vital because it aids the community work of the Uniting Church and the services it provides.

The bill will allow the Uniting Church to increase the number of trust members by 2, from 8 to 10. The trust members are there to check and sign documents in support of the work of the organisation. Those two extra members will increase the flow of work and the efficiency of the organisation as a whole. This is a great challenge for community organisations in this age. Volunteerism and charitable good works have always been good in themselves. Now these agencies, often working in partnership with government, are often contracted to deliver services to groups like people with a disability, people with a mental illness, homeless people or unemployed people. The requirements are quite exacting — agencies have to account for funds, deliver against key performance measures and achieve outcomes.

Anything that we can do to improve the efficiency and effectiveness of those organisations is something the Parliament should support. That is what this bill does. It will improve the efficiency of the organisation. It will allow for the definition of ‘synod’ to be changed, meaning that the Victorian and Tasmanian synods can combine their administrations and thereby lower costs. If they can lower their costs, they can put more resources into service delivery. That money can then be better spent helping the community.

The bill is really about promoting a partnership. I am pleased that the Attorney-General has said this should be a public bill rather than a private bill, because this is the kind of partnership that we want with a wide range of organisations in Victoria. Members of Parliament will have noted that the government has recently announced a package of measures that are all about supporting the community sector. It will ensure that organisations like UnitingCare are better trained, that they have better support for their boards and management teams and that there is an office for the community sector to help those organisations to relate to government and provide other measures to support their volunteers.

UnitingCare Australia employs more than 35 000 staff, has more than 24 000 volunteers and assists more than 1.8 million people a year. That is a very significant number. In Victoria and Tasmania alone UnitingCare has over 4000 staff and 7000 volunteers, and it assists
over 350 000 people a year. That is a great contribution towards maintaining the inclusiveness and strength of our community. In many ways such agencies can do this in a much more sensitive and local way than government departments; that is why we support these organisations.

UnitingCare spends approximately $110 million a year, which is about $300 000 a day, on the provision of services such as emergency relief and supported housing, which I know is very close to the heart of the Minister for Housing, who is at the table — and I commend him on his fabulous initiative with the Grollo company and his department to provide supported housing close to the city. It is those kinds of partnerships we are looking for.

What UnitingCare does in Victoria and Tasmania is just fantastic. It provides emergency relief to around 20 000 people a year. That is the essential support that is needed by people who have absolutely nothing else — people who cannot pay their electricity bills, cannot pay their gas bills, cannot pay the bond to rent a house, do not have any food. That kind of assistance is invaluable. It provides social counselling to around 4000 Victorians a year. Again, these are people in crisis — people who need more than material help, people who need to know which agencies to go to for help, like the Office of Housing or agencies in other departments. UnitingCare provides accommodation to over 3500 people, which is a monumental effort in itself. We know that that is not just about housing any more — it is about all the social supports, support for people with mental illness or who are addicted to drugs and alcohol as well as those suffering from mental illness or from some form of intellectual or physical disability. UnitingCare provides employment, rehabilitation and support facilities to 200 people with psychiatric disabilities. It also works with over 2000 people a year on drug and alcohol issues.

When you look at the vast spectrum of work this agency is doing you see why the bill is important. It is important that UnitingCare has the capacity to deliver those services efficiently and amalgamate the administration of synods in order to free up money to put into service delivery, and that it has good governance in place in relationship to its activities in Victoria.

I am pleased that we are supporting the bill as a public bill. I commend the work of all the great volunteers and staff within UnitingCare, because without them we would be a less participatory, just and civic community than we are. I commend the bill to the house.

Mr CRISP (Mildura) — I, too, rise with pleasure to talk on The Uniting Church in Australia Amendment Bill 2008. Once I have done some of the formalities I, like the member for Bentleigh, will pay tribute to much of the work that the Uniting Church has done in our community.

The purpose of the bill is principally to amend The Uniting Church in Australia Act 1977 and make small amendments to the Guardianship and Administration Act 1986. It also updates the definition of “synod”, increases the number of trustees in the Uniting Church in Australia Property Trust (Victoria) and vests various functions in the designated officers in the trust. The property trust amendments increase the number of members appointed by the synod from five to seven in time for the next meeting, which I believe is 21 September. It also changes the manner in which those property trust members are appointed by the synod.

It is worth mentioning that the bill makes some procedural amendments to other acts — the Epworth Foundation Act 1980 and the Melbourne College of Divinity Act 1910 — as well as making changes to bring the legislation into line with the Guardianship and Administration Act 1986.

The Uniting Church and its umbrella charity, which is UnitingCare, is involved in a number of development activities. The Uniting Church also has high congregational representation in my electorate with its involvement with Pacific Islanders. The Uniting Church congregation in my electorate of Mildura has congregations in Mildura, Redcliffs, Irymple, Werrimull and Merbein, and also has a relationship with a cooperative parish in the southern Mallee. It also has cross-border arrangements where it looks after some communities just over the river from Mildura in Dareton and Wentworth. It is involved in considerable benevolent activities in my electorate. In particular it has provided voluntary chaplaincy to Mildura hospitals for 13 years, and I would like to pay tribute to Mr Hocking and Mrs Sandy Young, who have been the chaplains at our hospital. They provide a wonderful service. It is something staff draw upon in times of great need.

Every Friday Andy’s Café operates out of St Andrews Church in Mildura. It provides lunch for 30 to 40 people free of charge. It is partially funded from a Uniting Church charity called the SHARE Community Appeal. The cafe has been running for five years and is staffed by volunteers who are members of the congregation.
Multicultural activities are extremely important in Mildura, and these occur at Irymple where there is a midday Sunday Tongan service for around 50 to 60 people. St Andrews in Mildura has one extended Cook Island family which numbers up to 43 who attend the family service. There is also a charitable endeavour called We Care which operates from St Andrews Church on Thursdays and Fridays and which provides counselling, support and friendship to those who are enduring social hardship. The program is coordinated by Mrs Pat Rogan, and I commend her for her work.

The Uniting Church in Mildura has been involved in a cooperative venture with MADEC, a local education and employment provider, to preserve and utilise the heritage-listed Methodist Church which came through the uniting process some years ago. The church has now become MADEC’s national headquarters. It has been a sensitive issue handled with great respect by both sides to allow a wonderful old church, which was part of the Uniting Church, to become something functional for the community going forward, to preserve the building for what it was, is and can be.

The Uniting Church also provides considerable community support in the country, and I am proud to acknowledge that in the Parliament today. Without the church’s benevolent structures and volunteerism, country Victoria would be even more disadvantaged. I commend the member for Bentleigh for the work he has done in informing the community about what is happening Victoria wide. The Uniting Church is a strong community and benevolent organisation, as well as a leader in our community in the Mildura electorate. I have had much to do with the church over the years, and I am proud of the work it has done. I commend this bill to the house and wish it a speedy passage.

**Mr SCOTT** (Preston) — I, too, rise to support The Uniting Church in Australia Amendment Bill 2008. In doing so I think it is worthwhile putting the Uniting Church into a bit of a social context. As other speakers have already alluded to, the Uniting Church has played a great role in our society, particularly in terms of fighting for social justice. I think it belongs to a particularly strong tradition that perhaps comes out of the 19th century, or perhaps even earlier, of what often in Britain is described as Christian socialism or in other terms. I note that a number of Labor politicians have a Uniting Church background. For instance, the Reverend Brian Howe, a former Deputy Prime Minister, is a committed and active member of the Uniting Church.

It is useful to refer to a quote that was often attributed to Harold Wilson, but I think it was actually said by Morgan Phillips, a former general secretary of the British Labour Party, who said that the labour movement owes as much to Methodism as to Marx. The Uniting Church and its mutualist tradition of cooperation and aid rather than the status tradition has always been a strong part of the social justice movement, not just in Australia but around the world. The Uniting Church has played a critical role in that.

The bill before us today is a sensible piece of legislation which deals with some changes within the Uniting Church structure where there has been a uniting, so to speak, of the Victorian and Tasmanian Uniting churches, and this has created some technical and administrative difficulties which this bill addresses. I am pleased to see that members opposite are supporting the bill since it is a sensible and practical piece of legislation.

It will make a number of changes. It will increase the number of members in the property trust from a maximum of 8 members to a maximum of 10 members; modify the current requirements for the signing of any instruments and receipt of moneys on behalf of the property trust; and amend the definition of the synod to take account of the changes that have taken place with the uniting of the Victorian and Tasmanian synods.

As I said, the Uniting Church plays a critical role in our society providing welfare and other services as well as its pastoral care services. I would like to record the wonderful work the Uniting Church performs in our community and the significant role it has played in our society, which I am sure it will continue to play into the future. I commend the bill to the house.

**Mr WAKELING** (Ferntree Gully) — It gives me pleasure to rise to make a contribution to The Uniting Church in Australia Amendment Bill 2008. The bill seeks to make a number of technical changes to the existing act which include updating the definition of ‘synod’; increasing the number of trustees of the Uniting Church in Australia Property Trust (Victoria); and vesting various functions in designated officers of the trust. It will also update the definition of ‘designated officer’ to be an officer appointed by the synod. It defines ‘synod’ to mean whichever synod is allocated the region, which includes Victoria, as specified in clause 3 of the bill. It increases from five to seven the number of members of the trust who are to be appointed by the synod as specified in clause 4. It also allows a designated officer, together with a trust member, to be a co-signatory of documents to which the common seal of the trust is affixed as specified in clause 5 and to receipts issued by the trust as specified.
in clause 6, and it authorises another person to sign
receipts issued by the trust as specified in clause 6.

As has been said by the member for Box Hill, and
pointed out by the member for Preston, members on
this side of the house will be supporting these
amendments. We believe they are important. While
they are minor in nature, we are firm supporters of the
operation of the Uniting Church, and understand the
significance of these changes, and therefore will be
supporting the changes put by the minister.

My contribution to this debate gives me an opportunity
to make mention of the work of the Uniting Church. As
members would be aware, the Uniting Church was
formed in 1977 as a union of the Congregational Union
of Australia, the Methodist Church of Australasia and
the Presbyterian Church of Australia. At the moment
throughout Australia the church has around
300 000 members and is an active member of the
National Council of Churches in Australia. My own
area is well served by the Uniting Church. It does a
wonderful job not only in providing an opportunity for
people to worship but it has also provided a significant
level of outreach for the broader Knox community.

At this point I am mindful of the work of the Rowville
Uniting Church which is ably led by the
Reverend Malcolm Frazer who has held that position
for a number of years. Its current location on Fulham
Road in Rowville has been a beacon for many Uniting
Church parishioners in that community. Over many
years it has provided an amazing amount of outreach
for people in need, but it has also focused on young
people, and I am certainly heartened by the work it has
undertaken. It has undertaken a number of traditional
youth roles including camps and kids clubs.

I am very pleased with the work that has been doing
class as part of its FRETSHOP guitar collective. The
collective is providing an opportunity for young people
in Rowville and the broader community to participate
in a guitar lesson program which not only teaches them
how to play the guitar, including the bass guitar, and
other musical instruments but also gives them the
opportunity to participate in important programs that
ensure they develop life skills; so much so that there are
opportunity to participate in important programs that
other musical instruments but also gives them the
how to play the guitar, including the bass guitar, and
in a guitar lesson program which not only teaches them
in Rowville and the broader community to participate
as part of its FRETSHOP guitar collective. The

Festival youth stage. I think that is a fantastic outcome
for the work that has been done by the church with its
FRETSHOP program.

However, I think the cornerstone of the church has been
its Bridgewater counselling centre, which has offered
accessible, low-cost counselling for residents of
Rowville and Lysterfield over many years. It charges
community members $25 a session, or $15 for health
care card holders. I think the work that is being
undertaken currently is fantastic, and I would like to
commend Kerryn Davies and her team on it. The
service has been improved even more with the
appointment of Janelle Watson, who is a qualified
psychologist. The centre offers outreach and
on-the-ground services for people who are in desperate
need of help. As leaders of the Victorian community I
believe we are obligated to recognise and applaud the
work of organisations like the Bridgewater centre. The
centre is funded by the church. The church and its
community put a significant amount of time, effort and
money into the operation of the Bridgewater centre, and
I would like to take this opportunity to congratulate all
of those involved.

Mr STENSHOLT (Burwood) — I thank you,
Speaker, for the latitude you have allowed in this
debate. The Brumby government recognises the
significant contribution of not-for-profit community
organisations and wishes to assist them. Many speakers
before me have mentioned the wonderful work that the
Uniting Church does. This bill deals with a range of
issues in respect of the property trust of the Uniting
Church in order to tidy them up to enable the trust to
work effectively. I have great respect for the Uniting
Church. I could actually go through all the Uniting
Church churches in my area — in Camberwell, Surrey
Hills, Ashburton, Glen Iris, Wattle Park and Box Hill;
and I could mention so many more — but I am trying
to concentrate on the bill, which is actually dealing with
the Uniting Church’s Victorian property trust.

I recall quite extensive negotiations and arrangements
that we had to discuss with what is now the Glen Iris
Road Uniting Church over a very difficult development
that it had there in building its new centre, which was
really a combination of a church, a kindergarten, a
before-and-after-school-care facility, a couple of music
rooms, which are hired by the Glen Iris Primary School
next door, and of course the hall, which is now used as
a community centre. Certainly the property trust and
the committee of the Uniting Church synod, which this bill
refers to, were very actively involved in that, and we
conducted a lot of negotiations to ensure that this
particular development, which serves the community,
came about. There were a number of occasions on which it almost fell over, but the resolution and the resolve of the local Uniting Church, assisted by the synod committee and the property trust, in ensuring we had an outcome were, I must say, very commendable.

Indeed I was very struck by the way the local Uniting Church community put its people in the community first. There was a very difficult decision to be made in relation to the building. The community had to decide whether to build a worship space or to build for the whole community, and it said, ‘We can build our worship space, but we are actually part of the community and are in many ways united with the community as the Uniting Church’. It opted to build the community spaces first and to use the hall for worship. I really commend the Glen Iris Road Uniting Church community for that, but also I commend the Uniting Church synod and the property trust for the work they did in respect of that project. In respect of this bill that has come before Parliament with a request that we make sure there are appropriate arrangements within the Uniting Church and its synod, I can only commend it to the house and ask for its speedy passage.

Mr THOMPSON (Sandringham) — The purpose of the bill before the house today is to update the definition of ‘synod’, increase the number of trustees of the Uniting Church in Australia Property Trust (Victoria) and vest various functions in designated officers of the trust. Among the main provisions it includes the definition of ‘designated officer’ to be an officer appointed by the synod, it defines ‘synod’ to mean whichever synod is allocated to the region which is or includes Victoria, it increases from five to seven the number of members of the trust to be appointed by the synod, and it allows a designated officer, together with a trust member, to be a co-signatory of documents to which the common seal of the trust is affixed, such as receipts issued by the trust and authorities to another person to sign receipts issued by the trust.

The opposition supports this bill. The Uniting Church within the Sandringham electorate has had a strong and historic role in a number of important community building ventures. One of the precursor churches to the Uniting Church was the Methodist Church, and the establishment in the early settlement of Victoria of the Buntingdale Mission in western Victoria provided a safe haven for indigenous Victorians near Colac, and more particularly near Birregurra.

I am reminded of a recent history called Campfires at the Cross by Heather Le Griffon, in which she outlines the importance of the work undertaken by people who with a sense of purpose and vision and a desire to avert the tragedies that took place in Tasmania sought to provide a haven and a refuge for the indigenous Victorians in that region. It was reported in some of the earlier reports by the protectorate and others that indigenous people from the west of Victoria understood that whenever they went to Buntingdale they were in a very safe place. A number of tragedies occurred in that region, and those indigenous people were able to find great refuge with the support of people who had that sense of purpose and vision.

I am also reminded that in the early days of the settlement of Tasmania there was another early church person in that region who made it his business to spend the night in a cell with three convicted people who were to be executed the next day. That reflected the sense of purpose and spiritual regard of some of the early members of the precursor churches to the Uniting Church in Australia who sought to advance the welfare of their fellows.

In more modern times the Uniting Church has taken an interest in a wide range of issues. It has a gambling task force, headed by Dr Mark Zirnsak. Dr Zirnsak has produced some very good material expressing concern about the impact of the gaming industry in Victoria and seeking to have it more tightly regulated to ensure that the burdens associated with people who become addicted to the gaming process do not destroy their lives or cause suffering to their families. There has been a valiant voice by the Uniting Church in that particular debate.

In conversations within my electorate the Uniting Church has generally been at the vanguard of a range of social reforms. One can drive down the street and see that there may sometimes be reference to global warming, what the world can do, and in the case of the Uniting Church what its parishioners or members can do to obviate some of the concerns. In my electorate I have had a range of other people who have raised concerns recently regarding solar power and photovoltaic systems and the importance of there being improved outcomes. Rhonda Fitzgerald was one person who recently wrote to me; Iain Brown was another, as well as Dr Lindsay Quennell. They shared the views of many people within the Uniting Church and who are among the 200 or so people who have sought to adopt alternative energies and seek an improved photovoltaic rebate from the Australian Greenhouse Office to make it commercially viable to put in a photovoltaic system to generate power.

I understand that a solar panel that would generate 100 watts might cost $1000. The average household might require 2½ to 4 kilowatts of energy to be
powered, and the cost of installing solar panels could be $10 000 per kilowatt. In turn, that could amount to a cost of some $30 000 to $40 000 to have the requisite number of panels. That is a significant investment and one which the government needs to take cognisance of. Recently the federal government provided a rebate scheme for solar panel installation. Only some 5000 people applied for a rebate that might have amounted to $8000. It can be seen then that the Uniting Church has wide-ranging interests and concerns covering gaming, greenhouse emissions and other matters.

I am reminded also of the good work undertaken by members of the Uniting Church in my area. I have often found that there is a very high crossover between people who have served on school councils or have undertaken good committee work. When a new minister is inducted within my electorate it becomes apparent that there is often a strong correlation and crossover between those people who are serving within local churches and those who have assumed roles in other areas of the community, be it on school councils or with local community organisations.

There are a couple of members of the Uniting Church who have done an outstanding job over the years in a voluntary and professional capacity. There is a person by the name of David Greenall who is a Uniting Church member, a lay preacher and elder. He has had governance roles within the Uniting Church for 10 years. Until last year he was chairperson of the audit committee of the Synod of Victoria and a member of the Uniting Church in Australia National Assembly Finance and Audit Committee. He has been an honorary church auditor of the Free Wesleyan Church of Tonga, so there has been a contribution overseas as well. He was chair of the audit committee of the office of the Victorian Auditor-General, his term expiring just recently on 30 June 2006. He was a member of the former Australian Auditing Standards Board, now the Auditing and Assurance Standards Board, for three years and was responsible for setting auditing standards in Australia.

In parallel terms, his wife, Lyn, a Uniting Church minister and lay preacher, also undertook a very strong role in local community matters. She was a chaplain with the Council for Christian Education in Schools at Sandringham Technical School between 1983 and 1987 and at Blackburn High School between 1988 and 1993. She has also been a council member of the CCES from 2005 to the present date. She served as the acting chaplain, then religious education teacher, at Methodist Ladies College in Kew during parts of 1995 to 2000, and she serves as the current president of the MLC Old Collegians Club for 2007–08. She published a book relating to her time in Tonga entitled Finding Treasure in Tonga, which details the experiences of an Australian teacher who visited Tonga over a period of some 10 years.

The Greenalls have made an outstanding contribution to Victorian community life, in addition to their professional responsibilities — in the case of David, as an auditor with senior roles with the office of the Auditor-General, and his wife as a chaplain within the Victorian secondary education system.

It is worth noting the contribution of the Uniting Church from the early days of the Port Phillip district, its work at Birregurra through the Methodist Church in the late 1830s with the original vision through to people continuing to take an active role in making Victoria a stronger and a better state with regard to the aggregate welfare of the overall community, and it is with pleasure that I support this bill.

Ms BEATTIE (Yuroke) — The Uniting Church of Australia was formed on 22 June 1977 and was an amalgamation of the Congregational, Methodist and Presbyterian churches. Some of us may remember the great debates that took place around that amalgamation as each of the churches wanted to maintain things about their own identity and yet saw the need and the benefits in an amalgamation. Those discussions and debates were conducted with a great deal of goodwill, and the church has gone forward since 1977, some 30-odd years now, with that goodwill. Its work has been a great benefit to many people.

This bill came from a letter sent to the Attorney-General on 19 March 2008 by the moderator of the synod of the Victorian and Tasmanian sections of the church. The moderator is the Reverend Jason Kioa. I understand there is general all-party support for this bill. Members of the house understand that sometimes there needs to be a streamlining of administrative tasks, and that is certainly what has happened here. Churches and those who provide care to our community do not want to be spending great money on administrative services; they want to spend their money on pastoral care in the community where it is most needed. This bill streamlines some of those functions. The bill will update the definition of ‘synod’ in the act; it will increase the maximum number of members who constitute the trust by two; and it will also relax the threshold for the signing and executing of trust documents.

I too wish to praise the Uniting Church for some of the work it does. Members of this house know some of the work it does in drug and alcohol counselling. One
aspect which I am very supportive of is the support they give to refugees, some of whom are fleeing trauma and some of whom are political refugees. They need a lot of support when they first arrive in Australia. The Uniting Church also has aged-care services, and as any church organisation does, it promotes human rights and cares for the most vulnerable and marginalised people in our society.

This bill is similar to a number of bills that have come before this house — the Roman Catholic Trusts Act and the Anglican Trusts Corporation Act, which I myself have spoken on, and in its nature it is much the same as those bills. I understand that from this bill there may be consequential amendments to the Melbourne College of Divinity Act later on. I am sure the member for Burwood will run through his knowledge of the Melbourne College of Divinity when that bill comes to the house.

The synod of the Uniting Church is very important. The church congregation consists of 60,000 members, including some 760 clergy. The Uniting Church employs over 150 people in its administrative work in Victoria and Tasmania, so members can see that streamlining that work will be a good thing. There are also over 1000 people employed in community service across the state. This is a good bill. I am warmed by the bipartisan approach which the parties have taken to this bill. I commend it to the house and wish it a speedy passage.

Mr SEITZ (Keilor) — I rise to support The Uniting Church in Australia Amendment Bill and in particular the necessary requirements of being able to have the Victorian and Tasmanian trustees extend the number of members from 8 to 10. This and other changes have been put forward by the synod so that the church will be able to function in a better managed way.

I congratulate the Uniting Church and the work it has done. The amalgamation of the Congregational, Methodist and Presbyterian churches occurred in 1977. My wife was a very committed Presbyterian and I remember well the debates in her family in particular that went on with each church trying to keep up their own religious activities and procedures. My involvement extended as far as being part of the health insurance company which they ran at the time before we had Medicare.

Furthermore, once I got into politics I kept in contact with the late Jessie Peart who was a stalwart of the Uniting Church and worked tirelessly on its kindergarten committees in the Essendon area and in Broadmeadows at the Orana youth centre that we established there. I was the member for that region at the time. It was something very new and was a courageous step. It was taken from Toorak to the western suburbs to service the community of Broadmeadows and the region out there. The church took that risk and spent its own money to provide a fantastic service for the community.

Jessie Peart was on the board of that organisation. She was always a good friend of mine right through the years until her dying days, and she kept in constant touch with the church. Her last action was at a time when she was not feeling very well — that was to save for historic purposes a church in St Albans which had been originally a Presbyterian Church and then part of the Uniting Church. With the amalgamation, many of the churches were sold off. Some were left empty and were burnt down. There is a lot of meaning in the history of the church for many people. The younger generation needs to learn about it and schoolteachers need to explain to the community how the Uniting Church came about.

For those reasons, I commend the members of the church on the work they are doing, particularly in the welfare sector of the community and in looking after the spiritual side of our society, and on the harmonious way they go about interacting with other religions, particularly in welcoming new migrants to their church and working for them. I wish the bill a speedy passage through the house.

Mr LIM (Clayton) — I am pleased to support this bill. While this may be a minor technical bill for the house to consider, it is undoubtedly an important one for the Victorian and Tasmanian synod of the Uniting Church in Australia and the many Australians it represents. As the Attorney-General said in his second-reading speech, the Uniting Church has a congregation of approximately 300,000 members nationally. Additionally, as the church itself points out, the Uniting Church is the third-largest Christian denomination in Australia. It has around 2800 congregations, 51 presbyteries and seven synods, and 1.3 million Australians claim an association with it.

This bill provides practical administrative changes that will assist the organisation of the church in the substantial good work it does in the community. When the Uniting Church was established in 1977, as a union of the Methodist, Presbyterian and Congregational churches, it in turn established a property trust in each state. The Victorian and Tasmanian synods were merged in 2002. Importantly, it employs approximately 100 people in Melbourne. Even more important are the services it provides to Victorians, such as youth.
counselling, drug and alcohol counselling, early childhood services, family support, crisis intervention and work through schools.

The merger of the synods has created some administrative difficulties in the way in which the church’s Victorian property trust transactions are conducted. Most of these transactions are undertaken through the head office in Melbourne. However, as the members of the trust are located in Victoria and Tasmania, documents are couriered back and forth to obtain signatures. The practical amendment this bill provides is to increase the number of members of the trust from 8 to 10. This change has been requested by the Uniting Church and will assist it in more easily obtaining signatures on documents relating to the trust.

The reason I want to make a contribution to the debate on this bill is to acknowledge and indeed congratulate the Uniting Church on its commitment to social justice. As the church itself says, and I quote:

“It has taken a stand on environmental issues, and supports the equality and dignity of marginalised people such as ethnic minorities, disabled people and homosexual people.

“It is a multicultural church, striving to treat people on an equal basis and seeking to give a voice to the poor, outcast and needy.

The church extends its social justice commitment to climate change by saying, and I again quote:

“Because climate change is predicted to impact on the world’s poorest people first, the Uniting Church acknowledges its moral responsibility to prevent this from occurring. Global resource use and the equity of this use are key elements in the climate negotiations.”

I wish the Uniting Church continuing good work and advocacy in our community and I commend the bill to the house.

Mr HOWARD (Ballarat East) — I am pleased to speak on this Uniting Church bill before the house which, as members have heard, recognises that the Uniting Church, which was formed in 1977, has changed a little since its beginnings. In particular, the moderator has asked that we recognise the change in uniting the Victorian and Tasmanian sections of the church. I am very pleased to support the bill in doing this.

The Uniting Church is now the third-largest Christian denomination in Australia, with, as members have heard from other speakers, something like 300,000 members, of whom I happen to be one. It is important also in debating this bill that we recognise that the Uniting Church plays a very important role in our community, as so many previous speakers have outlined, both in the way it supports its congregations in providing spiritual and Christian support and in terms of the contributions the church has made to enhance public discussion on a number of contemporary issues which we continue to deal with both in this place and more broadly out in the community as the largest welfare-providing organisation in Australia.

In Ballarat UnitingCare has grown significantly in the past 15 years and now is a very substantial organisation. It not only provides food parcels and some funding for people in crisis situations and in great need but also runs emergency housing. The Uniting Church has built many housing units across Ballarat and my electorate, in conjunction with this government’s social housing innovations project, or SHIP, program, and that has been very much welcomed. It provides a range of other services, including counselling in the drug and alcohol area and many more.

The Uniting Church clearly is a very valued organisation in our community. I trust it will continue to be, as it deals with the changes it needs to face. This piece of legislation recognises a small aspect of the changes, which will help the church to continue to administer its many properties across this state and in Tasmania.

Mr PERERA (Cranbourne) — I rise to support this bill. The Brumby government recognises the significant contribution made by the Uniting Church in Victoria. As a result of the valued contribution to the community since its inception, three leading representatives from the Uniting Church in Australia were chosen to participate in the federal government’s Australia 2020 summit. That is why the government supports the waiver of fees that usually apply to a private member’s bill such as this.

I would like to speak a bit about the Uniting Church in Cranbourne, where it commenced in 1980, with early meetings in members’ homes. In October of that year, services commenced at the courthouse in the old shire offices. In 2002, when I was elected to office, Reverend Paul Creasey was the minister in charge of the Cranbourne regional Uniting Church, operating from its current location in Lesdon Avenue in Cranbourne. Reverend Paul Creasey was a champion in working with youth. He worked with kids who were falling through the cracks of the education system, showing them different pathways to upskill themselves. Most early mornings he visited the Cranbourne shopping centre, which was as a meeting place for the kids and sometimes adults who were going through rough patches in their lives.
I had the great opportunity to work with Reverend Paul Creasy organising community kitchens providing free food to the community once a month. Under the stewardship of Reverend Paul Creasey, the Uniting Church ran an annual car and bike show for the Cranbourne community.

The Cranbourne regional Uniting Church is a diverse worshipping community of believers who are committed to telling their story of faith to others. They reach out to the surrounding community to demonstrate the good news and to develop relationships with people and organisations. The Uniting Church is a community-based church which certainly deserves the support of this house. I commend the bill to the house.

Mr LANGDON (Ivanhoe) — It is with great pleasure that I add a contribution to the debate on The Uniting Church in Australia Amendment Bill 2008. The background to the bill is that clearly, following the merger in 2002 of the synods of Tasmania and Victoria, some issues needed to be dealt with. In 2005 this government acted, as any government in the state would have acted, to assist the church. I am aware that the bill is supported by all parties and members in this house. The bill basically assists the Uniting Church to get on with conducting its business. Like a lot of churches these days, it unfortunately is having trouble with the number of members available for trustees meetings and what have you and they want to expand the number — clearly that is a sensible approach — and to deal with other issues outstanding from the Charities (Amendment) Act 2005, which was the measure we first passed to assist it.

Like all members I commend the Uniting Church in Australia, in Victoria and specifically in my electorate of Ivanhoe, which has been working tirelessly with the community across the many years that I have been involved in the state in government and in opposition and as a councillor. I am well aware of the outstanding work the Uniting Church has done and will continue to do. Like most of the churches and religious groups in Australia it does a remarkably fine job of working with the community and assisting whenever it can. I am more than pleased to support the Uniting Church to ensure its work continues and to make its life a bit easier. I commend the bill to the house.

Mr PALLAS (Minister for Roads and Ports) — In summing up on the Uniting Church in Australia Amendment Bill 2008 I would like firstly to thank all speakers for their contributions: the members for Box Hill, Bentleigh, Mildura, Preston, Ferntree Gully, Burwood, Sandringham, Yuroke, Keilor, Clayton, Ballarat East, Cranbourne and Ivanhoe. It is pleasing that the debate in this place has demonstrated a broad level of consensus that the Uniting Church plays a very valuable role. The consensus around the desirability and merit of this bill really pays tribute to the esteem in which the Uniting Church is held in our community more generally. I believe this bill will assist the Uniting Church to get on with the business of assisting the community, which it does so well, and I wish it a speedy passage through this place.

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

PUBLIC SECTOR EMPLOYMENT (AWARD ENTITLEMENTS) AMENDMENT BILL

Second reading

Debate resumed from 17 April; motion of Mr HULLS (Attorney-General).

Mr CLARK (Box Hill) — The Public Sector Employment (Award Entitlements) Amendment Bill repeals provisions in the Public Sector Employment (Award Entitlements) Act 2006 that require Victorian public sector entities to comply with a so-called fairness test dreamt up by the Minister for Industrial Relations for new workplace agreements. This fairness test was always a political charade directed more towards playing politics at a federal level than at achieving any substantive benefit for Victorian citizens or indeed for Victorian public sector employees. The extent of the charade and the extent of the hypocrisy of the Bracks and Brumby governments on industrial relations issues is becoming ever more manifest as time passes and is highlighted by the bill before the house.

It is worth making the point that Australia as a whole and Victoria in particular have derived enormous benefit from the increasing workplace flexibility that has been achieved in Australia over a period stretching back probably 20 years or so. In particular we have been the beneficiaries of the concerted moves for national industrial relations reform which took place in the 1990s and the present decade. We see that benefit when we look at national statistics on reduced levels of industrial disputation, rising real wages, greater workplace safety — an often unrecognised benefit of
workplace reform — increasing productivity and, particularly for Victoria what has until recent years been a very rare experience indeed, namely, significant building projects being completed on time and without being crippled by ongoing industrial disputes. We have come a long way in this nation over recent years, and we are now perhaps as a nation at a potential turning point. We must certainly hope the nation does not turn in the wrong direction and undo and lose the enormous benefits that have been achieved over recent decades.

The critical issue with industrial relations reform has been and should remain that of achieving greater flexibility and win-win outcomes. It has been that flexibility that has led to the huge surge in productivity that I mentioned which has produced the win-win outcomes of recent years. Unfortunately the nation is now hitting a brick wall of state Labor governments which are not only incompetent but which during large parts of the period of the Howard government were deliberately intransigent and obstructive as well. We have now got the Rudd federal government alongside incompetent state Labor governments, and while the deliberate political obstruction of the previous Howard government may have ceased, the state Labor governments have now been joined by a federal Labor government that has all the hallmarks of following in the footsteps of the early years of the Bracks government in terms of gimmicks, spin and drift.

In that context federal Labor’s move to return collective bargaining to a dominant role in the industrial relations landscape and to weaken protections against union thuggery are particularly concerning. We are already starting to see union militants shaking the tree, throwing their weight around and seeing what they can achieve. It was particularly concerning to read a report in today’s newspapers that the building industry unions are starting to build up a campaign to bring about the abolition of the Office of the Australian Building and Construction Commissioner. In that context the national industrial relations background and union influence that extend to the highest levels within the Brumby government in Victoria. They try to downplay it, but from the most senior member of the government to the most junior, union officialdom ranks very high in the past experience of members on the Labor side of the house. The Premier discloses the fact that he was a union official between 1980 and 1983. Taking the case of the minister at the table, the Minister for Roads and Ports was the assistant secretary of the Australian Council of Trade Unions from 1994 until 1999, held various positions with the National Union of Workers, including assistant general secretary from 1985 to 1994, and was a national industrial officer with the Federal Firefighters Union from 1983 to 1985.

The Leader of the House, who is also the Minister for Energy and Resources, was for 10 years — from 1972 to 1982 — an official of the Furnishing Trades Union. You can go right through the ranks of government members to the member for Williamstown, who is perched up there on the back bench and who is perhaps the most junior addition to government ranks, whose curriculum vitae proclaims that he was a union organiser with the Shop, Distributive and Allied Employees Association from 1996 to 2002, and the federal organising and training officer and federal assistant secretary of the Transport Workers Union of Australia between 2002 and 2007. It will be interesting to hear the member for Williamstown, who is apparently gearing up to contribute to this debate, declare where he stands on the issue of the Office of the Australian Building and Construction Commissioner and whether he is going to resist the pressure the building unions are threatening to bring to bear on him for his preselection to try and force him to toe the militant line.

It is concerning to look at the statistics. Even though, as I said earlier, across the nation industrial disputation has fallen dramatically under national industrial relations reform, Victoria is the standout hotbed of industrial disputation. In the December quarter last year Victoria was responsible for an unbelievable 86 per cent of all working days lost to industrial disputes across the nation. In 2007 as a whole, Victoria was responsible for more than 50 per cent of all working days lost across the nation. So despite the best efforts — and indeed successful efforts — of the Howard government to lower industrial disputation across the nation, including some success in Victoria, the core hotbed for industrial relations disputes within Australia is Victoria. That is a
Concerns for Victoria are compounded not only by that aspect of industrial relations mismanagement by the Brumby government but also by the maverick and destructive policies being adopted by Victoria’s Minister for Industrial Relations. He is not content just to go along with the Gillard federal drive to weaken flexibility and to return collective bargaining to a dominant place in the industrial relations landscape; he wants to go further. In fact he is defying federal Labor policy and defying the Prime Minister and the Deputy Prime Minister, who both pledged during last year’s federal election to achieve a uniform industrial relations policy across the nation, so that if you are a worker in Victoria, Queensland or New South Wales, you will be under a common industrial relations framework. This is something that the Kennett government strongly backed when it referred industrial relations powers to the federal government.

The current Brumby government also purports to support that, as did the Bracks government, but when you look to the practice, you see that our maverick minister is determined to do his own thing and defy the wishes of his federal counterparts. We have seen that in his pressing on with the so-called family responsibility measures, which were enacted in the Equal Opportunity Act in Victoria, to implement changes which were demanded by the Australian Council of Trade Unions in a test case brought before the Australian Industrial Relations Commission but which the commission rejected because of the potential damage to the economy. Our industrial relations minister and the Brumby government have imposed these additional burdens on Victorian employers despite the avowed policy of their federal counterparts.

When we look at how the Bracks and Brumby governments have been handling industrial relations within the public sector, we see that they have been living up to the Labor traditions of proving to be amongst the worst of employers when they get their hands on the levers of power. I am sure the comrades opposite will be well aware of the ditty that parallels the People’s Flag melody about what the working class can do when the comrades get the boss’s job at last. That is certainly being demonstrated by state Labor here in Victoria. It ranges from the treatment of staff in ministers’ offices to the treatment of tens of thousands of public sector employees. This is not just a question of driving a hard bargain and protecting the public interest; it is an issue of treating public sector employees with contempt, refusing to sit down and talk with them, sending junior lackeys to meetings who have no authority to negotiate and failing to honour undertakings that are given in the course of negotiations. It is no wonder that Kathy Jackson of the Health Services Union has said that the Liberal Party has shown more responsibility than the government when it comes to industrial relations. She is reported in the Age of 20 March as having said:

‘These people cannot manage an industrial dispute. It’s not just us, it’s teachers, it’s ambulances, it’s police, it’s everybody’, she said. ‘They’re not interested in dialogue, they don’t give us the courtesy of a reply, they don’t show good manners and it just shows what an arrogant Government they are’.

The article proceeded to quote Ms Jackson as having said:

The government has acted now only because they’ve been exposed politically by the opposition, and I congratulate Mr Bailleieu for showing more responsibility than the government.

It gets down to the fundamental point that members on this side of the house are well aware of from their own experiences prior to entering this house and strongly support that if you are an employer, you have to treat your staff decently and with respect as human beings. You also need to pay fair and reasonable wages to attract and retain the calibre of staff that you require for the role in hand.

When we come to the bill before the house we see the hypocrisy of the Labor Party in full flight. Government members talk about treating public sector employees fairly, when in practice they have treated them like dirt. They talk about having a workplace rights advocate to protect employees from unfair or otherwise inappropriate industrial relations practices, but when it comes to public sector employees the workplace rights advocate is nowhere to be seen. The industrial relations minister talks about valiantly standing up for Victorian workers, but when it comes to the industrial relations shambles in the Victorian public sector our big, tough, bold industrial relations minister is leading from behind. In fact our minister has a very close resemblance to a character who features in a well-known Gilbert and Sullivan ballad:

In enterprise of martial kind,
When there was any fighting,
He led his regiment from behind —
He found it less exciting.

As to who this character was, the second verse of the ballad continues:

When, to evade Destruction’s hand,
To hide they all proceeded,
No soldier in that gallant band
Hid half as well as he did.
He lay concealed throughout the war,
And so preserved his gore, O!
That unaffected,
Undetected,
Well-connected
Warrior,
The Duke of Plaza-Toro!

I need hardly point out to the house that Plaza Toro translates, most appropriately in the case of our Minister for Industrial Relations, as ‘the place of bull’.

If our minister resembles the Duke of Plaza Toro, perhaps it can be said that the workplace rights advocate resembles a Count of Plaza Novillo, because he has been the mini-me to the minister, acting tough when it comes to private sector employers but hiding as well concealed as his minister when it comes to the behaviour of the Victorian public sector.

If you look at the 2006–07 annual report of the Victorian workplace rights advocate, you see that it runs on for pages about what he was allegedly doing to protect employees against the wicked Howard government and heinous private sector employers, but that when it comes to applying the fairness test — the subject of this bill — that subject receives less than half a page of coverage in his report, and all but one sentence of that half page is simply a summarising of the legislative requirements. We ask ourselves: what was that profound single sentence that the workplace rights advocate included in his annual report about how well the so-called fairness test introduced by our minister was operating and what he was doing to discharge his important responsibilities under the legislation? I quote it in full:

5.2 During the reporting period the workplace rights advocate issued 35 fairness test determinations.

There is nothing in his report about how many proposed agreements were submitted, nothing about how he went about carrying out his assessments, nothing about how he judged whether or not particular agreements were fair, nothing about what conditions for employees were reduced by these proposed agreements compared with the preserved entitlements, nothing about what improvements the workplace rights advocate considered as making up for reduced conditions. There is absolutely nothing about any of that. There is just total silence on those subjects and an elephant stamp quietly given to everything that was put under his nose by the government.

Despite that, we know that in agreement after agreement the Bracks and Brumby governments have been demanding productivity offsets from public sector employees for any wage increases greater than 3.25 per cent. Of course when it suits, the government will back down on that. It will either capitulate entirely or it will dress up an agreement to give the pretence of having achieved productivity offsets. But its negotiating position with unions, where it thinks it will hold, is to insist on these productivity offsets and insist on changes in particular employee entitlements in order to attract a wage increase of greater than 3.25 per cent.

When a private sector employer seeks to obtain productivity offsets to support a wage rise, we see the workplace rights advocate putting them through the wringer. We saw that with Bruck Textiles, amongst others, and the workplace rights advocate acting very tough indeed in standing up to protect employees. But when it comes to the public sector, and you get almost identical conduct, what does the workplace rights advocate do but quietly, behind closed doors, tick off whatever comes before him. This just exposes the sham and the farce that the workplace rights advocate and the fairness test have been all along.

To add insult to injury, if you look elsewhere through the workplace rights advocate’s report, you see that he has had the nerve to devote an entire page of that annual report to a large photograph of a young employee with a prominent caption, and I quote:

The workplace rights advocate is empowered to investigate not just illegal but also unfair or otherwise inappropriate industrial relations practices in Victoria. The advocate has initiated 80 investigations into such practices.

In his own report the workplace rights advocate is confirming that one of his functions is to investigate inappropriate industrial relations practices, and yet he stands by and does absolutely nothing when the Brumby government uses misleading and deceptive negotiating tactics against its own employees. That is the context in which the charade that was the 2006 act and the charade that is the bill before the house and accompanying speech are to be evaluated.

What the 2006 act does as it currently stands is seek to preserve pre-WorkChoices award conditions by prohibiting public sector employers, under section 10, from providing terms and conditions of employment to an employee less favourable than the employee’s entitlements under a relevant award or instrument as
they stood pre-WorkChoices, subject to any increases in pay rates that may be determined by the Australian Fair Pay Commission or ordered by the Australian Industrial Relations Commission, unless that employer satisfies a fairness test which is specified in the act, or unless it is inconsistent with a workplace determination.

Part 3 of the existing act requires the workplace rights advocate to determine an applicable preserved award where there was no actually applicable award at the time WorkChoices commenced. That is required by section 12. It also requires public sector employers to submit any proposed workplace agreement to the workplace rights advocate before offering it to employees in order for the workplace rights advocate to determine whether the proposal passes the act’s fairness test. It prohibits the offering of an agreement that does not pass the test. Those provisions are sections 13 and 14.

Under section 13 the fairness test requires that the agreement not disadvantage employees in relation to their terms and conditions of employment. The act provides that an agreement disadvantages employees if its operation would result, on balance, in a reduction in the overall terms and conditions of employment of those employees under relevant awards, the family provisions standard or any state or commonwealth law that the workplace rights advocate considers relevant. There is no requirement for the workplace rights advocate to publish or to give reasons for a determination, or even to disclose how many determinations have been made and whether they have been favourable or unfavourable. It is that absence that has given rise to the disgraceful lack of accountability in the workplace rights advocate’s annual report that I referred to earlier.

Part 3A of the act goes on to prohibit a public sector employer offering a non-collective agreement to any employee that departs in any material respect from the collective agreement that would otherwise apply under section 15B — save for terms or conditions more favourable to the employee, as provided in section 15D.

What the bill does is repeal part 3 of the act. It thereby repeals the requirement that a public sector employer must submit a proposed workplace agreement to the Victorian workplace rights advocate for a determination. It also repeals the prohibition on offering a proposed agreement that does not pass that test. That is provided in clause 7 of the bill.

The bill also amends section 10 of the act so that in future, for an agreement to provide terms or conditions less favourable than those that applied pre-WorkChoices, the agreement must pass the federal Labor government’s no-disadvantage test rather than the fairness test. However, the bill retains what is in effect a virtual prohibition of non-collective agreements by Victorian public sector employers.

As I said previously, the fairness test that is being repealed by this bill was always a political stunt. In order for the Labor government to justify the introduction of this test in the first place, it had to maintain the proposition that it could not be trusted to enter into equitable employment arrangements with public sector employees unless it restricted itself. When you have a government that does not even trust itself to deal fairly with its employees, you have real cause for concern indeed.

But the government went through that charade not for any benefit for Victorian citizens or for Victorian public sector employees, but simply so that it could give itself an excuse to fund this expensive Office of the Workplace Rights Advocate, whose real and ulterior purpose was to run a string of political attacks on the Howard government at Victorian taxpayers expense. The uselessness of the workplace rights advocate to achieve any benefit for Victorian employees, whether private sector or public sector, lies in the fact that apart from this posturing and demands for information from employers such as Bruck Textiles, when any real issues arose concerning the rights of Victorian employees, what the workplace rights advocate was doing was simply referring those matters off to the federal authorities. If state Labor were fair dinkum it could have had a postbox or a website referral that pointed people directly to the strong protections for employees that were put in place by the Howard government and referred employees directly to those federal bodies that have that power and continue to have a track record of acting vigorously to protect employees against any wrongdoing by employers.

As I have said, these provisions proved to be totally useless in practice. We have seen the workplace rights advocate not lift a finger to protect Victorian public sector employees when we have had oppressive, bullying and unconscionable behaviour by Labor in power and instead being as mute and inconspicuous as his minister. One would have to ask not only why we have a workplace rights advocate in this state but why we even bother to have a Minister for Industrial Relations when he seems to add no value whatsoever other than to pursue his destructive and maverick agenda contrary not only to the stated policy of his government but contrary to the policy of his federal counterparts.
We just had tabled a budget that is more a budget of band-aids than of effective and useful initiatives. When there are still gaping holes where services are lagging well behind what Victorians are entitled to expect, why are we continuing to pour millions of dollars each year into this Office of Workplace Rights Advocate that has proved to add no benefit whatsoever for Victorians?

As I have made clear, the so-called fairness test in the bill before the house has been a stunt all along. The fact that the government is moving to repeal it is, in effect, neither here nor there because it has been ineffectual all along. Having it removed will save one small piece of paperwork within the bureaucracy, but it should never have been there in the first place. The Liberal Party and The Nationals certainly do not oppose removing what we have identified as a charade all along.

Mr LUPTON (Prahran) — The bill is an opportunity for members of the opposition to retreat from their previous position supporting WorkChoices, and they took the opportunity to continue their support of WorkChoices here in this debate. It is an amazing thing that the now federal opposition has had to go through a cleansing process where it has had to address the fact that its WorkChoices policies and legislation were fundamentally and overwhelmingly rejected by the people of Australia at the election last year. In Victoria we see a continuation of the same tired attitudes and policies that the Howard government formerly had in the national government being continued here by this state opposition.

From its outset the WorkChoices legislation was opposed by our state Labor government, and it was a significant factor in the defeat of the Howard government last year. We have introduced a range of bills into this Parliament over the last few years to protect people in Victoria from a range of the adverse, negative effects of WorkChoices. The state opposition here in this Parliament has taken the opportunity on each and every occasion to vote against our legislation and to support WorkChoices. One would have thought that after the federal election and after a period of months has gone by where opposition members have been able to reflect on their past behaviour and past attitudes they may have come to the debate on this piece of legislation today with a new approach. They may have thought about this issue, they may have thought about whether or not they would embrace fairness and security for all in the workplace or whether they would maintain their tired old attitudes. Unfortunately for them the old attitudes have been maintained. We have heard from them nothing but essentially a defence of WorkChoices and a defence of the attitudes that underpinned it.

This legislation repeals a fairness test that was introduced into our Victorian legislation to protect public sector employees in this state from the effects of WorkChoices. We are repealing that fairness test in Victoria because it is no longer needed. It is no longer needed because the new federal Rudd Labor government has passed legislation to bring in a proper and comprehensive fairness test for all Australian workers, including Victorian public sector workers. There is no longer any need for this state-based fairness test because it has now been replaced by a comprehensive federal fairness test. To retain a duplicate fairness test in Victoria would not be sensible or efficient and is not necessary to protect the rights, entitlements and conditions of working people in the Victorian public sector. This is sensible legislation that removes inefficiency by removing regulation that is no longer necessary. That is in accord with the approach of the government to reducing the regulatory burden. We are proud of the fact that we approach that task appropriately and with vigour.

The federal Workplace Relations Amendments (Transition to Forward with Fairness) Act 2008 came into operation on 28 March. It rightly introduced a no-disadvantage test for new workplace agreements to be carried out by the Workplace Authority. It also allows parties to pre-WorkChoices agreements to extend and vary those agreements, in which case they are required, properly, to submit the variations for a no-disadvantage test to the Australian Industrial Relations Commission, the appropriate body to deal with that.

The Public Sector Employment (Award Entitlements) Act 2006 was a key plank in our government’s commitment to preserve and protect the safety net of award terms and conditions of Victorian public sector workers in response to the impact of the Howard government’s WorkChoices legislation. The two principal features of the legislation we passed were that it preserved award entitlements as they were immediately prior to the commencement of WorkChoices for those employees who rely on them and that it maintained a no-disadvantage test, known as the fairness test, for any new agreements, measured against relevant preserved award conditions and administered by the Office of the Workplace Rights Advocate, a government authority that we established in order to protect the conditions and standards of working people in Victoria. I reiterate that the opposition in Victoria has continually opposed it and continues to oppose it today.

The fairness test was to ensure that employees were not disadvantaged by any agreement compared with the
relevant underlying award. The Howard government subsequently introduced a new test, which it called a fairness test, in May 2007. It was introduced because there was amazing public opposition to the original WorkChoices legislation. The Howard government tried to convince the people of Australia that the introduction of what it called a fairness test would somehow improve WorkChoices and make it palatable. Of course the Howard government was found to be misleading the people of Australia; it was found not to have introduced a proper and comprehensive fairness test. Its test took into account only a handful of the previously protected award conditions. The fairness test it was forced to introduce under public pressure was shown to be a sham, a farce and a con job on the people of Australia. The verdict was given last November, when the Howard government was comprehensively ejected from office.

We in Victoria are satisfied that the new fairness test that was introduced in March by the Rudd Labor government fulfils the Brumby government’s policy objective, which was contained in our Workplace rights standard — a fair go for all Victorians policy. There is now no need for Victorian public sector employers to submit their agreements to a state fairness test, because they will now be tested against a comprehensive and appropriate federal test. As I said earlier, it would be cumbersome for them to have to submit their agreements to two separate no-disadvantage tests.

The essential purpose of the legislation before the house today is to repeal the requirement for a state-based fairness test. I commend the Rudd Labor government on the approach it has taken to rapidly and appropriately dismantling the appalling WorkChoices legislation and removing that stain from the federal statute book. The way in which that process has unfolded has resulted in the right balance being struck to ensure that working people’s rights, entitlements and conditions are properly protected; that productivity is improved in this country; that employers are able to get on with running their businesses and to have a productive, competitive and efficient workforce; that wages are properly protected; and that Australia can continue to forge ahead with a productive and modern economy. That is the sort of thing that we encourage in Victoria. Yesterday’s state budget was another example of that. We are making sure that Victoria’s economy is robust, solid and growing at its potential in a global environment. We are making sure that we continue to sustain the levels of services and facilities that the people of Victoria expect and require. Having an appropriately paid but also appropriately protected and secure workforce in this country and state is a very important part of ensuring that that happens.

I am disappointed but not surprised that the opposition has taken the opportunity to reiterate its continuing support for WorkChoices. The federal Liberal opposition has had to come to terms with the fact that WorkChoices was comprehensively rejected by the Australian people; it has had to reassess its attitude to WorkChoices. Unfortunately the state opposition is still living in such a fog that it does not understand what has happened in Australia and still supports WorkChoices in this house.

Mr NORTHE (Morwell) — It gives me great pleasure to make a contribution to the debate on the Public Sector Employment (Award Entitlements) Amendment Bill 2008. The purpose of the bill is to amend the Public Sector Employment (Award Entitlements) Act 2006, to repeal provisions relating to the fairness test enacted by part 3 of that act, and to repeal spent provisions in part 5 of the act. I commend the member for Box Hill for his concise and thorough contribution to the debate. From the outset I will say that my contribution will be relatively short because I think the member for Box Hill quite clearly demonstrated the feelings of this side of the house in relation to this particular bill.

As I said, the main provisions of the bill repeal the requirement for a public sector employer to submit a proposed workplace agreement to the Victorian Office of the Workplace Rights Advocate for a determination as to whether the agreement passes the fairness test before offering it to an employee or to a union, and introduce a prohibition on offering a proposed agreement that does not pass the test. In his contribution the member for Prahran mentioned some of the repeals under this act in part 3 and part 5 which refer to particular definitions. I guess we could take that further to say, ‘Why don’t we repeal the whole legislation?’. Why does it still need to be before this house? The bill also prohibits a public sector employer from providing additional employment to an employee less favourable than the employee’s preserved entitlement under a relevant award except where a binding workplace agreement passes federal Labor’s new no-disadvantage test.

As a former manager of a business, and through these particular pieces of legislation, I know it is important that we have some flexibility in the workplace. Being a manager in a workplace with a number of employees under you shows that it is important that as business continues to grow the workplace has flexibility in terms of awards and conditions. I can see that from experience, and I know many members on this side of the house can also relate to that.
In terms of public sector employees the government has had quite a history in recent times in the health and education sector. We have seen prolonged and ongoing debate and disagreement over awards and conditions. The hypocrisy is quite amazing. We see on the one hand the hypocrisy of the government, which stands up and says, ‘We are there for the rights of the workers’, yet from the public sector perspective it is doing very little to resolve the disputes that have been going on for many months, and even years, in the state of Victoria. It is great hypocrisy. We can ask the Minister for Industrial Relations where he has been through these disputes. He has been very vocal in opposing the former federal government and its Australian workplace agreements in recent months, but where has he been in the disputes with the public sector employees? He is nowhere to be seen; hidden all the time.

We have seen the government’s justification for the workplace rights advocate and for the time and the cost to the taxpayers in relation to the set-up of that advocate, and now the diminishing needs of the advocate. I wonder if the government has been out there saying what the costs have been to the state and to the taxpayers. The member for Box Hill gave the example of Bruck Textiles in Wangaratta and referred to the ongoing dispute which occurred in that part of the state, including the conjecture and accusations that occurred during that particular dispute. It was very well said.

We are concerned that when the fairness test was introduced it was basically a political stunt by this government. Again, the member for Box Hill related the story that it was only necessary because the Victorian government would otherwise try to impose agreements that would not pass the fairness test. It is just amazing. The workplace rights advocate has failed to take any action whatsoever to protect the public sector workers against the unfair or otherwise inappropriate industrial relations practices of this government. Overall this is a political stunt by this government with the workplace rights advocate, and the conditions that were imposed on public sector employees. At best it is hypocrisy.

As I have already said, I will only make a short contribution. I think I have said what needed to be said, and I will leave it at that.

Mr NOONAN (Williamstown) — It gives me great pleasure to rise to make a contribution in support of the Public Sector Employment (Award Entitlements) Amendment Bill 2008. Straightaway I want to put on the record that it is this side of the house that has the proud record of standing up for working families in this country and staying true to the notion of a fair go for all. We have always had the view that members on this side should protect workers and give them a proper safety net — a right to bargain collectively and to be treated with respect and dignity. At least that was acknowledged by the member for Box Hill.

An honourable member interjected.

Mr NOONAN — At least the member for Morwell had the decency not to go to the lowest common denominator on unions and call us all union thugs.

Collectively, my family — —

Mr Clark interjected.

Mr NOONAN — You called us union thugs. Collectively, my family has 48 years experience as union officials. We know something about it. Many members on the opposite side have come up to me since I was elected to this Parliament and complimented the Transport Workers Union of Australia for what it does in standing up for working families. When you call someone a union thug, you call us all union thugs. The member should take note of that. I will go further to say that through my father’s union work he was awarded an Order of Australia Medal for improving safety for workers in the transport industry.

Mr Delahunty interjected.

Mr NOONAN — I thank the member for Lowan.

The purpose of the bill is to amend the Public Sector Employment (Award Entitlements) Act 2006, and to repeal provisions relating to the fairness test enacted by part 3 of the act. It also repeals the spent provisions in part 5 of the act.

The fairness test was introduced by the Bracks government as part of the Public Sector Employment (Award Entitlements) Act 2006. Clearly, it was in response to the former federal Howard government’s assault on workers at a federal level. The former federal government introduced the WorkChoices legislation with absolutely no mandate, and then established a so-called Australian fair pay and conditions standard which basically ripped apart awards down to five minimum conditions. I know the member for Ferntree Gully is sitting on the other side of the house. My former union — the Transport Workers Union — has worked with the member for Ferntree Gully in the past and, I should say, very productively, with a good system that was introduced in terms of flexibility by the former Keating federal government; it introduced flexibility.
Talking about the five statutory entitlements for wages and conditions, basically awards were ripped apart to allow workers to bargain up from an ordinary hourly rate of pay, annual leave; personal or carer’s leave, compassionate leave and parental leave — being maternity, paternity, and adoption leave. Basically everything beyond that was up for negotiation; for a worker to resolve with their employer. I challenge someone who works for a multibillion dollar, multinational company to be able to sit down and bargain on all of their conditions from that point. It did not work; Australian families did not accept it and working people did not accept it, and ultimately it resulted in the Howard government being thrown out last year lock, stock and barrel.

With the removal of the no-disadvantage test there was every possibility that workers would have to bow to their employers’ demands. I saw that before coming to the Victorian Parliament. Basically, contracts were given to workers and there was no capacity for them to bargain at all. They were simply offered on a take-it-or-leave-it basis. I am not saying that every employer out there does that. There are plenty of good employers out there who do a terrific job in sitting down and collectively bargaining. But unfortunately, the system caters for the unscrupulous employers who choose the opportunity to take legislation like that introduced by the former Howard government and basically rip apart the conditions that have been hard fought for over 100 years in this country.

Clearly the legislation shifted the pendulum too far in favour of employers. As I said, good employers did not abuse the system; bad employers took the opportunity, and there are thousands of cases. There are thousands of cases where employees were hard done by. That is not all. The legislation also basically abolished unfair dismissal laws, or limited those to workplaces with more than 100 people. The whole foundation for doing that was that it would create jobs, lots of jobs. I would like to see where those jobs were created. Ultimately they will never be found.

The no-disadvantage test was also abolished by the Howard government on the basis that it offered a problem for employers in that it was too difficult for them to administer. That is just nonsense that was used to mask what was really intended by the introduction of WorkChoices. It is not often said, but the International Labour Organisation basically came through and ruled that WorkChoices contravened every one of the significant conventions that protect working people across this globe, and again, Howard just thumbed his nose at those as well, effectively ripping apart the conciliation and arbitration system which had existed in this country for more than a hundred years and which had served us very well — and didn’t members of the Australian working community come out in their droves?

Mr Clark interjected.

Mr Burgess interjected.

The ACTING SPEAKER (Ms Green) — Order! The member for Box Hill was heard in relative silence and he should give the member for Williamstown the same respect. The member for Hastings should also be quiet.

Mr Burgess interjected.

The ACTING SPEAKER (Ms Green) — Order! The member for Hastings has just made a reflection on the Chair. He should know better, and I ask him to withdraw it.

Mr Burgess — We have stood here today and listened to everybody doing this.

The ACTING SPEAKER (Ms Green) — Order! I have asked the member for Hastings to withdraw.

Mr Burgess — I withdraw.

The ACTING SPEAKER (Ms Green) — The member made a reflection on the Chair.

Mr Burgess — I withdraw it.

The ACTING SPEAKER (Ms Green) — Order! The member for Williamstown is pushing his luck.

Mr Burgess — I answered your question.

The ACTING SPEAKER (Ms Green) — Order! The member for Hastings! I will be asking the Speaker to come in here if the member does not behave himself.

Mr Burgess — I answered your question.

The ACTING SPEAKER (Ms Green) — Order! The member for Williamstown will be quiet. The member for Williamstown to resume.
Mr NOONAN — On 15 November 2005 approximately a quarter of a million workers in this state, organised by the Australian Council of Trade Unions (ACTU), marched in protest. I can proudly say I was one of them. I can tell generations of my family I was one of them.

Mr Kotsiras interjected.

Mr NOONAN — I tell you what — it was the start of the end for the Howard government, and I think the ACTU should be congratulated for the campaign it undertook to tear the Howard government down strip by strip and ultimately seat by seat.

Mr Kotsiras interjected.

The ACTING SPEAKER (Ms Green) — Order! The member for Bulleen is interjecting out of his place and knows better.

Mr NOONAN — In the aftermath of the election a range of now shadow ministers are talking about — —

Mr Walsh — On a point of order, Acting Speaker, this bill is a very narrow bill that deals with the Public Sector Employment (Award Entitlements) Act and the taking out of several clauses of that act. I would ask you to bring the member opposite back to speaking on the bill rather than on general issues of employment.

The ACTING SPEAKER (Ms Green) — Order! I listened to the contribution from the member for Box Hill, who was the lead speaker for the coalition, and he made a number of references beyond the frame of this bill. Subsequent speakers are able to respond to those references. I rule against the point of order.

Mr Burgess — On the point of order, Acting Speaker, — —

The ACTING SPEAKER (Ms Green) — Order! I have just ruled on the point or order.

Mr Kotsiras — On a further point of order, Acting Speaker, — —

The ACTING SPEAKER (Ms Green) — Order! I have ruled on the point of order.

Mr Burgess — Yesterday — —

The ACTING SPEAKER (Ms Green) — Order! The member for Hastings has not been called. If he would like to make any further point of order — —

Mr Burgess — On a further point of order, Acting Speaker, yesterday afternoon the Acting Speaker ruled in very similar circumstances where an argument had been put that was broader than that covered by a particular bill. The Acting Speaker then ruled that because the debate was then straying outside the bill, the member could narrow his remarks, and he did.

The ACTING SPEAKER (Ms Green) — Order! I do not find that the member has made a point of order. The member for Williamstown’s time has expired.

Mr WAKEling (Ferntree Gully) — There has been a deal of interest in this legislation, and it gives me great pleasure to rise to make a contribution to the debate on the Public Sector Employment (Award Entitlements) Amendment Bill 2008. The purpose of this bill is to repeal provisions of the Public Sector Employment (Award Entitlements) Act 2006 requiring Victorian public sector entities to comply with a fairness test for new workplace agreements.

The main provisions, which have been specified by the member for Box Hill and others before me, include the repealing of the requirement that a public sector employer must submit a proposed workplace agreement to the Victorian workplace rights advocate for a determination as to whether the agreement passes the fairness test before offering it to an employee or a union, and a prohibition on offering a proposed agreement that does not pass the test that is specified in clause 7 of the said act. In addition to that it prohibits a public sector employer from providing a condition of employment to an employee less favourable than the employee’s preserved entitlement under a relevant award, except where a binding workplace agreement passes federal Labor’s new no-disadvantage test, as specified in clause 6.

With respect to the operations of the workplace rights advocate, it has been an absolute sham. It received no endorsement and no support from Victorian industry; it received no support from the Victorian business sector. I can remember before I was elected to this house, as someone who was involved with a number of industries, seeing that there was great concern about the actual operation of the workplace rights advocate, and it was seen by many people out in the Victorian community as nothing more than a political stunt. What we have before us today is a clear demonstration that in fact the operation of the workplace rights advocate was nothing more than a political stunt.

The purpose of the original act regarding the public sector was to ensure that the operators in the public sector did not operate in an unscrupulous manner. The managers of the public sector were none other than those sitting opposite. The purpose of this legislation
was to do one of two things. It either said, ‘Do not trust us as a government because we cannot be trusted on industrial relations in the way in which we negotiate agreements with our own workforce’; or perhaps it said to the Victorian community in 2006, ‘We assume we are going to lose the next election, and we do not trust the incoming government’. Assuming my second proposition was not the case, I can only infer that those opposite took it upon themselves to say that they did not trust the Minister for Industrial Relations or his colleagues around the cabinet table when it came to negotiating the wages and conditions of employees of this state. From the point it was created it was an absolute sham and a crock.

There are a number of problems with the Workplace Rights Advocate Act. I remember attending a conference where a representative from that organisation was speaker. One of the major selling points and achievements of the advocate was the fact that the office of the advocate had advised the federal department of a number of organisations it would like to be investigated. Its greatest achievement was picking up a telephone and calling the federal department to investigate issues. Funnily enough, that was exactly the situation under WorkChoices where the federal government set up an industrial relations regime which apparently was going to be the death knell of Victorian workers. Victoria was the only state where unincorporated businesses fell under the control of the central regime. Why was that? That was because the previous state Liberal government referred its industrial relations powers to the federal government. What did this government do with regard to that? It supported and approved it, and it has done nothing in eight years to remove the referral.

If people working for unincorporated businesses in the state were going to be affected by the operation of the WorkChoices legislation, I would have expected that on day one the Minister for Industrial Relations would have stormed into this place and introduced legislation to remove the referral to put in place an industrial relations regime to protect those unincorporated businesses and employees of unincorporated businesses. But what did those opposite do on the issue? They sat there silent. They were all happy to sit there and complain about the system that operated federally, but in the area over which they had control — people who worked for unincorporated businesses — they did nothing. They sat on their hands and did nothing with regard to the operation of the federal system.

Much has been made of the level of industrial disputation in this state. I can recall an industrial dispute at my former place of employment. We faced a union which undertook the longest strike in its history, that being the Electrical Trades Union and the strike that occurred in 2003 when it tried to enforce a 36-hour week on my organisation. The member for Williamstown pointed out that negotiations took place between his former organisation and my former organisation. I am here to tell you that my organisation negotiated in good faith with a whole range of unions, but there were also unions which were not prepared to operate in good faith. I am sure that could be

What did it do in regard to those issues? What investigations were undertaken by the advocate in regards to those actions? Nothing has been done or said by those within the Office of the Workplace Rights Advocate to test the way in which those opposite have managed industrial relations with their own staff. It is an absolute sham, and the Victorian community sees it as such.

Now there is a situation where the government says it is time to repeal the bill. What has it actually achieved the whole time it has been in operation? This government should hang its head in shame over the way it operates industrial relations in this state. Those opposite decried the situation under WorkChoices under which the federal government set up an industrial relations regime which apparently was going to be the death knell of Victorian workers. Victoria was the only state where unincorporated businesses fell under the control of the central regime. Why was that? That was because the previous state Liberal government referred its industrial relations powers to the federal government. What did this government do with regard to that? It supported and approved it, and it has done nothing in eight years to remove the referral.

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acknowledged by those sitting opposite who worked in the union movement.

I am here to tell members that we negotiated in good faith under WorkChoices. One needs to recall that the whole issue of individual-based bargaining was not introduced by the federal Liberal Party; it was actually introduced by the former Keating government under the control of then minister, Laurie Brereton, when he introduced individual enterprise agreements under the 1994 reform act.

We have before us today a bill that is designed to remove an act from the statute book because it effectively has not provided any form of real protection for public sector employees. It was merely a political stunt aimed squarely at the federal government. I would have thought that this government had better things to worry about than putting in place legislation such as this. I can only hope that what we have before us is in fact the precursor to ensuring that the Office of the Workplace Rights Advocate, the operation of which every year wastes hundreds of thousands of dollars of taxpayers money, is finally removed.

Mr Lim (Clayton) — I rise to speak in support of the bill. This is one occasion when it is most satisfying to support a bill which removes protection for workers. This is for one very important reason — WorkChoices is dead.

The 1990s saw Jeff Kennett, and members now sitting opposite in opposition, strip Victorian workers, including our own public sector workers, of fair pay, just working conditions and job security. Members all remember the vicious attacks on Victorian workers and their families. We remember, as the previous speaker was talking about, shameful legislation such as the Employee Relations Act, the Public Sector Management Act and the Annual Leave Payments Act. Victorian public sector workers will never forget the disgraceful sacking of their fellow workers, the stripping of their working conditions and the axing of their leave loadings. By contrast, the policy of the Bracks and Brumby Labor governments has been to support a comprehensive safety net of award conditions for our employees and for agreement making with employees and their representatives.

No matter how red the Leader of the Opposition might portray himself on social issues, the tories opposite will never succeed in conning Victorian workers into believing a Liberal government would protect its workers’ pay, conditions and job security. The origin of the word ‘tory’ was that it was used to describe an Irish bandit, and that is an appropriate description: the Liberal Party stole Victorian workers’ pay and conditions. Of course, Jeff Kennett’s slash-and-burn approach was just a taste of what was to come. John Howard’s — —

Ms Asher — On a point of order, Acting Speaker, I am normally not moved to raise points of order, but I make the observation that the honourable member is completely reading his speech. He does not have copious notes.

Mr Merlino interjected.

Ms Asher — If he wants to be provocative, we will raise other issues. I ask that you direct the member not to read his speech.

The ACTING SPEAKER (Ms Green) — Order! Is the member for Clayton reading his speech or referring to notes?

Mr Lim — I think the Deputy Leader of the Opposition has made a very pertinent point. I am not a native English speaker. Therefore I make copious notes. I think it is very insulting that she has raised this point. I find it very discriminatory and racist and I ask her to apologise.

The ACTING SPEAKER (Ms Green) — Order! I accept the explanation of the member for Clayton that he is referring to notes. There is no point of order.

Ms Asher — On another point of order, Acting Speaker, the member for Clayton just described me as racist. I find that offensive and I request that you ask him to withdraw.

The ACTING SPEAKER (Ms Green) — Order! The Deputy Leader of the Opposition — —

Mr Lim — Acting Speaker, I did not call the Deputy Leader of the Opposition a racist. I said that the way she conducted herself was racist.

The ACTING SPEAKER (Ms Green) — Order! The Deputy Leader of the Opposition has taken offence and has asked for a withdrawal.

Mr Lim — Acting Speaker, I have been in this chamber long enough to be able to distinguish between calling somebody a racist and how the word ‘racist’ is used and is being bandied around in the chamber. This is an occasion when very clearly somebody has tried to exploit the situation. I do not accept that patronising and condescending attitude in the chamber.

The ACTING SPEAKER (Ms Green) — Order! The Deputy Leader of the Opposition has asked for a
withdrawal because she has taken offence at a remark. As she has taken offence, she has asked for a withdrawal.

**Mr LIM** — With due respect to your direction, Acting Speaker, I withdraw, but I still maintain the point that this was a very condescending and patronising attitude.

An honourable member interjected.

**The ACTING SPEAKER (Ms Green)** — Order! I do not need assistance from anyone else in the chamber in making my ruling. I am afraid I need to point out to the member for Clayton that the withdrawal needs to be unconditional.

**Mr LIM** — I do.

**The ACTING SPEAKER (Ms Green)** — Order! Thank you. The member for Clayton, to continue.

**Mr LIM** — However, the Victorian Labor government could not wait for the defeat of Howard and Costello. WorkChoices had removed the no-disadvantage test, which ensured that workplace agreements would not cause employees to be worse off when compared with those covered by the applicable award. As a socially just government committed to protecting Victorian workers and their families, we had to act.

**Mr Burgess** — On a point of order, Acting Speaker, I am not sure I understand the explanation for having — —

**The ACTING SPEAKER (Ms Green)** — Order! What is the member’s point of order?

**Mr Burgess** — The point of order is that the member is continuing to read and I do not understand the explanation for continuing to read.

**Ms Marshall** interjected.

**Mr Burgess** — Are you the Speaker, now?

**The SPEAKER** — Order! The member for Hastings, on a point of order.

**Mr Burgess** — The member is continuing to read. I am not sure I understood and I am not sure the house understood the previous explanation.

**The SPEAKER** — Order! I have been listening from my office. I believe that the member was quite clear in saying that he was referring to notes. If the member — —

**Mr Burgess** — No, he did not.

**The SPEAKER** — Order! That certainly my interpretation of what I heard in my office. I do not uphold the point of order taken by the member for Hastings and I call on the member for Clayton to continue his contribution.

**Mr LIM** — Thank you, Speaker. The reason the bill we are now debating removes the fairness test we had previously provided is that it has been rendered redundant by the new federal Workplace Relations Amendment (Transition to Forward with Fairness) Act 2008. The new federal act provides that an agreement cannot come into operation unless the Workplace Authority director deems it to pass the federal no-disadvantage test. Therefore it is now sensible, given the federal legislation, to repeal the Victorian provisions so that our public sector agencies and employees do not have to go through two similar fairness tests.

As I said at the outset, with the election of the Rudd Labor government and the death of WorkChoices, this is one protection it is satisfying to remove. Only state and federal Labor governments are truly committed to protecting working families. I commend the bill to the house.

**Mr THOMPSON** (Sandringham) — The bill before the house, the Public Sector Employment (Award Entitlements) Amendment Bill 2008, has a number of key purposes. They include the repeal of provisions of the Public Sector Employment (Award Entitlements) Act 2006 requiring public sector entities to comply with the fairness test for new workplace provisions. The main provisions of the bill include the repeal of the requirement that a public sector employer must submit a proposed workplace agreement to the Victorian workplace rights advocate for a determination as to whether the agreement passes the fairness test before offering it to an employee or union and, by clause 7, the prohibition on offering a proposed agreement that does not pass the test. It also prohibits, by clause 6, a public sector employer from providing to an employee a condition of employment less favourable than the employee’s preserved entitlement under a relevant award, except where a binding workplace agreement passes federal Labor’s new no-disadvantage test.

When I was first elected to this place in 1992 unemployment in Victoria was running at around or over 11 per cent. The impact of that high level of unemployment was palpable, street by street, suburb by suburb in Victoria. Children of migrants were forced to
return to their parents countries to find employment, parents who were in a small business were facing the obligation of paying exorbitant interest rates to keep their businesses afloat under the recession that we had to have, and there were major difficulties across Victoria.

During my time as a member of Parliament I have seen a range of industrial action taking place, including at Leigh Mardon, a major Victorian company, and at Hycraft Homfray, a carpet manufacturer that failed in the marketplace. My encouragement to workers and management alike has been to try to resolve issues in a constructively way so that the competitiveness of Victorian industry can be maintained and sustained. A number of years ago there was a plan by the Japanese food processor Saizeriya to set up its operations in Victoria. It was a five-stage modular process, and during the first stage of that process industrial action kicked in. There was not an effective outcome, and management was forced to consider whether it would transfer Victorian jobs overseas or interstate. It was an absolute disgrace that in one of the most important areas of Melbourne that required a strong employment base, jobs were being exported out of the state due to excessive regulation and industrial action.

At the time when this legislation had already been introduced in Victoria an issue arose regarding an employment agency in Frankston as to whether the terms and conditions of employment had been fairly applied to a range of contracts. A question as to whether the workplace rights advocate would be sent in to investigate was directed, as I recall, to the Attorney-General, and the champion of Victorian workers, the person who was responsible for introducing the legislation in this state, was nowhere to be found. It may be suggested, with respect, that a fair amount of politics has gone into this legislation when in the Victorian case the only way that the fairness test would be applied in this particular instance would be if Victorian Labor had otherwise tried to impose agreements that would not pass a fairness test. It is suggested that that would be an absurdity, taking into account Labor’s approach to matters of this nature.

In the present circumstance I would like to make the following points by way of summary. A worthwhile society needs to be underpinned by a prosperous economic base. We need an effective public sector that operates fairly and equitably and also a robust private sector that operates fairly and equitably. I have already given the example of a suggested breach of the fairness criteria by a Frankston employment business, where in that instance the Attorney-General of this state failed to act.

Ms MARSHALL (Forest Hill) — I am very pleased to rise and make a brief contribution in support of the Public Sector Employment (Award Entitlements) Amendment Bill. A bit of background to this bill is that it is being introduced in response to initiatives that the Rudd federal government has introduced as part of its new industrial relations agenda, which focuses on correcting the stress and insecurity felt by many working families as a result of WorkChoices putting at risk basic rights such as overtime, rest breaks, redundancy pay, shift allowances, penalty rates and public holidays, to name but a few. The Labor movement has always represented the basic values of prosperity, fairness and security for all — not some, not occasionally and not only when it suits but always, period.

The opposition supported WorkChoices, disregarding the fact that those draconian laws limited the extent to which state governments could protect their own constituents and even though WorkChoices diminished the award safety net and initially completely eliminated the no-disadvantage test that the Australian Industrial Relations Commission performed when certifying workplace agreements. This was a test to ensure that employees were not disadvantaged by an agreement compared with the relevant underlying award. Let me remind the house that following the last federal election we saw the astounding situation of the former federal Minister for Employment and Workplace Relations, Joe Hockey, trying to justify his behaviour and attempting to convince us all as a nation that members of the federal cabinet did not know that people could be made worse off. That is absolutely mind-blowing. The Liberal Party misjudged the intellectual capacity of the Australian public both prior to and post the election.

The new federal test fulfils the Brumby government’s policy objective contained in its workplace rights standard of a fair go for all Victorians, and collective and individual agreements must pass the new no-disadvantage test. Quite simply, employees cannot be disadvantaged compared with the Australian fair pay and conditions standard and the relevant award. There is no need for public sector employers to submit their agreements to a state fairness test, because they will now be tested against a comprehensive federal test. Essentially the bill repeals the provisions of the act that deal with the fairness test, and it also repeals some redundant and spent provisions. The legislation will cover public sector employers and employees, who in Victoria number over 254 000 public servants. We now have a government in Canberra that since being elected has worked cooperatively with state governments in every aspect. I commend the bill to the house.
Mr WALSH (Swan Hill) — I rise to make a contribution in the debate on the Public Sector Employment (Award Entitlements) Amendment Bill. This piece of legislation repeals the provision in the Public Sector Employment (Award Entitlements) Act relating to the Victorian public sector fairness test for workplace agreements. I was not going to make a contribution on this bill, but I feel compelled to stand and stick up for employers in this state. There has been very wide-ranging debate on this very narrow piece of legislation —

Mr Merlino — On both sides.

Mr WALSH — On both sides, but particularly from the government benches we have heard continual slagging off at employers, and I want to put on the record that it is employers in this state who create jobs. It is not governments and it is not government policy that create jobs; it is people who risk their capital, who put their money and their futures on the line to create businesses that employ people. I want to make sure it is on the public record that this side of the house supports employers in creating jobs. We hear a lot of rhetoric about jobs being created and how this state’s economy is growing, but it is private individuals in business who are growing the state; it is not the government. The government is not very good at running businesses.

I had an interesting conversation recently with Arthur Shoppee, who runs Luv-a-Duck in Nhill and employs something like 200 people. He was quite irate about the fact that everyone talks about jobs but no-one talks about employers, who are the people who create jobs, so I would like to put his thoughts into Hansard as well. Governments can create the economic environment for people to create jobs, but they cannot create the jobs. We have heard a lot of people from the other side who, quite rightly, have worked for unions in their previous careers. I commend them for that, because there is a place for unions to make sure that people are not exploited. No-one in this place supports the exploitation of anyone, whether it be employers or employees, but we need some balance in this debate.

At various times some union leaders and organisations in this state have made sure that a lot of jobs were lost. Going right back to my start in the food industry, Tom Ryan, who was the leader of the Food Preservers Union, made sure that a lot of food-processing businesses in the state were closed and moved offshore, because his union was so inflexible and recalcitrant in fighting for its members’ rights that the employers decided it was a lot easier to shut up shop and move offshore. From memory the Cain government introduced legislation in this place to make sure that Norm Gallagher and the Builders Labourers Federation were brought under control in Victoria. A lot of people talk about the export of livestock for slaughter in overseas countries. One of the reasons the livestock export industry got going was that Wally Curran of the meatworkers union made it so unattractive for meat processors to function in this state that those jobs were exported offshore as well.

Probably the classic case involved the Maritime Union of Australia. We saw the campaign in the mid-90s, which created a lot of debate — and the program that was on television about 12 months ago. The farmers, food producers and exporters of this state were being put at a significant disadvantage due to the inefficiency of the ports because of union domination and the fact that workers would not change by introducing new technology and moving forward by putting efficiencies in place at the port, which is what the producers of the products that were being exported from that port did.

I can remember going to Port Botany before the Maritime Union of Australia dispute. New technology had been brought in there and workers had been made redundant. But the union would not accept those redundancies, so there was someone to drive the bus bringing workers back for morning smoko, someone to open the door because a job had to be found for them, and someone to sweep the bus out during morning smoko. All those jobs were built into and paid for as a cost on the very efficient food producers in this nation.

I would like to remind those members on the other side of the house that in their contributions to this debate they have been continually slagging off at employers in this state. It is employers who create the wealth that we enjoy. We have heard a lot from the government about how the budget has grown over time. It has grown because people have been employed and economic activity has been created in this state. I feel compelled to put on record that employers are not the horrible people that those on the other side of the house would have us believe. They are actually people who drive economic activity and who do their best for the people who work for them. They do not want to be continually slagged off at by the union representatives on the other side of the house who are now members of Parliament.

Mr SCOTT (Preston) — It gives me pleasure to rise to speak on the Public Sector Employment (Award Entitlements) Amendment Bill. Unlike the member for Swan Hill I will not be slagging off about other members’ contributions to the debate, because I think it is an important and interesting debate. It highlights a series of intellectual divides in this house. It is often said that there are no divisions between the parties, but I
think that is completely false. There are some fundamental divides, and debates about industrial relations and consumer affairs often bring up similar divides. These are instructive debates. This has been a broad-ranging debate. We should have broad-ranging debates on these issues because they highlight the divisions in this place which lead to the differences in our politics. While, as I said, some would say that there are minimal divisions, I invite those people to listen to these debates, particularly debates on consumer affairs matters.

I take issue with one thing the member for Swan Hill said. In his contribution he highlighted the role of employers in wealth creation, but an integral part of wealth creation is the role of employees. Businesses cannot make money without the people who work for them, so both parties play an important role.

I would also like to touch on the contribution made by the member for Box Hill, who was decrying the people who were supporting this bill as not supporting flexibility. But there is nothing in this bill which removes flexibility. The sort of flexibility that people on the Labor side of politics do not support is the flexibility that makes people worse off. I have to say that I enjoyed the member for Box Hill’s Gilbert and Sullivan references, but sadly I feel that the member for Box Hill has a 19th-century view of industrial relations at times. However, I enjoy his cultural references; I think they provide an interesting context.

Mr Clark interjected.

Mr SCOTT — I think the People’s Flag may be 19th-century as well, or early 20th century.

This is an important debate which again highlights what is at the heart of what has been wrong with conservative politics in recent years. Those on the opposition benches, and sadly the members of the former federal government, have not realised that within Australian society there is a fundamental agreement. Often it is unstated, but there is an agreement that those who do a decent day’s work deserve a decent day’s remuneration for their contribution to the society. What happened with WorkChoices — the bill that was introduced in 2006 and which the Public Sector Employment (Award Entitlements) Act was responding to — was that it fundamentally violated that often unspoken agreement. That has been acknowledged by federal conservative politicians, but sadly I think that acknowledgement has not reached the Victorian Parliament.

It is an important realisation that those in politics who violate those fundamental underpinnings of our society do so at their own peril. I understand that the member for Forest Hill highlighted what former federal minister Mr Hockey said about this issue, when he outlined that people in the cabinet did not know that people could be worse off. Obviously they were not paying attention to debates in this house — not that I would expect that they would spend their nights reading Hansard from the Victorian Parliament.

Ms Asher — Joe Hockey was reading Victorian Hansard.

Mr SCOTT — I have delusions of grandeur for all of us in this place, but I doubt that federal MPs spend their nights reading our Hansard — unless of course they have trouble sleeping!

I return to the bill at hand. The provisions of the act which are being repealed are no longer necessary, because the new federal government has introduced the Workplace Relations Amendment (Transition to Forward with Fairness) Act 2008, which removes the necessity for the fairness test that is being repealed by this bill. Again, I would urge members who have spoken against this bill and who are opposing it to reconsider their position in future, because they violate the fundamental premise that people deserve a decent day’s pay for a decent day’s work, and that flexibility does not mean flexibility to reduce entitlements and to reduce the working pay and conditions of workers in this state. I urge members to consider that.

I also urge them to consider how we relate to each other as a society. As I said, of course employers help create wealth and play a vital role, but so do the workers who work for them. It is not a simple binary piece of analysis. There needs to be balance, and flexibility is not flexibility to drive down people’s entitlements in a way that is considered unfair within our society. As I said, and as the member for Forest Hill mentioned during her contribution, people like Joe Hockey have acknowledged that WorkChoices was a mistake. I urge opposition members to reconsider this bill because, frankly, they are well behind where their federal counterparts are in this sort of debate. Victorian opposition members do not understand the consequences that their federal colleagues have had to suffer for the position they staked out. In most instances commentary on the last federal election highlights WorkChoices and the violation of that fundamental trust that exists within Australian society as the main reason why the federal Liberals and Nationals lost office. I commend the bill to the house.
Mr STENSHOLT (Burwood) — I am happy to join other speakers in support of the Public Sector Employment (Award Entitlements) Amendment Bill. I am not surprised at all that the Liberal Party is opposing it. I am not sure what the view of The Nationals is on this matter.

Honourable members interjecting.

Mr STENSHOLT — I was listening to the last speaker, and I heard that The Nationals are opposing it. I heard only part of the debate, but some speakers have used the debate as a marvellous opportunity to say terrible things about the unions. One speaker — I think it was the first speaker, the member for Box Hill — started reading out a hit list of who had been a member of what union and what work they had done. Frankly, it is a legitimate occupation to stand up for ordinary working Victorians.

Honourable members interjecting.

Mr STENSHOLT — If you do not stand up for ordinary working Victorians, then you have a problem. I am very happy to stand side by side with people who stand up for working Victorian families and ordinary Victorians and who are not out there trying to rob people blind. That is exactly what the Liberal Party does. I understand that when the original test legislation went through this place The Nationals did not oppose it, and I appreciated that — that showed a bit of common sense from our rural socialists. But the Liberal Party did oppose it. Of course members of the Liberal Party just did not listen to what was going on in working Victoria in terms of working families, and they did not stand up for them. In fact members of the Liberal Party stand for nothing, and they prove it again and again.

Government members believe in the right to a fair day’s pay for a fair day’s work, rather than trying to do people in all the time. It is fascinating that the Liberal Party wants to take away people’s rights and working conditions. Liberal Party members stand up all the time — every time a bill comes to this Parliament — and want to take things away from ordinary working Victorians. Because the federal government has introduced a new test, we do not need these provisions any more. I am very pleased that we have a federal government that stands up for decency and up for the security of workers and for working families here in Victoria and Australia.

The Liberal Party tried to change the name, fascinatingly enough, because it was so ashamed of it. Joe Hockey ran away from the name — ‘What would we want with a different name?’ — but it was there. What was it doing? It was taking away rights of overtime in terms of rest breaks, redundancy pay and so on. Its terrific work on redundancy pay was, ‘Let’s sack the workers; let’s change the name of the company’, and of course the people lose out in terms of redundancy pay and whatever savings may have been there. The company shifts and disappears into the night and the workers are left with nothing. We know that from the experience of the previous Prime Minister’s brother. Shift allowances were lost, penalty rates and public holiday pay were all up for grabs. That is what WorkChoices was all about — unfairness and disadvantage.

We had to put in legislation to ensure that there was a test which could be looked at. It was in the public sector where people could have some protection. Now the Rudd government’s new transitional legislation reintroduces the no-disadvantage test for workplace agreements. We know what happened under the old system and how that authority was so far behind in checking on agreements that came before it. We know how many of them failed to comply. I remember that hardly any of them complied in terms of providing the same conditions. Virtually all of them provided lesser basic conditions.

This government is very pleased that the Rudd government has moved quickly to right the past wrongs. It has moved quickly to stand up and be supportive of working families here in Victoria. This legislation is a joy to support in this house because we no longer need it to protect working Victorian families. From that point of view, I am happy from this side of the house to support this bill. I am very disappointed that the opposition has used this debate as an opportunity to go over its old sores and show that it continues to stand for nothing. It does not stand up for working Victorian families and to stand up for Victorians, whether they be in Melbourne or in rural and regional areas.

Mr LANGDON (Ivanhoe) — It is a great pleasure to join the debate on the Public Sector Employment (Award Entitlements) Amendment Bill 2008. The labour movement has always stood for best values of prosperity, fairness and security for all. This bill is one part of that.

An honourable member — That is the best speech you have made all week!

Mr LANGDON — It is. I am making a brilliant contribution to this debate and everyone is listening to it, which is even more enjoyable.
The Victorian government, as I said, has always stood up for Victorian working families, unlike the opposition in the past and the former federal government with its WorkChoices legislation. The Public Sector Employment (Award Entitlements) Amendment Bill is all about fixing up those errors and making sure that Victorian workers receive the entitlements provided in the bill.

WorkChoices attempted to limit the extent to which state governments could protect their own constituents, despite the mean-spiritedness of the Howard government and its fellow travellers. The Victorian government did everything it could to defend the living standards of Victorian working families.

My electorate of Ivanhoe has within it a large variety of people, from East Ivanhoe and Eaglemont, which is deemed to be very much an area of working families, to the very much working-class area of Olympic Village, West Heidelberg. Those areas are often more affected — —

An honourable member interjected.

Mr LANGDON — Indeed. There are some very good families there and some very good sons and daughters who have joined many political parties across the spectrum. This Parliament has often had representatives from West Heidelberg. I know there was a member of the National Party who was born in West Heidelberg. There is currently a member of the Liberal Party who was born in West Heidelberg. It has a rich history of political involvement. Its rich history often comes from the working-class values of the area, which this bill is there to protect as well. I am more than pleased to support this bill and add my brief contribution. I will allow other speakers to speak on the bill. I commend the bill to the house.

Ms GREEN (Yan Yean) — It is with great pleasure that I rise to speak in support of the Public Sector Employment (Award Entitlements) Amendment Bill 2008. I think this is a fantastic day for Victorian workers. I could not be more pleased that there is a need for the repeal provisions in this bill due to the actions of the very progressive Rudd Labor government that was elected in support of ending the dreadful WorkChoices regime that the previous Howard government imposed on working families in this country. I am pleased that the Rudd government has worked swiftly to end this sorry chapter in Australia’s working history.

For some reason the opposition is saying it supports this bill today, but most of the comments its members have made have not indicated that support. The comments that have been made by opposition speakers in this debate have shown that, like the Howard government, they have not learnt the lessons of the federal election last year in that Australian working people and Victorian working people want a fair system of industrial relations. They do not subscribe to the tribal war that the coalition would have us believe is the condition that industrial relations exists in.

The member for Box Hill in his contribution decided to go through the list of members on this side of the house who were proud members of trade unions as if it were some sort of crime. I did not hear all of the member’s contribution because I was in the lift on the way down to the chamber, and I did not hear him mention my name on that list. Let me put it on the record that I am an absolutely very proud former trade union official. I was very proud to be the vice-president of the Community and Public Sector Union, State Public Services Federation branch between 1993 and 1996. I was also proud to have worked for the Victorian Trades Hall Council in 1995 and 1996. During that period I knew very well what happened to Victorian workers under the Kennett government. Their rights to a fair hearing and to a decent system of employee relations were stripped away. The independent umpire was necked. There was no ability for disputes to be arbitrated. It was the law of the jungle.

I say to members on the other side of this chamber who made mealy-mouthed statements today weeping crocodile tears in support of public sector workers that we know what they did in the 1990s. Anyone who was a public sector employee in the 1990s, when the previous Premier Jeff Kennett said that he was able to run the public sector with two Weimaraner dogs — —

Mrs Fyffe — On a point of order, Acting Speaker, I am trying to find in the bill which section the member is referring to. I ask you to bring her back to the bill, if you cannot find the section.

The ACTING SPEAKER (Ms Munt) — Order! I do not find a point of order.

Ms GREEN — When pieces of legislation that refer to employment law, like the Public Sector Employment (Award Entitlements) Amendment Bill that is before the house today, are debated in this chamber, we see the significant difference — the chasm — that exists between the Labor Party and the conservative parties. The member for Swan Hill put words into the mouths of other speakers, saying that Labor members and trade unions are opposed to employers. I did not hear any speaker on this side of the house have a go at
employers, as the member for Swan Hill said they did. The existence of an independent and free trade union movement is what marks a country as a democracy. It is a measure of a country’s freedom if it has an independent and free trade union movement. The labour movement in this country is about supporting working people, and it is about jobs. It is not about opposing employers. Trade union leaders work well with employers, because they want their members to be in jobs. I completely disagree with the remarks made earlier by the member for Swan Hill that Labor members and trade union officials are against employers. We work with them as partners.

I am very proud, again, to speak in support of legislation like the bill that is before the house. Public sector employees see clearly through the statements of those on the other side, because it is always a case of, ‘Do as I say, not as I do’, but you are judged on how you conduct yourself when you have the keys to office. We know how many public sector jobs, how many teachers, how many nurses and how many police were not in work in the 1990s because the previous Premier and the Liberals and Nationals had no regard for the work of public sector employees. We on this side do. That is why we have more teachers, more nurses and more police on the beat — and it is why we have a fair system of industrial relations. The federal Rudd government should be commended for bringing fairness back into this system. I support the bill before the house.

Ms BEATTIE (Yuroke) — I am pleased to rise on the Public Sector Employment (Award Entitlements) Amendment Bill. The member for Yan Yean talked about her days at Trades Hall, and she will well remember that I worked with her there. One of the great things there was that you knew you were working in a workplace that stood for the basic values of prosperity, fairness and job security for all. However, the heart was ripped out of that fairness by the Howard government’s mad mantra of WorkChoices. Although it had that mad march towards WorkChoices, when even the former federal minister, Joe Hockey, said that that government did not realise the full extent of the hurt WorkChoices would inflict on people, the Howard government still went ahead and did it. As Joe Hockey said, the federal government did not even know people could be made worse off under that legislation. We always knew that on this side of the house, and that is why the Minister for Industrial Relations introduced bill after bill in this house. Each one was opposed by the opposition and The Nationals — now a coalition — to their detriment.

Then we had the election of 24 November 2007, when the people spoke about WorkChoices. The people of Australia clearly said, ‘John Howard and your team, you are going out! The main issue we are throwing you out on is WorkChoices’. Poll after poll and survey after survey talked about that. It was WorkChoices that people hated. What did we see after 24 November 2007? We should have seen an apology to Australians, but we saw the spectacle of the new federal Liberal leader, Brendan Nelson, struggling to try to find a policy. He said the Liberals were dumping WorkChoices, but the mad monk came out and said, ‘No we are not. We are going to stick with WorkChoices’.

The ACTING SPEAKER (Ms Munt) — Order! Mad Munt?

Ms BEATTIE — The mad monk, which is the name Tony Abbott is known by, said, ‘We are sticking with WorkChoices. We love it’.

Tonight the state opposition had the chance to say to people, ‘We were wrong. We are sorry, people. We know you did not like WorkChoices; we knew you hated it. We knew you would be worse off. We knew we could take away penalty rates, public holidays, sick leave, shift allowances and redundancy pay, and we are sorry that we stuck with WorkChoices’. Instead, we have seen the spectacle of the opposition saying, ‘We were not wrong; we were right’. This tells us that given half a chance, if the opposition were elected in 2010, all this draconian legislation would be back in Victoria. Then it would work to spread its evil tentacles right over Australia — to introduce it throughout Australia. The people of Victoria and Australia should be warned that this is just a masquerade. The opposition has not thrown WorkChoices out the window; it has put it in its back pocket, and it is ready to bring it out the next time around. The people of Victoria and Australia will not be fooled.

Many other speakers on this side want to get up and put various points forward, so I will conclude my contribution, but with a warning: WorkChoices is not off the agenda for the Liberal Party, it is just sitting there, tucked in the party’s back pocket, ready to be whipped out and forced on the people of Victoria and Australia again — beware!

Mr SEITZ (Keilor) — I support the Public Sector Employment (Award Entitlements) Bill 2008. As the previous speaker said, the principal legislation was brought in by the government because it felt it was necessary to protect its state employees where it had jurisdiction against the WorkChoices legislation of the previous federal government. That is important to take into consideration. Although we have had a change of
government and a change of viewpoint in Canberra, this legislation should be passed because of future changes that might take place regarding politics and the voting patterns of the people.

I refer to the stories we have heard about WorkChoices, the exploitation of the community, the uncertainty people had in their jobs and the award rights and entitlements that disappeared under that legislation. There are still people whose contracts have not yet expired; they are still working under that system. That system is not conducive to the work of public servants, in particular. Public servants work to serve the community; they should not have to worry about whether they will have a job the next day or next week, have their privileges taken away for various reasons or have their contact with their union — so that it can negotiate on their behalf — prohibited. All these issues are very important to public service workers in particular. I always say that it is our public servants who keep services running. Just imagine nurses in a hospital worrying more about whether they will have a job the next day — whether they will lose their annual leave entitlement or holiday pay; whether they will only be required if there are a certain number of patients at the hospital; whether they will be sent home at a moment’s notice and called in when extra staff are needed — than about their patients.

The former federal government’s WorkChoices legislation was draconian. I hope the new federal government will expeditiously change all that legislation to remove any remnant of the WorkChoices legislation that was introduced by the former federal government. I hope this legislation has a speedy passage and will continue to be respected and upheld by future state and federal governments.

Ms DUNCAN (Macedon) — I am pleased to speak in support of the bill. I can hear the silence from the other side of the house. I am very pleased that we have had to introduce this bill. It is not that often that you introduce such a bill so soon after you have introduced the original bill that it repeals. I am very pleased that we are able to repeal this bill. The only reason we are able to do so is the election of the Rudd Labor government, which makes the principal act basically redundant. I am very pleased that we are in this position.

It interesting to hear the silence from the other side of the house. I agree with the member for Yuroke, who pointed out very clearly what WorkChoices sought to do. I do not think anyone on this side of the house is under any illusions about that. After the federal election the previous federal Minister for Employment and Workplace Relations, Joe Hockey, was apparently completely stunned at the prospect — at the mere thought, at the suggestion — that WorkChoices might have left some workers disadvantaged. He said it was not his intention. He was stunned and amazed, despite millions of people — and I mean millions of people — telling him that that was what would occur. That is why I sit on this side of politics: because I understand. I think there are many differences between the Labor Party and the Liberal Party across Australia, but none better illustrates that difference than our attitude to the workplace.

I remember the days of Mr Kennett, the former Premier, when I was an executive officer for the Victorian Independent Education Union. I came to understand quite well that Liberal Party governments — and the Howard government is of this ilk — actually like workers to feel vulnerable and insecure. I think it was Jeff Kennett who said that a little bit of insecurity in the workplace is a good thing — that it is like an invisible whip, keeping everybody in line by keeping them feeling vulnerable — as it will somehow be good for productivity. We on this side of the house support the notion of working cooperatively in a workplace and believe that the carrot is much better than the stick. The intention behind WorkChoices was that it would act as that workplace stick.

I must say I was quite amused in May 2007, I think it was, when the former federal Howard government very belatedly introduced a so-called no-disadvantage test, because it finally dawned on the Prime Minister and the then federal Minister for Employment and Workplace Relations, Joe Hockey, that the system was going to be a bit of a problem for workers and particularly for vulnerable workers. We know loads of people in the workplace who do not really have a problem negotiating their own pay and conditions. They are articulate, they are sought after, they are skilled and they are in a reasonable bargaining position. But the vast majority of others who are not particularly skilled and who may not be articulate when standing against a company have absolutely no hope at all of negotiating anything that is fair and reasonable — and the only thing they ever had in their favour was the no-disadvantage test. For that to have been removed, as was proposed under WorkChoices, would have been absolutely devastating.

It was with some amusement that I noted this finally dawned on the former Prime Minister in May 2007, when he introduced his so-called no-disadvantage test. We know it was a very limited test; it related to only a minimum number of matters. Fortunately the federal Rudd Labor government has reintroduced a genuine
Ms RICHARDSON (Northcote) — In the very short time available to me I am very pleased to speak on the Public Sector Employment (Award Entitlements) Amendment Bill 2008. The bill covers public sector employees and employers, and in fact it was those very people whose rights we sought to protect in the face of what was a very cruel industrial relations system introduced by the former Howard federal government. These specific protections are no longer required due to the federal election win by the Rudd Labor government and its introduction of new industrial relations legislation. I take this opportunity to congratulate the new Minister for Employment and Workplace Relations and Deputy Prime Minister, Julia Gillard, for introducing these important reforms for the benefit of all working families in Australia.

But clearly what are not redundant are the views of the members of the Liberal Party and The Nationals, both here in the state of Victoria and also in the national Parliament, who pay so little heed to the needs of working families. As the member for Tarneit said earlier, there has been absolutely no apology from them; in fact no recognition from former federal ministers like Joe Hockey, who appeared shocked and stunned that the Australian people quite emphatically and quite clearly said, ‘No’ to the industrial relations changes that were introduced by former Prime Minister John Howard.

I imagine John Howard is kicking himself these days, because when he won the Senate and looked across both houses he must have thought to himself, ‘Here is an opportunity for me to pursue my ideological agenda, and in a sense my ideological vendetta against working families’. He must have thought to himself, ‘Here is a great chance to introduce what I believe to be the dream of all conservatives across the country’, and that is precisely what he did. He introduced industrial relations legislation changes which directly hurt working families across Australia, and at the last federal election Australians emphatically said no to these changes, rejected John Howard, rejected the agenda of the Liberals and The Nationals, and instead elected a fair government. They elected a government that was respectful of the needs of working families — and what a sensible series of reforms it has introduced. It demonstrates that John Howard was not out of touch; he just never got it. He never got the needs of working families. He never understood what their concerns and priorities were. In conclusion, I hope this bill has a speedy passage through the house.

Ms PIKE (Minister for Education) — It gives me great pleasure to sum up the debate on the Public Sector (Award Entitlements) Amendment Bill. I want to thank everyone in the house for their contributions to the debate on this very important piece of legislation, which we are dealing with here in the house because the Rudd government has removed the odium of WorkChoices from the landscape of our country. Therefore we do not need this legislation in Victoria. Once again, I thank all members for their contributions, and I commend the bill to the house.

Motion agreed to.
Read second time.

Third reading
Motion agreed to.
Read third time.

ENERGY AND RESOURCES LEGISLATION AMENDMENT BILL

Second reading

Debate resumed from 6 May; motion of Mr BATCHELOR (Minister for Energy and Resources).

Mr BATCHELOR (Minister for Energy and Resources) — I wish to conclude this debate by thanking all of those who have contributed to it. It is a debate that deals with a number of very specific issues. I noticed that some members lost their way around the countryside in making their contributions, but that is not unusual, because not only do they not know what they stand for but they do not know where they are going. However, be that as it may, if you strip away their wayward comments, it was a constructive debate.

This bill will ensure that Victorians continue to benefit from best practice regulation by improving the energy and earth resources legislation framework. It supports the Brumby government’s commitment to ensuring a secure, reliable, affordable and safe energy industry that operates in a sustainable way, and that is most important. It will standardise penalties, it will reduce the regulatory burden in the energy portfolio and it will increase regulatory certainty, which are all important aspects and attributes of the direction of this
government. The bill will also deliver greater certainty and administrative efficiencies in earth resources regulation for the benefit of the government as well as for the benefit of the industry and community stakeholders.

During the debate there was much concentration on the misguided notion that this bill applies to certain projects, in particular the north–south project. Let me make it plain for the first time that that is not the case. With or without the amendments it is not the case. We need to make that abundantly clear and reject the misadventure that was entered into in the debate by both coalition parties. They were united in this misadventure that was before the house. It is a bit of a pity that this sort of misadventure, if I can call it that, of misleading the Parliament by the coalition parties is an attempt to hoodwink people in country Victoria. But people in country Victoria will see through it. They will get sick and tired of being pawns in a political game. Coalition members used their contributions to the debate on the bill as an opportunity to play politics in the house over a bill they essentially support.

It is disappointing that they did that — disappointing to me as the minister, and I would expect, knowing how earnest and hardworking country people are, that it would be disappointing to those people in the country who want to have an energy and earth resources system operating here in Victoria that looks after the interests of the community, looks after the interests of the stakeholders, looks after the interests of industry, and looks after the interests of individual land-holders and generally looks after the economy of regional Victoria in the way that this bill does.

I thank those people who have essentially supported the bill. There were amendments moved by the member for Box Hill. I indicated to him privately before coming into the chamber that the government is prepared to accept those, and we will discuss them in more detail when the bill goes into the consideration-in-detail stage. I thank everyone for contributing to the debate, and we wish the bill, when it finally passes all stages in the house, a speedy acceptance in the upper house.

Motion agreed to.

Read second time.

Consideration in detail

Clauses 1 to 17 agreed to.

Clause 18

Mr CLARK (Box Hill) — I move:

Clause 18, line 22, omit “may” and insert “must”.

In doing so I welcome the indication from the minister that the government will accept this amendment. In view of the sudden eruption of bipartisan goodwill that has occurred I will be both succinct and restrained in what I say in response to the minister’s comments. There was a degree of crocodile tears being shed on the minister’s part and I think a strained artificial misinterpretation of the case that the opposition was putting in favour of the amendments. The case that we were putting, and continue to put, and that we are pleased that the minister has accepted, is that it would be possible for the government to gazette the north–south pipeline, or indeed any other water pipeline, and therefore bring it under the purview of the Pipelines Act.

Furthermore the north–south pipeline is an example of the controversy and concerns that can arise with pipeline construction, which could equally extend in potential future instances to energy and other pipelines as well as to water pipelines, and the sorts of protections that the experience with the north–south pipeline has demonstrated may be needed can apply equally to other forms of pipeline in future. That is the reason we have moved the amendment that would replace the current drafting — that the minister may consider whether a proponent or licensee has satisfied the requirements set out in an approved consultation plan — with the requirement that the minister must consider that factor when considering whether a proponent or licensee has taken all reasonable steps, in the context of deciding whether to authorise a compulsory acquisition.

We believe that this amendment makes a significant contribution to reinforcing the importance of considering the position of landowners, and beyond the terms of the amendment itself, it sends the broader signal to government in its policy deliberations and in the decisions that the minister may make on any particular pipeline in future that the interests of landowners are to be taken seriously, and that is an important policy position to establish on the public record.

Dr SYKES (Benalla) — I will speak briefly in support of the amendment proposed by the member for Box Hill to clause 18, highlighting firstly, as the member for Box Hill has done, that the legislation can be applied to pipelines that convey water, as indicated under section 11 of the Pipeline Act 2005, where it says the minister may, by order published in the Government Gazette, declare any pipeline or proposed pipeline to be a pipeline to which this act applies. It is quite clear that
we can legitimately talk about the application of this legislation to a pipeline that conveys water.

Secondly, the point I would like to make is that in terms of the requirement of the minister, section 95 of the existing act indicates that before making a decision on an application under section 90 the minister must be satisfied, and so forth. In this amending legislation, as proposed by the government, that requirement of ‘must’ is reduced to being ‘may’, and that weakens the legislative control and responsibility of the minister on this very important issue. Just to reaffirm the importance of, particularly, the north–south pipeline — the issue that has been much debated over the last 24 hours — I refer to the presentations last night by the member for Box Hill, the member for Rodney, the member for Brighton and the member for Swan Hill, who all pointed out the issues, how important it is to the community out there from an environmental perspective, a social impact perspective and a water security perspective.

Then there was the feeble defence of the government position by the member for Seymour. Part of his feeble defence was to say that he met regularly with the alliance that is responsible for this pipeline project to ensure that it is taking into consideration land-holders’ concerns and conducting the operation according to law. I have news for the member for Seymour, and that is that today his alliance highlighted another example of devious and deceitful conduct. Today there was apparently illegal blasting going on in the Toolangi State Forest. It was under the guise of roadworks, according to the signage on the main road, but a local went in to investigate the situation and found that it was a contractor engaged by Melbourne Water blasting in the area. It was his view, it was a concern of that local, that this may have been outside what has been approved as a controlled action, allowable under the commonwealth Environment Protection and Biodiversity Conservation Act, and interestingly as soon as he raised that concern the contractor ceased working. So the contractor obviously did not feel he was on very firm ground — probably because he had just blasted it!

In addition, the approved controlled actions are for exploratory drilling near the Goulburn River. This action is in the Toolangi State Forest, many kilometres away from the approved area. Further, blasting was approved for exploratory activity, whereas the contractor confirmed that where he was proposing to blast today was on the confirmed pipeline course. What we have is a current example of a continuation of deceitful conduct, and I will just briefly refresh the minds of the members here. Most recently we had the $5 million inducement to local people — —

The DEPUTY SPEAKER — Order! I have allowed a little bit of leeway for the member for Benalla, but I remind him to confine his remarks to the bill.

Dr SYKES — Then we have the Auditor-General’s very damning assessment of the conduct of the government and its agencies in relation to the carrying out of due process, in particular in relation to the food bowl project. I can assure the house that the Auditor-General has further works under way, and the sorts of example we have seen today will be put before him.

It is clearly necessary to have toughened legislation and compliance with that by the government of the day. This amendment ensures that we have a ‘must’ compliance rather than a ‘may’ compliance, and for that reason I support the amendment.

Mr CRISP (Mildura) — I did not speak on the bill but I want to support the amendment moved by the member for Box Hill. The amendment makes it mandatory rather than optional for a minister to consider the proponent’s compliance with an approved consultation plan before deciding whether to authorise compulsory acquisition. I know that substituting the word ‘must’ for ‘may’ in clause 18 of the bill might seem like a minor amendment, but it is an important one for country people. It will ensure that there is fairness for all in this legislation. I am pleased to support the member for Box Hill’s amendment.

Mr BATCHELOR (Minister for Energy and Resources) — The member for Mildura has just summed up the government’s attitude, which is to try to make sure that legislation we pass here looks after the interests of country people. That is what we are doing with this bill in its initial form and why we are prepared to accept the amendment put forward by the member for Box Hill.

This is a government for country Victoria, and we are prepared to take on board suggestions that help, that are transparent and constructive in the making of a better piece of legislation, and suggestions that are put forward in good faith. That is what the member for Box Hill has done. It is a pity that the supporting arguments put forward by his team have let down that excellent approach.

The proposed amendment deals with clause 18. It is a very simple amendment which asks that in line 22 of clause 18 the word ‘may’ be omitted and the word
It is considered that currently the minister, as part of the decision-making process, would consider compliance with the consultation plan. As a result new section 95(1A) of the Pipelines Act, which is introduced by the bill, clarifies that the minister can consider compliance with the consultation plan. We think that if there is a consultation plan, it ought to be looked at to see whether it has been complied with, and that ought to be taken into consideration by the minister.

The coalition’s proposed amendment put forward by the member for Box Hill to change the word ‘may’ to ‘must’ in new section 95(1A) does not change the policy, nor does it change the administrative processes carried out in respect of the purchase or acquisition of easements. That is why we accept the proposal put forward by the member for Box Hill. The amendment, in effect, will confirm current practice in the legislation. We are doing that; we like to do it. The request to put it into the legislation has been made and that is essentially what this amendment seeks to do. There is no need to just reject amendments for the sake of it; we do not do that. We are prepared to accept the amendment that has come forward because it is a sensible one.

In conclusion, I stress that this legislation deals with petroleum and gas pipelines, not water pipelines, as suggested by the opposition during the debate.

Amendment agreed to; amended clause agreed to.

Clauses 19 to 22 agreed to.

Bill agreed to with amendment.

Third reading

Motion agreed to.

Read third time.

Sitting suspended 6.22 p.m. until 8.02 p.m.
documents, however, were strangely silent due to the non-performance over so many years.

This incredible procrastination puts the lie to Labor’s spin that it is providing Victorian children with the best start in life. We are now the only state without such safeguards in place around family day care, making Victoria the most unsafe place to raise a family for thousands of those who use their services. Eight and a half years of vulnerability in that time — and we have seen cases that would have been addressed by this legislation across those years. It is concerning that the second-reading speech says that parents actually have believed these services were regulated because they are eligible for commonwealth benefits. For all that time parents have believed these services were safe and regulated, but they have not been and that is a great concern for many families across the state.

The bill amends the definition of ‘children’s service’ so that family day care and outside-school-hours care fall within the definition. It inserts new definitions to provide for the licensing and regulation of family day care. I would like to take this opportunity to talk to the amendments which have just been tabled.

I suppose it is consistent with what we see from this government that the lack of work means it has to bring amendments to its own bill. So the bill goes through the process — it goes through cabinet, caucus, the minister and the department — but still it is not until these issues are raised by the opposition in the bill briefing process that issues are identified and problems and issues are captured. The amendment tabled today is a classic example of that. Two weeks ago we had the bill briefing and Wendy Lovell, the shadow Minister for Children and Early Childhood Development and a member for Northern Victoria Region in the other place, consistently raised this issue about the definition of ‘family day care service’ and the implications for children who are of school age. Despite assurances, we were still not convinced.

At 5.30 p.m., 2½ hours before debate commenced on this bill in the house, we heard that there was to be an amendment to it. I appreciate that the government has seen the error of its ways in relation to the definition and has been prepared to introduce a clearer definition than the one in the bill. I congratulate the shadow minister in the other place on her work in identifying these issues and making sure that the legislation will be appropriate when it is put into place.

The bill also provides for significant increases in penalties for breaches of the act. In fact nearly all the penalties are doubled, with only three exceptions. One of the penalties that is doubled by clause 9 of the bill is in section 26A, which was only passed by the Parliament on 26 February as part of the anaphylaxis management bill. So on 26 February the government considered 30 penalty units a fair and reasonable fine for a breach of this section of the act and now, only 10 weeks later and before it has even enacted the bill, it considers it needs to double the fine. This is once again a sign that the legislation had not been thought through before it was introduced and an example of the government making changes to a measure before it is even in place.

This legislation also substitutes a new part 3 of the act, which deals with the licensing of children’s services. It amends the licensing process to separate the approval of premises for a children’s service from licensing an individual who operates a children’s service. It also provides that a person must be a fit and proper person to operate a children’s service and allows operators to appoint a nominee who is responsible in the event of the absence of the licensee.

One of the concerning things is that licence fees have not yet been determined. Once again we were informed in the bill briefing process that there would be three months of consultation to go through the process with the sector to determine licence fee arrangements. I can only hope and request of the government that that proceeds as a genuine process, as was indicated, because it is very important to ensure that the cost is not too burdensome and that the regulatory process does not weigh down providers of family day care.

Clause 10 inserts a new section 26B that elevates programming from the regulations to the act and requires providers of all children’s services including family day care to provide an educational or recreational program to enhance each child’s development. This is a very important provision because it transfers what is often thought to be a childminding process to a child stimulation and learning process, which is something we need to applaud. The adoption by the government of the coalition’s promise to bring kindergartens under the education department is completely consistent with what we now see in this bill, which acknowledges that kindergarten is an important part of the education process and sets children up for the best start in life.

The bill also inserts new sections 29A to 29C and substitutes section 30, which contains provisions that deal with child-to-staff ratios, authorisation to administer medication, requirements for notification of a serious incident and, from the regulations, the requirement that the licensee or nominee be present at
all times. Administrative arrangements are dealt with in new sections 32A and 32B. Part 5 of the Children’s Services Act is also amended to allow authorised officers to enter a family day carer’s residence during the hours that care is being provided, and it extends the powers of officers and the secretary to obtain information, documents and evidence. It also provides for the secretary to take emergency action if children are deemed to be at risk.

New sections 53A to 53C provide that the secretary must keep a register of family day carers and that the secretary may publish on the department’s internet site details of a service, including information regarding compliance with the act and actions taken against the service by the department for breaches of the act. New section 54A provides for an internal review before the secretary publishes information under new section 53B. The bill inserts a new schedule of transitional and saving provisions to allow time for newly regulated services to comply with the act.

Finally, an amendment to the Child Wellbeing and Safety Act 2005 inserts into the proposed legislation a new principle that:

... every child should be able to enrol in a kindergarten program at an early childhood education and care centre.

Once again, that is consistently bringing children into the realm of education right from child care and kindergarten.

While the coalition will not be opposing this legislation, we have concerns. As I have mentioned previously, the licence fees have not yet been determined, and it is very unclear what impact they will have on individual service providers in terms of the costs and the pressures that they are under currently in delivering their services.

The second big concern is that there are a lot of questions about how this will act in practice. The response was that that will be in the regulations. Unfortunately the nature of many bills is that the detail is in the regulations. As many of those regulations have not yet been determined, it is very hard to genuinely understand the impact of the new legislation on the services — that is, the cost that the services will bear and therefore the cost to families, because by their very nature the costs will be passed through to the users of the service over time. As I said, the coalition undertook a very thorough and rigorous consultation process that was led by Ms Lovell in the other house to understand what people in the sector thought about these proposals.

Several groups have concerns with the legislation, and I would like to share some of those concerns with the house to make sure that they are managed in the process of implementing the bill and also the development of the regulations and fees. The Australian Education Union is a bit concerned about the increased responsibilities for nominated staff. The Child Care Centres Association of Victoria also has concerns, specifically about the information regarding breaches being published on the department’s website.

I must quote Frank Cusmano, the association’s chief executive officer, who made the point with a beautiful rhetorical flourish. He said that this proposed legislation will hang the accused before being tried; she may be released after being found not guilty, but by then she is already dead. There is concern that this process of publishing the information is managed appropriately and not seen as being punitive in terms of the delivery of the service.

People from the Community Child Care Association stated to the coalition that they are deeply concerned about the provision in the bill that regulates venues other than carers’ homes for the delivery of family day care. They said that they do not want family day care to be enshrined as a fully regulated service type.

Despite apprehension being expressed by some groups during our consultation — which, as I have said, was conducted very thoroughly — in the main, groups support the legislation. That is why we will not be opposing its passage through the house.

It is important in the process to point out how incredibly important protecting the safety and wellbeing of Victorian children is and the concern that the government has moved at such a glacial pace in the process. For eight and half years there have been promises from this government that it will regulate family day care and out-of-school-hours care and it has failed to act. It has known that the children’s services regulations will sunset on 31 May. It has failed to do the work on the new regulations and has had to extend the current regulations until 31 May 2009 to incorporate this legislation and to have further consultation on the regulations.

Interestingly, one of the concerns is about the commitments that the federal government has made to increase the child care tax rebate from 30 per cent to 50 per cent. At the same time the state is introducing legislation without having done the necessary work to tell Victorian families what the impact of these regulations will be on them in terms of costs.
An article on page 8 of the *Sunday Age* states that Barbara Romeril, executive director of Community Child Care Victoria, said:

… the new state government regulations, now being developed, would increase the standards of care, including higher ratios of staff to children, which would increase out-of-pocket expenses for parents.

She is very concerned that the increased rebate is going to work in the opposite direction in relation to the out-of-pocket expenses of families.

Interestingly the government in the budget yesterday announced $16.5 million to support the introduction of this new children’s services bill to regulate family day care and out-of-school-hours care. The announcement included capital grants of up to $1000 to service providers to ensure their compliance with the new act. What we have seen with these $1000 grants is an admission that there is going to be a significant cost to service providers in relation to the regulatory burden of this new legislation. While that $1000 grant will seek to cover some of those costs, frankly we still have no clue as to what those costs will be, because they have not been determined and the consultation has not been undertaken. Secondly, it is very interesting that of the $49.9 million announced, $16.5 million, nearly a third of it, is to cover costs. While the regulations will provide for a safer environment for children in relation to care, really what this money is covering is the increased costs of regulation and the employment of public servants to manage it.

As I have said, we have some concerns, and we hope the government is genuine in its process of consultation in terms of licensing fees and also in the process of implementing the regulations that really give the life to the detail of this law. But because the coalition genuinely believes we must do everything we can to make our children safe, although we are very concerned that it has been eight and a half years in the making, we are happy that this bill will pass through the house and we will not be opposing its passage. The amendments that have been introduced will not be opposed, as we are very glad that the government has listened to the coalition’s concerns in relation to the definitions and improved the bill to make sure that the definitions are clear when it is implemented.

Mr HERBERT (Eltham) — This is a joyous bill, I guess we could say. I am delighted to speak on the Children’s Legislation Amendment Bill after the comments of the member for Doncaster. I know she certainly has a great interest in young children, but talk about nitpicking about the amendment, which is really just a regular thing. It gives a bit more definition, and we would think it is not a huge issue. We just heard a whole heap of absolute furphies about definitions and costs. Of course the costs are going to be worked out later on. They would never be in a bill at this stage, and I think most members of this house would know that.

Going to the important aspects, the bill is a reflection of what is happening in society and what has happened over the last 10 years in terms of supporting families with early children’s education. The bill will deliver enormous benefits to Victorian children and their families. In particular it sets the stage for a much stronger and better regulatory framework. We just heard that there seems to be a problem with regulations because of the costs involved, but the opposition is supporting the bill. I cannot quite work out exactly what the opposition’s stance is, except that it seems to be supporting everything but still complaining about it.

As to a better regulatory framework for children’s services, the bill paves the way for the future regulation of family day care and outside-school-hours care as well as a range of other changes that will help to ensure that children’s services are far more accountable and accessible for Victorian families. This is a very timely piece of legislation. It is timely because it comes in the same week that the state government has delivered its budget, and what a fantastic budget it was for early childhood services. In the early childhood portfolio there is something like $134 million in extra benefits for families with young children. What is great practice is that within that budget there is $16.5 million to administer the changes to the Children’s Services Act that we are talking about now. The money is in the budget, and we are talking about the bill now. That is good planning, it is good economic sense and it is not something to quibble about. It is $16.5 million to support the introduction of the new regulations into a broader scope of areas for the benefit of Victorian families.

It is undoubtedly true that Labor understands the importance of getting things right in the way we care for and educate our children, particularly in the early years. We know that children start to learn and develop from the day they are born. No matter where they are or who they are with, children are learning, growing and developing, and we need to make sure that happens in a positive way for the benefit of the children for their entire lives. With that knowledge comes an awesome responsibility on all of us — families, communities and governments — to do our best to make sure that every child has the best possible start in life. It is one area that we really do not get a second chance at, and it is one we should get right in the beginning.
It is fair to say that the Victorian government has already done a substantial amount to meet that responsibility. The Brumby government, through the development of a wide range of programs, is building stronger, more child-focused services and communities all throughout Victoria. We have one of the best maternal and child health services in the world; that is indisputable. They are services — new services at a range of hospitals right around Melbourne — that are going to grow rapidly as a result of the extra money being put into them in this budget. We have programs such as Best Start, which brings whole communities together in supporting families and children. We have innovative children’s hubs, a program introduced here and one which the Australian government is now looking at right now as a future model for the delivery of children’s services across the nation. How fantastic would that be? It shows that Victoria is a leader in this area and hopefully will continue to be a leader, with the commonwealth government catching up pretty quickly.

Importantly the bill will help to ensure that children are cared for and educated in the best way possible, no matter what sort of setting they are in. That is something that is crucial to understand if you want to understand this bill. The truth is that the profile of families and the services they rely on for the care of their children has changed and grown over recent years, and that is primarily as a result of women working. In my electorate of Eltham something like 80 per cent of all mothers are working, and they need diversity and adequacy in child care. The days of John Howard back in the 1950s when the thinking was that women should be at home and children should be at home until they are old enough to go to school are well gone, and thank goodness they are gone. But a ramification of that is that we need to have a far greater range of children’s services and education for young children, and that is what this bill sets in place.

The change in demand, for instance, has resulted in something like 41 per cent of known child-care places not being covered by existing regulations. We have seen a major increase, but in that increase and diversity there has been a whole heap of increases in areas that are not currently regulated. This is the issue which is being addressed by this bill. Family day care and outside-school-hours care are being scoped into a new definition of children’s services, which is provided in clause 3 of the bill and which requires these services to be licensed and regulated for the first time. That is very important. It will mean that families will be able to choose these services with a greater assurance of quality and accountability.

Of course accountability is tremendously important for families, and it is an important issue addressed in the bill. Clause 33 of the bill inserts new provisions into the Children’s Services Act which will empower the Secretary of the Department of Human Services to publish information about children’s services and their performance in complying with the act. Is that not great news for parents? For the first time parents will receive the information they are entitled to about the quality of services that their children are getting. Most of our children’s services do a great job. Typically they are staffed by people who are enthusiastic and committed to what they do, who are productive and who produce great results. But when these services are not up to scratch, parents have a right to know that they are not up to scratch and have a right to withdraw their children and change such places. Unless there is transparency and accountability in that process, it will not happen, so I think that is an incredibly important part of this bill.

I am pleased to see that clause 10 of the bill inserts a new section 26B into the act, which requires all children’s services to provide each child with a program which is based on their developmental needs, interests and experiences, which takes into account their individual differences and which enhances each child’s development.

We have already seen the development of that process in schools. In the old days the whole class or year level would learn the same thing, regardless of their ability, aptitude or needs. That process is changing in our school system, and the bill extends the process to the earlier years — into kindergartens, family day care and after-school programs — to ensure that the needs of individual students are met. They will not be treated as one huge mass of people, but as individuals with individual needs and individual programs.

There is a point, of course, that nobody wants government to become heavy handed in its regulatory function, and I think that is something this government has taken up with some vigour in terms of getting rid of unnecessary regulations. Having said that, we also want to know that our children are looked after and educated properly and have real opportunities to learn, play and develop, and the bill gets that right. The bill sets out new licensing provisions for children’s services that are simpler than those currently in place, and it gets rid of unnecessary regulatory red tape and will put in place new regulations that deal with issues and ensure that quality is maintained.

In conclusion, I believe the bill sets the stage for an exciting future in children’s services. The bill is well
worth the support of the Parliament; it is one that I support and I commend it to the house.

Mr NORTHE (Morwell) — It gives me pleasure to make a contribution to the debate on the Children’s Legislation Amendment Bill. The purpose of the bill is to amend the Children’s Services Act 1996 to further provide for the licensing and regulation of children’s services and to amend the Child Wellbeing and Safety Act 2005 to provide for a kindergarten principle for children. Essentially the bill enforces minimum standards across early childhood services in Victoria.

The member for Eltham mentioned that in this day and age a greater onus is placed on and there is a greater demand for children’s services in Victoria and for family day care and outside-school-hours care. It is common for both parents to be working, and that is reflected not only across Victoria but the whole of Australia. As the father of three children, I know that we have frequently used day care services in the Morwell electorate. I always experience apprehensive moments when I drop off the children at day care. I worry about how well they will be cared for in those types of environments. I must say that in the Morwell electorate I have always had faith and confidence in the services in our area.

This example illustrates the trust that we place in those who look after our children in those environments. In the Latrobe Valley demand is great for children’s and early childhood services, inasmuch as we have a number of shiftworkers in our area. As parents we expect standards to apply and to be enforced for the betterment of our children, and as such the responsibility and onus on employees of these services is great. As mentioned in the second-reading speech, early childhood development is of the utmost importance, particularly for young children. Their social environment and the interaction they experience with other children is very important for their social welfare.

Family day care and outside-school-hours care are the two sectors that are not regulated. That is not the case in most of the other states, so it is good to see that we are finally getting some action on ensuring that these sectors will fall within the act. Whilst we currently have national standards in the commonwealth quality improvement and accreditation system, these standards are not in force, hence the need to regulate children’s services in Victoria to ensure that minimum standards will apply to children’s services and that they are monitored and enforced.

As the member for Doncaster quite rightly mentioned, a review of the children’s services regulations is currently under way, and they will sunset in May 2009. This review has been ongoing since August 2005, so there has been quite a delay in ensuring that these regulations actually fall within the act. As the member for Doncaster also quite rightly pointed out, in 1999 Labor’s New Solutions platform and community services policy document promised to legislate for regulation of outside-school-hours services and family day care, so these particular regulations have been on the table for a long time.

In addition, back in 2002 Labor’s Listens then Acts platform again promised the development of regulatory provisions for outside-school-hours care and family day care. In June 2006 the document A Fairer Victoria — Progress and Next Steps appeared, which promised to develop new regulations for outside-school-hours care and family day care, so we have had a number of different reviews and documents since 1999. Unfortunately we still have not seen a resolution, so we look forward to May 2009.

Clause 8 substitutes a new part 3 into the act, which comprises new section 9 to section 25U. This new part replaces the current assumption in the act that the person who builds a children’s centre will be the person who actually operates the service, and that there will be one licence for one children’s service. As we know, that is not reflected in practical terms in this day and age.

As the second-reading speech indicates, there is also the intention that the bill will streamline the licensing process for children’s services. Hopefully that will address repetition within that process, and I am sure that will be welcomed by the providers in those instances and reduce the other regulatory burden that comes with the repetition of those licensing processes.

Section 26 in part 4 of the act will be amended to extend the scope of protection that children must receive from a proprietor to include ‘harm’ and not merely hazards that might cause injury. It is important that the regulations extend the care for our children within those services.

New section 26B will elevate programming from the regulations to the act. The intent is that the programs that are provided need to enhance a child’s development, and the member for Doncaster mentioned those elements during her contribution. It is not merely to provide a program as stipulated in the current regulations, but also ensures that children advance at different rates and have different levels of need within children’s services.
New sections 29A to 29C and replacement section 30 relate to child safety aspects and deal with provisions such as requirements for notification following a serious incident, the authorisation to administer medication and child-staff ratios. There has been some media coverage over recent times over what those child-staff ratios should be, but it is of the utmost importance that they are prescribed within the act, so there is a tightening up in this legislation, and consequently penalties will apply for breaches in that regard.

Section 36 of the principal act will be amended to allow authorised officers to enter and inspect a premises where family day care is being provided to children, and I am sure that these additional powers will put pressure on providers to provide the high-quality care for our children that we all expect.

New section 42A, which is inserted by clause 27, goes further and requires a person who is involved in the operations of a children’s service to answer questions and provide documents in the event that there is a serious offence against that particular provider.

New section 53B (6), which is inserted by clause 33, refers to information surrounding compliance assessments. The releasing of this information is also an important element to these amendments. That not only gives the parents the chance to make a decision based upon whether children might have attended a child service but also puts out in the public domain information on which providers are maybe not providing the care that they should.

Page 6 of the second-reading speech refers to the insertion in section 5 of the Child Wellbeing and Safety Act 2005 the principle that every Victorian child should be able to enrol in a kindergarten program at an early childhood education and care centre. It goes on to say that kindergartens should be a universal experience for all four-year-olds. I agree with that particular element of the second-reading speech. I know that in the Morwell electorate we have some issues with demand at the moment and not having the appropriate facilities. In Traralgon we have the Traralgon Early Learning Centre, which has been earmarked for relocation simply because the current facility is not able to cater for the demand on the services within Traralgon. There is much conjecture amongst the local community about where that facility should be located, given that it is currently located within the CBD of Traralgon. I know that there are some very anxious parents out there awaiting the decision on that.

The member for Doncaster mentioned the potential costs and fees that may apply. At the moment there does not appear to be anything definitive on what those fees would be. There are some concerns, particularly on what they may be in the future, and as the flow-on effect of that, what the cost to parents associated with that may be. There is also some element of concern from those in the community that there will be extra pressures and demand upon those employed within the child-care services sector. That is of some concern to many.

Finally, I say in summary that overall the intent of the bill is a good and noble one. I think it is a step in the right direction. However, at the same time we have concerns about the procrastination over many years by this government. We hope to see a resolution on child-care services in the future.

Mr TREZISE (Geelong) — I am also pleased to be speaking in support of the Children’s Legislation Amendment Bill 2008. I am pleased to be speaking in support of the bill, because I think it again reflects the Brumby government’s commitment to ensuring that this state provides a quality, effective and, importantly, safe early childhood services sector not only for children but for their families. In supporting this bill I also take the opportunity to congratulate the Minister for Children and Early Childhood Development, who I see is at the table, for bringing this important bill before the Parliament tonight. The provisions in this bill are very important to ensuring that we provide a properly regulated industry, if ‘industry’ is the right word.

The minister has proved that she is prepared to get out there and do the hard yards, not only in the city but in regional Victoria. She is prepared to get out there and meet with parents. She is prepared to get out there and meet with students, children, teachers and the like in her role as the minister. I congratulate her on the work that she has been as minister doing over the last seven or eight months. Only last Friday she visited the electorate of Geelong. First of all she met with 120 stakeholders in Geelong to discuss the early childhood sector and the broader education sector and to hear firsthand people’s concerns, ideas and initiatives in this area. Her visit was also to discuss the blueprint that the minister recently released in partnership with the Minister for Education.

Afterwards the minister met with me at the Breakwater kindergarten, where we met with the local committee, teachers, parents and the kindergarten kids, together with representatives from the Geelong Kindergarten Association. The point I am making here is that her visit was very much appreciated. She is a minister who not only brings good legislation into this house but also,
as I said, is prepared to get out there and listen and learn from stakeholders within her portfolio.

In speaking in support of the bill I also note that the minister has recently released a Blueprint for Early Childhood Development and School Reform, which is another very important document that sets out a proposed five-year reform agenda. I know that that will prove a great success when stakeholders contribute over the coming months.

Specifically in relation to this bill before us, I would like to make a few comments on parts of the legislation that are obviously important to ensuring that we as a government continue to make sure that operators of children’s services are providing a quality and safe service for our children. While I was putting together a few notes tonight in relation to this bill, it surprised me to learn that currently in Victoria the act does not regulate family day care services or outside-school-hours care. This is obviously of some concern not only for me but for parents in Victoria. It is also important to ensure therefore that this sector is covered by the legislation that we are debating tonight.

At many of the schools in Geelong there is a great demand for these services given that these days lots of parents are working longer hours. Perhaps when we were kids our parents would let us just wander home, but parents these days are not prepared to let their kids wander off from school and get into whatever strife they might get into. We see the growth in numbers of outside-school-hours care facilities because parents, and rightly so, want to ensure that their children are not only adequately looked after but are given quality services that will develop their children. As a parent whose children utilised out-of-school-hours care, I, like many members, appreciate the importance of quality child care. Parents must be assured that their children are adequately cared for and receive quality time in education and development.

This is important legislation. I again congratulate the minister on bringing it before the house. I am surprised that we do not provide more regulation in relation to the sector. I wish this important legislation a speedy passage through the house.

Mr THOMPSON (Sandringham) — The object of the bill before the house this evening is to amend the Children’s Services Act 1996 to provide for further licensing and regulation of children’s services, including the enforcement of minimum standards across all children’s services and to amend the Child Wellbeing and Safety Act to include a kindergarten principle for children.

In making my contribution to the debate I make the observation and remark that recently this chamber dealt with an important issue that confronted the arena of children’s services — that is, the development of an anaphylaxis management plan. I quote from a department brief:

A survey of 2700 licensed children’s services in 2006 found that at that time there were 1675 children attending who had been diagnosed at risk of anaphylaxis. It is estimated that 35 per cent of schools have a child enrolled who has been diagnosed at risk of anaphylaxis.

Tragically, the Baptist family of Mentone lost a child at a local kindergarten through anaphylaxis, and the legislation that this house debated was in large response to the activism that the family had taken in relation to this issue. Now many child-care agencies in Victoria must have the appropriate level of training. In looking at training issues it is important to ensure that skills are maintained in this area as well. It is not just a matter of it being in legislation, but there is this practical expertise on the ground so that people maintain their skill sets to enable them to provide intervention in appropriate circumstances.

Another comment I wish to make in relation to child care relates to the trend in the Western world, in Australia as well, of the incidence of obesity in children. According to the Better Health Channel website, a changing society has contributed to obesity. The factors delineated in a fact sheet include:

- the overall cost of food has gone down;
- more food is prepared away from home;
- energy-dense foods and drinks are more readily available;
- portion sizes of energy-dense foods have increased;
- marketing of energy-dense foods and drinks has increased;
- use of private transport has increased;
- the number of two-income families has increased;
- the time spent in paid employment has increased;
- the role of physical education in the school curriculum has reduced.
When one contemplates the issue of child care — born partly of life experience, with which I am more directly familiar, with two parents heading off to work — it assumes a very important role. Parents are on the move as children are dropped off to areas of child care and there is a different life tempo, which I am not sure is necessarily for the better today. It is important that we as a community take responsibility for the health of the next generation — in the case of a young Geelong family, the future John McChures of the world — so that in days to come as they move out into the wider world they will have had an upbringing that has attended to their range of physical, emotional and other needs that are appropriate.

The bill before the house has a number of specific provisions that relate to the suitability of a person to operate a children’s service and allows for operators to appoint a nominee who is responsible in the absence of the licensee. The appropriate personnel to take charge of the welfare of children is of the utmost importance.

In my electorate in Beaumaris family day care was undertaken in a specific house. The lady in charge of that group of children, Marlene Green, had had a lifetime of experience in looking after children with a range of needs. Some were buoyant and healthy young children who were ready to make their way unassisted to primary school; other children in her care required high levels of need and care. For the past 25 years and more Marlene Green has provided an outstanding level of care.

Parents have a different range of needs. I trust that the legislation does not greatly add to the cost of child care with its regulatory regime and compliance needs. A range of concerns were raised in the consultation undertaken by the shadow minister. One was that with the increase in penalties there may be an increase in costs for family day care and outside-school-hours care.

The parliamentary library has produced some excellent census data which illustrates where the pressures are greatest in some of the outlying areas of Melbourne. Many families in the mortgage belts of Melbourne, as they endeavour to meet their living expenses and increasing mortgage expenses, also have to meet the cost of day care.

Sometimes it is a delicate balance between the benefits of being in the workforce with two breadwinners for the family and meeting child-care expenses as opposed to there being a full-time carer at home and those expenses not having to be outlaid. I am aware of families out in the Caroline Springs area who are wrestling with that as a key issue. Some Victorian families have members who can assume the role of carer — for example, grandparents who have been very well poised to take a lot of pressure off working families by caring for children. Cost sensitivity, the impact or burden upon families of increasing costs, is becoming a serious issue.

The final comment I want to make in relation to the debate is that Victoria is the last state to regulate family day care. The Labor Party has a history of promising to intervene in this area; it is noteworthy that the 2006 Labor election platform policy documents were silent on the issue.

I conclude my contribution by acknowledging the 12 or 13 kindergartens in the Sandringham electorate that have provided an excellent level of care to successive generations of families in the area. I also acknowledge those people who have committed their professional lives to the welfare of young children. On one occasion I visited all the kindergartens in my electorate, and 11 of the 13 kindergarten teachers had remarkable qualities in terms of their regard for young children and their ability to live in the world of young people. I greatly admire their work and pay tribute to it.

Ms Richardson (Northcote) — I am pleased to rise to speak in support of the Children’s Legislation Amendment Bill. It is a significant and important initiative brought to the house by the Minister for Children and Early Childhood Development. In so many ways Labor has led the way in this area. We have the first minister for early childhood development of any jurisdiction in Australia. Labor is fundamentally committed to the early childhood years and ensuring that every child gets the best opportunities possible.

The bill provides for minimum standards across all early childhood settings, including family day care and outside-school-hours care. It is timely for parents who are making arrangements for the care of their children — for example, the northern suburbs, and particularly my electorate, is experiencing a mini baby boom — and I am included in that phenomenon — —

Ms Morand — Doing your bit.

Ms Richardson — Yes, I am doing my bit.

The consequence of this mini baby boom is that the city of Darebin, which is contained within my electorate, has the longest waiting list — 1103 children — of any municipality in the state. This is a timely bill for parents in my electorate and beyond who are thinking about what they are going to do about caring for their children.

The bill streamlines licensing processes to reduce the regulatory burden, clarifies and improves the
enforcement powers of the principal act and extends children’s programs to enhance children’s
development. The bill also amends the Child Wellbeing
and Safety Act 2005 to include a principle for guidance
on universal access to kindergarten programs at
child-care centres.

It is clear to me what the bill is about, but the member
for Doncaster has misunderstood it. It is about
providing powers to regulate this important area. The
detailed regulations will be provided at a later date, and
the compliance costs will be detailed in the regulations
impact statement. There will be widespread
consultation with those working in the sector prior to
fees being set. I urge the member for Doncaster to do a
bit more homework in the future before entering into
debate.

I will talk more about Labor’s initiatives to introduce
kindergarten programs in long day care centres. I am
very pleased that the Minister for Children and Early
Childhood Development is in the house, because I can
personally congratulate her on this important initiative.
My family directly benefited from this Labor initiative
when my long day care centre took up the opportunity
to take some funding from the state government and
introduce a four-year-old kindergarten program. As a
consequence of this my younger child is in a long day
care program at the same centre where my four year old
is enrolled in a kindergarten program. This has the
added benefit of my family and so many other families
in my electorate being able to avoid the double
drop-off — dropping one child off at day care and one
child off at kindergarten — because it is all in the one
centre. The bill provides the regulations and
opportunity for all child-care centres to implement a
kindergarten program as one of their long day care
programs. Families in my electorate and across Victoria
will welcome this important initiative.

In conclusion I re-emphasise the commitment that
Labor clearly has with regard to the early childhood
years. I congratulate the minister again on this
significant initiative and the set of reforms outlined in
the bill. I wish the bill a speedy passage through the
house.

Mr DELAHUNTY (Lowan) — I rise on behalf of
the Lowan electorate to speak on this important bill, the
Children’s Legislation Amendment Bill. As we know,
and as has always been reflected in the policy of The
Nationals, children play an important role in our lives
and we want to give them the very best chance in life. It
is pleasing to see that this bill is taking another step
forward in this regard. We know the purpose of the bill
is to amend the Children’s Services Act 1996 to further
provide for the licensing and regulation of children’s
services — including the enforcement of minimum
standards across all children services — and to amend
the Child Wellbeing and Safety Act to include a
kindergarten principle for children.

That brings up the matter of preschools and
kindergartens. It is great to see that after eight years this
government has finally moved kindergartens under the
banner of the education department in what is now the
new Department of Education and Early Childhood
Development. A former member for Rodney, Mr Noel
Maughan —

An honourable member — He is a good bloke!

Mr DELAHUNTY — As members on the other
side said, he was a good member. He was one of the
members who brought to the attention of the
government, and to all of our parties, the fact that we
needed to do more for kindergartens.

An honourable member — Bring him back!

Mr DELAHUNTY — He was a very good
member, and he has been replaced by another good
member. But at the end of the day the former member
for Rodney was very keen to move kindergartens under
the umbrella of the education department — and he was
strongly supported by The Nationals in the last two
elections. Unfortunately, it has taken this long for the
city-centric Labor government to move preschools into
the education department.

There are many good reasons for doing that. First of all,
it gives support to teachers. In my electorate many
kindergarten teachers have to go to work when they are
unwell because they cannot get a replacement. Now
kindergartens are under the one department there
should be more support for teachers, so if one teacher is
unable to turn up, a replacement is available. There will
also be good support for families. The Acting Speaker
knows, because he represents a large electorate, that
many kindergartens —

Mr Nardella — Murray Valley?

Mr DELAHUNTY — I am waiting for the Acting
Speaker to listen to me. I know that in the Murray
Valley electorate there are many kindergartens where
families need more support. We used to raise funds for
playground equipment for our kindergartens, but today
many families are raising money not only to support
infrastructure — such as small playground
equipment — but also to pay wages, and that is wrong.
We believed kindergartens should come under the
Department of Education and Childhood Development, and it has taken too long to do that.

The most important part of this debate is looking at what is best for children. The former member for Rodney said that $1 spent on children today saves $10 in the future — —

Ms Morand — He was right.

Mr DELAHUNTY — As the minister says, he was right — and he is right. It has taken a long time for the government to appreciate that. Preschools now come under the Department of Education and Early Childhood Development.

We are pleased to see that teachers are getting an increase in their wages. We need to make sure that preschool teachers are also given an increase so that their wages are brought up to a more comparable level and we can get more teachers into kindergartens.

The bill amends the definition of a children’s service so that family day care and outside-school-hours care falls within the definition. The previous federal government ran an excellent after-school-hours program which got young children involved in physical activity. With the obesity issues we have today this was a very important program. I trust the new federal Labor government will make sure the program continues. My question to the Minister for Children and Early Childhood Development, who is at the table, is: does the federal government after-school-hours program fall under the definition? I ask her if she has any comment to make about that.

The other concern I have is that one of the main provisions of the bill is to provide for a significant increase in penalties for breaches of the act, and other members have spoken about that. This government is swimming in cash, and I hope this is not one way of improving the government’s bottom line. Of course there is a need for penalties; I know that, but we saw the penalties increase at the start of this year, and now this legislation will double them.

The legislation provides for family day care schemes to be licensed, and I think that is a step forward. It also extends the term of a licence from three to five years, and that is worthwhile. It will help businesses get over some of the red-tape issues. I am sure there is some monitoring going on to make sure they comply with their licence.

Clause 10 of the bill inserts new section 26B into the act, which provides for an educational and recreational program to enhance each child’s development. In my role as shadow Minister for Sport, Recreation and Youth Affairs one of my concerns is that we are not seeing our children get enough physical activity, whether it is in preschools and kindergartens or whether it is when they go to primary and secondary school. A former education minister tried to take away a lot of the physical education programs from the education system, but with obesity rates rising we need to make sure our young generation has an opportunity to participate in recreational programs, and that is mentioned in the bill. I strongly support that.

I am pleased to see the minister is in the chamber to hear about some of my concerns. Clause 14 inserts new sections 29A to 29C, which among other things authorise the administration of medication. In my previous role I was a national spokesman for health when EpiPens were brought in for preschools. I was impressed with the work that had been done by the department, and particularly by the ambulance service, to inform schools about how to use the EpiPens. I was also impressed with the way they were implementing the scheme. My question to the minister is: do staff at preschools and child-care centres get the same amount of training as was given to schools? I compliment the department for the work that was done, but is that type of training done for the other centres? Will it be available through the ambulance service? We need to make sure that child-care centres and preschools come under that jurisdiction.

The bill amends part 5 of the act to deal with enforcement. It provides for the secretary to take emergency action if children are deemed to be at risk. I want to compliment departmental staff who work in the area of child protection. It is a very tough area to work in. I have spoken to many of the people who work in the area. I have even spoken to a person who unfortunately was assaulted by a parent. That person, who works in child protection, has not yet gone back to work; I fear she will never go back to work. I want to say a big thank you to the staff who work in the child protection area, and say that I hope we do not have to take too much action under this legislation. Unfortunately, laws have to be put in place to make sure we protect the child, which is what this legislation is all about.

New sections 53A and 53C give the secretary an opportunity to publish on the department’s internet site details of actions taken by the department against a service for breaches of the legislation. My question to the minister is: what is the time frame for details of such breaches to be put on the department’s website? Is it going to be a week later, a month later or a year later? We need to make sure the information is put on in a
timely manner so that not only families but also other providers are aware of what the department is doing. It is important we have a time frame that the department has to comply with to make sure the information is put on the website.

The member for Morwell spoke on the bill, and I compliment him on his presentation. I am sure he would have asked how this bill addresses children with disabilities or special needs, and what the requirements are for providers in those instances. I am not sure if that is covered in the legislation. Maybe the minister can address some of those concerns in her summing up.

There are many people on the waiting lists and emergency lists for child care across Victoria. I hope this legislation gives protection to our children and, importantly, provides an opportunity for quality child-care facilities. More importantly, our preschools and kindergartens need to be given every opportunity to integrate our children into the system as they go through and develop their lives, and hopefully stay in the communities in which they are brought up. Like other members I am not opposed to the legislation. There are some concerns about the large increase in fees, and I have asked the minister some questions about the bill. Overall I think it is a positive step forward, and I will not be opposing it.

Ms BEATTIE (Yuroke) — It gives me pleasure to rise to speak on the Children’s Legislation Amendment Bill 2008. Of course, some members opposite would know that it was the Bracks government that first introduced a Minister for Children. Then we went on to expand that to the Minister for Children and Early Childhood Development. The Bracks government started it, and of course the Brumby government has led the way in enshrining the rights of children in legislation.

As people in this house know, there is no greater trust given by people than when they leave their children with other people. I actually think it is the greatest trust you can give another person — to leave your children with them and entrust the children’s wellbeing to them. Because of that, and because children are so special, we have to have the legislative framework in place to protect not only children but their carers too. Of course members will know that many more people are leaving their children in child care, both family day care and out-of-hours children’s programs, and indeed in holiday programs too, as the need is there for parents to work longer hours. That is one of the changes we have seen in society. Not too many years ago most people worked in 9-to-5 jobs five days a week. Over the past 20 years or so we have seen a dramatic shift in working arrangements. Now many people do not finish work until late in the evening, although they may start later in the day, and they work on weekends too, so the need for flexibility within the child-care sector has become obvious.

This bill is a response to that. I suppose, if you like, the social circumstances have changed a bit ahead of the legislation, but we all want our children educated and looked after well, and this bill helps to do that. As I said, a growing number of families are using both family day care and outside-school-hours care, and there is a concern that a lack of regulation could compromise children’s health and wellbeing. Regulation will give parents the assurances they need. A business impact assessment established that 41 per cent of known child-care places fall outside of regulation, and that is, in my view, far too many. One would hope that would improve. I am also pleased to know that the department intends to work with providers to support them to meet the legislative standards, and funding grants will be made available to assist providers in that endeavour. Of course transitional arrangements, including provisional licences, will be available for these services when the regulations come into force.

I just want to touch on something, Acting Speaker, that I know is dear to your heart — that is, the provision for rural families. There is a provision in the bill to assist rural families and regulate a situation which has developed in Victoria, where care is being provided out of safe premises in a local town. That happens due to the carer’s home being inappropriate. It might be, for instance, a place such as an open farm, where it is difficult to contain children. In these circumstances families in rural areas are still able to access care, which is safe and available in a more central location. The provisions in the bill will enable the inspection and approval of premises used for family day care venues to ensure that minimum standards are met. Of course it is the intention that family day care will be provided in a family day carer’s home. This has to be consistent with the commonwealth child-care benefit funding guidelines. In instances where it is not possible, other venues will be inspected to determine whether they are suitable for the provision of care.

Whether children are in the city, in a regional town or indeed in the rural outback, they are all very special little people, and they should all have the same quality of care. This legislation will provide sufficient flexibility in choice of premises when family day carers’ homes are not suitable, such as in the case of open farms, but will ensure that the chosen premises are deemed to be suitable. How will family day care venues...
be deemed satisfactory? The matters to be considered will be included in the regulations and will be consistent with the commonwealth guidelines.

I know other members wish to make a contribution. I would just like to say to the minister: well done on bringing this bill into the house. It continues the emphasis on children started by the Bracks government, which has been the first to have a minister for children. Without anticipating it, we have seen this week a great emphasis placed on the education sector in Victoria. We have the legislation here to look after children in family day care, out-of-school-hours care and going right through the education system. We know that children are the future of Victoria and that they will take this great state forward. The Brumby government and the minister are to be commended for bringing this bill to the house, and I wish it a speedy passage.

Mr CRISP (Mildura) — The Nationals in coalition are not opposing the Children’s Legislation Amendment Bill 2008 and are not opposing the amendments that are before the house. The purpose of the bill is to amend the Children’s Services Act 1996 to provide further licensing and regulation of children’s services, including the enforcement of minimum standards across all children’s services, and to amend the Child Wellbeing and Safety Act to include a kindergarten principle for children.

The Children’s Services Act 1996 is the principal act that is being amended. The definition of ‘children’s service’ is changed so that family day care and outside-school-hours care fall within the definition. The bill inserts new definitions to provide for the licensing and regulation of family day care. It also provides for significant increases in penalties for breaches of the act. It substitutes a new part 3, which deals with the licensing of children’s services, to amend the licensing process to separate the approval of premises for a children’s service from the licensing of a person to operate the service.

The bill amends part 5, the enforcement provisions, to allow an authorised officer to enter a family day carer’s residence during the hours that care is being provided. New sections 53A to 53C provide that the secretary must keep a register of family day care providers and that the secretary may publish on the department’s internet site details of services including information regarding compliance with the act and actions taken against the service by the department for breaches. There is also a new principle, which is that every child should be able to enrol in a kindergarten program at an early childhood education and care centre.

We can move on to discuss some issues. It is a little embarrassing that Victoria is the last state in Australia to act to regulate family day care. The other states have all moved in this area. There has been a long history of promises and now eight and a half years later we are finally there. I am very pleased we are there; it is just a shame that it has taken this long. While I am on promises that take a while to implement, there is still considerable confusion in my electorate over the fate of kindergartens and their administrative transformation from the Department of Human Services to some parts of the education department. Currently they are with family services. That is something that is causing some angst. I urge the Brumby government to move on and provide direction and give our kindergarten parents, committees and workers some assurance that the transition will all be over this year.

Parents are under pressure; it is hard work to raise a family these days with many parents both working — thus the importance of child care. Our families are looking for safe, quality and affordable services. That will indeed be a challenge. Some of the costs that will come from this greater care will affect families. There needs to be a balance; no parent wants to feel compromised between the cost of feeling secure and the care. This is going to be a delicate balance that through regulation the government is going to have to get right. With those impacts not known, it is going to take some time for that to come about. With that we wish the bill a speedy passage; we are certainly not opposing it but we say that safe, quality and affordable care for our children is of paramount importance and will be a challenge which the Brumby government needs to meet.

Mr HOWARD (Ballarat East) — I, likewise, am pleased to speak on the Children’s Legislation Amendment Bill which is, as we have heard from previous speakers, about recognising the importance of children’s services, including services provided in preschools and in child-care centres. It recognises that children’s services now have been brought under the new Department of Education and Early Childhood Development, which is a good move and is something I have supported. The key aspect of the bill clarifies standards of service provision and associated enforcement practices. It is very important that parents who entrust their children to the care of kindergartens or child-care centres know that they will be looked after in circumstances of very high standards, and they can leave their children knowing very confidently that they will be well looked after.

For many years I have made regular visits to and had regular contact with kindergartens across the region in
my electorate. Firstly, in my role as a Ballarat city councillor, I had many reasons to visit kindergartens and child-care centres that were under the management of Ballarat City Council. More recently, as a candidate ahead of the state election of 1999, I had opportunities to meet more broadly with kindergarten teachers quite regularly. I understand the issues that they were dealing with and I developed a great relationship with and respect for the kindergarten teachers across my region. This continued after I was elected. I regularly accept invitations to visit kindergartens, sometimes to cut up the fruit ahead of morning tea, and to talk with the kindergarten teachers and parents. Also on several occasions I have been pleased to visit kindergartens in the electorate of Ballarat East to announce funding to help those kindergartens to be upgraded, whether it be the grounds or facilities within the kindergartens.

More recently I have had reason to visit kindergartens in the role of a parent of kindergarten-aged children. I have been pleased to visit kindergartens at Warborough, and as recently as last Thursday I took my three-year-old kindergarten child, as I do when I am in my electorate, to Bakery Hill kindergarten for her kinder sessions there. Not surprisingly, from all this contact with the kinders that I have been dealing with I have developed a great respect for the work of those teachers and assistants. I recognise that they not only do a great job to develop our young children but they do a great job in working with the parents who become committee members. I recognise that there are lots of challenges in the role of kinder teacher since they are often working on their own or with just one assistant, and they play a great many roles as kindergarten teachers.

I certainly recognise the value of kinders in helping to socialise young children and helping them to go into educational circumstances so that when they start school they are very well set up. The bill recognises the principle that all four-year-olds should be able to be enrolled in kindergartens. Already since it was elected this government has put in place many things to try to ensure that all four-year-old children can go to kinder. They include that the financial circumstances of parents should not be an impediment, that assistance can be given to ensure that children of poorer families can go to kinder as others do, and that adequate places are provided to meet the needs.

Members know that there are more and more demands for child-care facilities to be provided for parents going off to work and that a great demand has been placed on those services. There has been a need to ensure that the quality of those services, which can vary quite significantly, is maintained and that there are provisions in place for monitoring it. The government has put further mechanisms in this bill to ensure that appropriate enforcement practices are in place if child-care centres are found not to be managed as well as they should be. It is has been great to see the recognition that it is good if kindergartens and child-care centres and even other facilities can be co-located at times. It was interesting and good to note the comments the Prime Minister made ahead of the Australia 2020 summit when he proposed the view that kindergartens, child-care centres and other children’s facilities should be co-located. While it attracted a lot of attention, it is not a new idea, especially for Victoria, which seems to be leading the way.

I have been pleased to work with Golden Plains Shire Council, particularly on its plans for the Bannockburn Children’s Centre. The kindergarten was established some distance from Bannockburn in a former primary school building across the Midland Highway. It was recognised that it would be much better to have it in the population centre of Bannockburn but also co-located with other children’s facilities. The shire put a proposal to the government that attracted support, and now that centre is established. It is being used as a model for other children’s hubs or centres across the state, and several others have been established.

I am pleased also that the Girrabanya Children’s Centre, which was established many years ago in my early days on Ballarat City Council, has a kindergarten co-located with a child-care centre. Programs are run under which kids can go to kinder and once kinder is finished the children go straight across to child care, where they will be when their parents come to collect them at the end of their working day. That has been working very well. The people there have plans to co-locate the child health centre on the same site, which I consider is very much worthy of support. I will be following that proposal with interest.

I look forward to seeing the concept of children’s hubs develop further across the state in years to come, so recognising the needs of families. The needs and challenges of parents in their working lives along with raising children must be recognised and facilities must be provided in the most useful way to ensure that children are well supported as they grow up and that their health and care needs are met. If that can be done on one site, that is terrific. I am certainly pleased to support the bill before the house, which sort of sets the scene and standards for some of these developments. I look forward to this government, under the Minister for Children and Early Childhood Development, further supporting activities that demonstrate that this government is clearly focused on the needs of young
children and their development into the educational world. I look forward also to seeing further terrific initiatives developed under this government in years to come.

Mr WALSH (Swan Hill) — The Children’s Legislation Amendment Bill 2008 amends two acts, the Children’s Services Act 1996 and the Child Wellbeing and Safety Act 2005. It puts in place licensing and regulation for children’s services, and the amendment to the Child Wellbeing and Safety Act provides for a kindergarten principle for children. I would like to spend my contribution talking about kindergartens and child care, as they are linked together in a lot of places in my electorate.

There is a real challenge in a lot of the small communities I represent in making sure that there are kindergartens and child-care facilities in those places. I commend the parents on what they have done to make sure those services are available in a lot of those communities. There is a real challenge in funding those services. One of the things I have said quite often in this place is that making sure that a child-care centre or kindergarten functions well in the community is often young parents’ and young people’s first taste of public life, and it is not necessarily always a pleasant taste of public life because they spend a lot of time fundraising to make sure their small kindergartens keep functioning.

One of the things that has been well received in the communities that I represent has been the additional drought funding for kindergartens. That is going to end, which will put some onus back on the parents to start fundraising. The additional funding that has been available through the drought has meant that more children have qualified for support at kindergarten, and that has helped a lot of families in those particular communities to pay the fees.

I think one of the previous contributors mentioned the fact that before the 2002 election the then member for Rodney, Noel Maughan, put in place a policy for the then National Party under which kindergartens would become part of the education system. When the current government finally did that recently, it was a step in the right direction. What is disappointing is that it has not gone as far and as fast as opposition members envisage it should go. We are very firmly of the view that as kindergartens are an official part of the education system they should come under the school management structure so that kindergarten teachers are employed by the education department rather than being employed by a whole range of different people.

As you go across my electorate you find that the employers range from kindergarten group employers to local government to committees of management. As I said before, that is a real challenge for parents of young children. Not only do they have a young family to look after but it is quite a challenge if they are also involved in trying to administer the kindergarten, employ the teacher, manage the teacher, do the pay-as-you-earn certificates and all those sorts of things.

I say to the Minister for Children and Early Childhood Development, who is at the table, that I would like to see us speed up the whole process. We should make the kindergartens officially part of the education system so that the teachers are direct employees of the education department and have some line responsibility to the school principals in their particular town. They do not have to co-locate, and it should not be at the expense of the kindergarten programs. They should not be turned into just an educational facility. As I understand it, the learning experiences at a kindergarten are different from those under the straight curriculum of a school. Let us make it a lot easier for parents of young children, so that kindergartens do not become a burden on them as we go forward.

I have some great examples in my electorate of the parents and the community — and in some cases local government — working together extremely well to make sure that we have new children’s precincts, with co-location of child care and kindergartens. The first of those in my electorate is at St Arnaud. There are rules about what is federally funded and what is state funded, with a wall down the middle. They were creative enough to put in a sliding door, so to speak, so that people could make sure that the two can work very well together. The people who got that funding — and the Northern Grampians Shire Council was part of that — were very generous in their support of other communities as they went forward.

Probably the stand-out group of parents in my electorate are the young ladies from Sea Lake. We called a public meeting there. I got the bureaucrats from both the state and federal departments along to talk to them, and we went through the process that they would need to follow. The Minister for Children and Early Childhood Development was there for the opening of that children’s precinct last year when members of the government were in my electorate for a community cabinet meeting. They were told it would take at least two years to go through all the work to get the funding. They put in a lot of work and got that up in 18 months, which was a fantastic result for that community.
The parents from Sea Lake have been very generous with their time and have assisted people from Kerang to do a similar thing, and that facility was recently opened by Kaye Darveniza, a member for Northern Victoria Region in the other place. Again, the community worked very well together. There is another excellent one at Warracknabeal which again is co-located, and it all works well. Because in a smaller country town you do not have the luxury of having separate locations for these sorts of resources, we need to make sure that the best utilisation is made of the buildings.

I urge the minister to speed up the process of getting kindergartens integrated into education sooner rather than later and getting the kindergarten teachers to become direct employees of the Department of Education and Early Childhood Development. I notice one of the members on the other side is shaking his head, and there is probably an issue around money. But if we do not pay our kindergarten teachers well, do not give them peer support and do not give them career structures, we are not going to have kindergarten teachers. They will choose to do other things unless they are getting pay rates with a decent relationship to those of primary school teachers. They can simply move away from kindergartens into the primary school system. It is a real issue.

One of the things we all know as we get involved in public life is that giving children a really good grounding in kindergarten and in the early part of primary school sets them up well for later life and their time in the education system. It is something that is very dear to our hearts on behalf of the communities we represent. With those few words and suggestions to the minister, I hope everything goes well into the future.

Ms MARSHALL (Forest Hill) — I am proud to rise in support of the Children’s Legislation Amendment Bill. A bit of background to this bill is that in August 2005 the Victorian government endorsed the development of regulations for family day care and outside-school-hours care to be included in the current review of the Children’s Services Regulations. The Children’s Legislation Amendment Bill will improve protection for parents and children by bringing all early childhood services, including the family day care and outside-school-hours care sectors, under one umbrella. This bill will also license family day care services rather than the premises of individual carers. The act will be amended to allow an authority to enter and inspect premises where family day care is being provided.

The bill enables the release of individual service-related information, which will relate to compliance assessments and allow parents to make better choices relating to their children’s care. Victorian parents will subsequently be the first in Australia to be able to check the compliance records of all children’s services online. Our children are spending more and more time in early childhood services, and this bill also includes the provision that programming of these centres needs to enhance a child’s development, where currently the requirement is that the centre meets their individual development needs.

It has been identified that the early years are the most important in a child’s development. Studies show that the first five years of life have a huge impact on future educational outcomes, emotional balance and health. Both the federal government and the Brumby government recognise the vital importance of early childhood, which has been a major focus of the Council of Australian Governments reform proposals and reform within the state government. The Brumby government introduced a Minister for Children and Early Childhood Development, and importantly brought responsibility for early childhood issues into the old Department of Education, creating the Department of Education and Early Childhood, giving the issue and the challenge the status they deserve.

As a government we are committed to ensuring all Victorian children are given every opportunity to achieve their full potential. A key priority of the Victorian government is to make kindergarten a universal experience for all four-year-olds. As our workforce becomes more flexible and demanding, so too our child care needs to reflect these changes. Family day care and outside-school-hours services are not regulated by the current children’s act. National standards in the commonwealth quality improvement and accreditation system provide quality operating standards in these areas, but parents are not able to judge the quality of care their child is receiving in the absence of the enforcement of these standards.

In most other states these two sectors are regulated because they are eligible for the commonwealth government’s child-care benefit scheme. Victorian parents tend to believe these two sectors are regulated by the Victorian government and have expectations around that belief. This decision to regulate these sectors has been well supported by parents, peak child-care groups and the general community. Excellent investment and management in early childhood will have significant social and economic benefits for our community, not just now but well into the future. It is important that we make these human capital investments now so that the children of today are well placed to be the best, brightest and happiest that we can
Dr NAPTHINE (South-West Coast) — I rise to make a few comments on the Children’s Legislation Amendment Bill. This bill makes some modest amendments to the Children's Services Act 1996, and these are amendments that the coalition does not oppose. A number of speakers have talked about the background to this legislation, and I wish to convey to the house some of the issues which relate to the background of the Children’s Services Act 1996. This was groundbreaking legislation introduced into this Parliament to protect children in Victoria. It provided a legislative framework on which a raft of regulations was built to protect children and provide regulations and legislation for child-care centres and kindergartens in this state.

It was significant and positive legislation for the protection of children. It set very modern health, welfare and safety standards for children and children’s services in this state. It set standards with regard to the quality of buildings and particularly with regard to staffing ratios and the training of those staff. They were significant steps forward in 1996. I well recall at that time there was quite a lot of opposition to the proposals being put forward and pushed very strongly with regard to this legislation. It was felt that it would be too costly, it would be unworkable, that we would not get sufficient trained staff and that the system of child care and kindergartens as we knew it could not cope with this sort of lifting of health, welfare and safety standards.

But the industry responded positively, and the legislation was built on a real understanding by the government and the minister of the day of a process where children were given the opportunity to develop and learn through play, developmental programs and socialisation at child-care centres and kindergartens.

It is interesting to note that while speakers talked earlier today about how the current government is the first with a Minister for Children and Early Childhood Education, and I recognise that, it was a Liberal minister in a coalition government who led this groundbreaking legislation, the Children’s Services Act, against a community which was sceptical and to some degree in opposition. But I must say that at the time there was great support from the ministerial Children’s Advisory Committee. I want to place on the record the thanks of a grateful community for the work it did and the work of many professional staff in the Department of Human Services who pushed forward with the legislation and regulations when many people were saying they were a step too far.

Hansard shows that when the Children’s Services Bill was debated in this house in 1996 there were a number of speakers, but it is interesting that there were only two from the Labor side of politics: John Thwaites, the former member for Albert Park — —

An honourable member — A fine fellow.

Dr NAPTHINE — On that occasion he supported the legislation. The other was the member for Pascoe Vale, who still sits in the house today. From the Liberal side were Alister Paterson, the then member for South Barwon; Gordon Ashley, the then member for Bayswater; Denise McGill, the then member for Oakleigh; Lorraine Elliott, the then member for Mooroolbark; and the late Peter McLellan, the then member for Frankston East. It is worth looking at Hansard to see the positive contributions those people made to that debate.

It is interesting to note that in their contributions the Labor members raised concerns about why the regulations had not been promulgated before the legislation was passed, and about the potential costs of the legislation and the impact this might have on families and children. The then member for Albert Park was very concerned about the wide ministerial discretion within the legislation and whether the minister could be trusted to carry out that wide ministerial discretion. It is interesting to listen to the debate today and hear some of those issues being echoed.

I want to speak very briefly on this bill to put it in context. I was Minister for Youth and Community Services at the time and I pay tribute to those people who were advising me and those people in the department who provided the impetus and the direction for very significant legislation — the Children’s Services Act 1996. It is interesting that over a decade later it is still the basis for the child services protection system that we have today in terms of children’s health and welfare. This amendment bill will add to what was very good groundbreaking legislation introduced to this Parliament in the state of Victoria by a Liberal minister under a coalition government.

Mr LANGDON (Ivanhoe) — It is a great pleasure, and to some degree a privilege, to follow the member for South-West Coast in the debate on the Children’s Legislation Amendment Bill. It shows the house that we should all take a step back at times and realise that
wisdom does not necessarily prevail on one side of
the house more than the other.

Mr Walsh — Mostly over here!

Mr LANGDON — Again, depending on which
side you are looking from, wisdom can be rather
selective.

Mr Walsh — Too many socialists over there.

Mr LANGDON — Yes, I concede that fact. Having
listened to the former minister speak about the process
that the original legislation went through, I certainly
admire his convictions, and I know he has knowledge
of the portfolio. I also listened to the member for Forest
Hill, which showed her knowledge of the portfolio. I
also acknowledge the Minister for Children and Early
Childhood Development and the fact that this bill is the
second bill that she has introduced to the house, her first
bill being the Children’s Services and Education
Legislation Amendment (Anaphylaxis Management)
Bill. I also acknowledge that neither party in the
opposition, the Liberals or The Nationals, is opposing
the bill.

We have all accepted that the overall objective of the
bill is a fine thing. One of the things I want to pick up
across the board is that the sorts of services we are
speaking about are becoming more and more prevalent
in today’s society. As the father of four children, one of
whom is still at after-school care, and having
experienced all the facilities that children have to go
through these days with both parents working and all
the resources you call on, I can say that this sort of bill,
the support behind it and the consumer protection it
offers are certainly steps in the right direction. As I said
earlier, there is wisdom on all sides of the house when it
comes to such measures.

The overall objective of the Children’s Legislation
Amendment Bill is to provide an important form of
consumer protection for children and families, allowing
for the enforcement of minimum standards across all
early childhood settings. One could never dispute that
fact; it is an exceptional movement in the right
direction. This legislation follows other pieces of
legislation. The member for South-West Coast, who
spoke before me, highlighted at great length the
enactment of the Children’s Services Act 1996. He also
acknowledged that at that time concerns were raised by
the then Labor opposition. However, when the then
opposition came to government it saw the wisdom of
that 1996 act and followed through with it.

I commend the minister for following this duty through
with all the care she has exercised. Childhood services
and kindergarten are very important. Apart from being
a parent, I have also served for many years on the
Audrey Brooks Memorial Preschool, which is a
council-run facility of the City of Banyule located in
Bellfield. It needs all the support it can get, and I was
more than pleased to offer my support as a parent.
When my children were on hold waiting to go in there,
I remained on the committee for some time. I helped
out in the period between my children attending the
preschool and for many years afterwards, until the
council took over the entire running of the facility.

The consumer protections in this act are important.
They have been endorsed by many sectors within the
area of early childhood services, and that has been
acknowledged as well, so I am very pleased to support
the bill. It benefits the individuals involved and the
broader community and is an investment in early
childhood education and care. Many speakers have also
raised the issue of kindergartens, preschools and
education, and clearly they have other agendas which
are addressed in the bill, but the overall concern is to
make sure that children in Victoria are supported across
the board. Who could deny that that is a worthy
objective for all of us? I commend the bill to the house.
I am aware that a few other people wish to speak on the
bill, and I am also aware of the time, so I do not want to
limit anyone’s opportunity to make a contribution to the
debate. This bill has universal support, so I commend it
to the house.

Mr BURGESS (Hastings) — It is a great pleasure
to rise and speak on the Children’s Legislation
Amendment Bill. I spend quite a lot of time getting
around and visiting the kindergartens within my
electorate. What always amazes me is the participation
work level of the people who run the kindergartens,
particularly the parents who spend an enormous amount
of time and effort in running these institutions. I think
that goes unnoticed to a large extent, although it has
become a relatively important topic in debate over
recent years.

For instance, in Somerville, one of my townships, the
kindergarten is an excellent kindergarten which is very
well run and is well supported. A recent example of
how kindergartens and these types of facilities tend to
be put on the backburner and probably not given the
acknowledgement that they need is the area of
planning. Permission has been given for an Aldi store
to be built in Somerville and its car park will abut the
kindergarten. Interestingly enough, neither the
kindergarten, its managerial staff or the parents were
consulted at all about this process, and that has caused a
lot of concern for the parents and the people who are
involved with it. It is worthwhile mentioning that these
The purpose of the bill is to amend the Children’s Services Act 1996 to further provide for the licensing and regulation of children’s services, including the enforcement of minimum standards across all children’s services, and to amend the Child Wellbeing and Safety Act to include a kindergarten principle for children. The Children’s Services Bill amends the definition of ‘children’s service’ so that family day care and outside-school-hours care fall within the definition, and inserts new definitions to provide for the licensing and regulation of family day care. The bill also provides for significant increases in penalties for breaches of the act. The bill substitutes a new part 3 in the principal act, which deals with the licensing of children’s services, amends the licensing process and separates the approval for premises of children’s service from the licensing of a person to operate a children’s service. The bill also provides that a person must pass a fit-and-proper-person test and allows operators to appoint a nominee. It also provides for family day care schemes to be licensed rather than individual carers, and extends the licence term from three years to five years.

The insertion of new section 26B elevates programming from the regulations to the act and requires all children’s services, including family day care, to provide an educational and recreational program to enhance each child’s development. It also inserts new sections 29A to 29C and a substitutes a new section 30. These provisions deal with child-staff ratios, authorisation to administer medication, requirements for notification of a serious incident and a requirement for the licensee or nominee to be present at all times.

It also inserts new sections 32A and 32B that deal with administrative arrangements. In regard to enforcement, it amends part 5 to allow authorised officers to enter a family day carer’s residence during the hours that care is being provided, and extends the power of officers and the secretary to obtain information, documents and evidence. It also provides for the secretary to take emergency action if children are deemed to be at risk.

New sections 53A to 53C provide that the secretary must keep a register of family day carers; that the secretary may publish on the department’s internet site details of a service, including information regarding compliance with the act and actions taken against the service by the department for breaches. They also provide for the disclosure of information to other authorities for a purpose relating to the health, safety and wellbeing of children or the operation of children’s services, and that information provided under these sections must not include information that could identify anyone other than the licensee.

New section 54A provides for an internal review to be conducted before the secretary publishes information under section 53B. It inserts a new schedule to provide for transitional and saving provisions. It also amends the Child Wellbeing and Safety Act 2005 and inserts a new principle that every child should be able to enrol in a kindergarten program at an early childhood education and care centre. It is interesting to note that the Victorian government was one of the last to update the system whereby education for kindergarten children is conducted or at least controlled by moving the administration of kindergartens to the education department.

Reflecting back on what I said earlier, it is important to note that Victoria was one of the last to start to take this burden away from parents in the circumstances that had previously existed. Unfortunately the government had to be dragged, kicking and screaming, to that decision. I recall that a petition of 36 000 signatures was tabled in this place, asking for the government to move the kindergartens within the education department. When the government finally did it, it did it very slowly and it did not go far enough. I encourage the government to keep working on that and to make sure that the education department is able to impose itself in a way that assists the people who run the kindergartens, the parents and of course consequently the children who attend.

Mr SEITZ (Keilor) — I stand in support of the Children’s Legislation Amendment Bill 2008. How far child-care and children’s services have come! The first funding for child care came from the Gough Whitlam Labor government. Before that it was all done by religious groups. Children’s services and the amendments we are seeing here are further developments. I am glad to see people embracing and welcoming it today.

In the early days I was a young activist trying to develop those things to satisfy the needs of my own family. As we had no child care, my wife had to go to work to support us and to cater for all those things. I have watched over the years as an industry has developed. I commend the minister for these amendments and further developments. At one stage it had become too difficult to have a home-care system because there was too much red tape. My wife ended up working at a child-care centre, and a lot of the time
was involved in keeping records and retesting. Some of these home-care places are very good. We can have the flexibility and still have the privacy and the responsibility.

We hear a lot about licences of the premises. Construction and building premises regulations did not exist in the early days. People set the path at the beginning. Even now it is the commercial operators who go and purchase the buildings for a financial investment and it is somebody else who is the manager and the operator of the centre. Having those two licences separate and quite clearly defined in the legislation is again very commendable.

If we had said in the early days that these services would be commercial enterprises and public companies would need to be registered to run these services, people would not have believed us. But over the 30-odd years the industry has come far in its development. There is a constant need to review and reassess the position of child care and services for children and families. I commend the bill and wish it a speedy passage.

Business interrupted pursuant to standing orders.

ADJOURNMENT

The ACTING SPEAKER (Mr Nardella) — Order! The question is:

That the house do now adjourn.

Moorooduc Highway–Craigie Road, Mount Martha: safety

Mr DIXON (Nepean) — I wish to raise a matter with the Minister for Roads and Ports regarding Moorooduc Road. I am asking the minister to fund urgent works to improve the safety of the road. The Moorooduc Highway is a four-lane, divided road that runs from the Mornington Peninsula Freeway at Mount Martha and carries through to Mornington and Mount Eliza to south Frankston. The road is very heavily lined with trees on both sides and also down the centre strip. It has four high-speed roundabouts and a number of other roads also feed into the road. It also has a 100-kilometre-an-hour speed limit right along the entire length.

The traffic on this road has been increasing over the last number of years. The population of the area has grown, especially in the Mornington area. It is also a popular road for people to commute from the Mornington Peninsula to Frankston, Dandenong and the city for work purposes. It is a major tourism route, as people access the golf courses, the wineries and the beaches of the Mornington Peninsula.

Recently there have been a number of serious accidents on this road. I particularly wish to raise the intersection of Craigie and Moorooduc roads. Craigie Road is not a roundabout, but I think works like that need to be done. I received an email from a Luke Goss, who is a constituent of mine. He wrote:

On 13 April 2008 my girlfriend was involved in a serious car accident where the gentleman that hit her died at the scene. It was at the intersection of Moorooduc Highway and Craigie Road, Mount Martha. Moorooduc Highway has a speed limit of 100 kilometres and he failed to give way. As there is only one give way sign at this intersection it is extremely dangerous and it cost him his life. It has also had a huge impact on my girlfriend’s life physically and emotionally.

This is an intersection that certainly needs very urgent work. As I said there have been many other accidents and fatalities along this road just this year, and there has been a stream of serious injuries. Recently I have also spoken with local police, who say that a lot of work needs to be done to improve some of these intersections along the Moorooduc Highway. An overall safety audit needs to be done of the road. There needs to be a lot more enforcement of safety measures along the road, and there also needs to be funding to support all these sorts of measures — for example, even if a roundabout cannot be constructed straightaway, better signage and better lines of sight at that intersection are badly needed.

A number of options for a Frankston bypass in the long term might remedy the situation, but in the short term there will be more lives lost and there will be greater injuries unless something is done to improve the safety aspects of Moorooduc Highway.

Kororoit Creek Road, Williamstown North: safety

Mr NOONAN (Williamstown) — I wish to raise a matter for the attention of the Minister for Roads and Ports. The action I seek from the minister is that he investigates the possibility of creating an opening in the median strip on Kororoit Creek Road in Williamstown North, near Walter Street.

The intent of this opening is to allow residents of the Walter Street area on the north side of Kororoit Creek Road to make a right-hand turn when travelling west to enter Walter Street. Under the present situation residents must continue another 400 to 600 metres to the Maddox Street intersection before completing a U-turn and backtracking to Walter Street. The median
strip opening could potentially also allow traffic exiting from the Quest serviced apartments on the south side of Kororoit Creek Road to turn right into Kororoit Creek Road without making the same Maddox Street U-turn. This present situation is not ideal as the Maddox Street intersection already handles a high volume of traffic which turns both left and right into the busy Kororoit Creek Road passing through the median strip to turn right. The potential for accidents at this intersection is also heightened due to the 70-kilometres-an-hour speed limit which exists on that same section of Kororoit Creek Road.

Hobsons Bay City Council, which is responsible for the management of Walter Street, has agreed to provide funding for the break in the median strip, making provision for this in its 2007–08 budget. The project is now the subject of meetings and discussions between Hobsons Bay City Council and VicRoads, which is responsible for the management of Kororoit Creek Road. The median strip opening was tabled by Hobsons Bay City Council a number of years ago as part of a comprehensive development zone and then submitted to VicRoads for consideration. It is clear that any break in the median strip still remains subject to further discussions between the parties.

In my view, the creation of a break in the median strip at Walter Street is more about safety than convenience, which is consistent with the minister’s own focus on safer roads across Victoria. Safer roads, and by association a falling road toll, are the result of this government’s ongoing commitment to invest in our roads — in fact, $5.8 billion since 1999 and still growing.

In that context, let me be amongst the first to congratulate the Treasurer in the other house and the Minister for Roads and Ports for committing $48.5 million in the 2008–09 state budget for the duplication of Kororoit Creek Road between Millers Road and the West Gate Freeway. This is simply an outstanding investment. I commend the minister on this decision and once again urge him to investigate the possibility of creating a new break in the median strip near the Walter Street intersection.

Aquaculture: strategy review

Mr NORTHE (Morwell) — I seek action from the Minister for Agriculture to ensure that the Victorian Aquaculture Strategy (VAS) is reviewed on an annual basis rather than every five years as suggested within the strategy. The VAS released earlier this year follows many previous reviews and strategies, which have not achieved any significant purpose within Victoria.

Unfortunately aquaculture in Victoria is not a high-priority industry in the eyes of the Brumby government, and the government’s own statistics verify this. In March 2007 I wrote to the Minister for Agriculture seeking answers to a number of questions relating to aquaculture in Victoria. Part of the minister’s response noted that aquaculture licences in Victoria had reduced from 223 in 2003 to 173 in 2006 and down to 144 in April 2007 as per the Report on Regulatory and Administrative Reforms to Support Aquaculture Development in Victoria — or the RARSADV.

The minister also stated that aquaculture production had reduced from 3211 tonnes in 2002–03 to 3034 tonnes in 2005–06. These figures demonstrate an industry in decline and are indicative of a government that has long ignored aquaculture, whilst our interstate rivals continue to develop and thrive. There are many factors as to why there has been a reduction in aquaculture production and aquaculture licences in Victoria. These include the excessive costs for licence-holders, the inclusion within PrimeSafe regulations of certain aquaculture species such as yabbies, and the cost-recovery regulations that are imposed upon the aquaculture industry. There is a lack of incentive for prospective investors in Victorian aquaculture, and the lack of a one-stop shop continues to be a major impediment. The RARSADV in recommendation 2.1 refers to the establishment of a one-stop shop; however, where does this exist and how does it operate? The presence of field officers in the industry who should provide important support to prospective businesses is also non-existent.

If Victoria is to produce $60 million of output in 2015 as outlined in the VAS, then how is this to be achieved, and how will it be monitored, particularly given a review will not occur until five years time? Comments attributed to David Harris, a former head of the Victorian Aquaculture Council, and reported in the Age of 5 May 2008, demonstrate the frustration felt in the industry. In relation to aquaculture in Victoria, Mr Harris stated that this government had broken promises, had too much regulation and provided little support for the industry. I have had many discussions with organisations such as the Gippsland Aquaculture Industry Network on these and other matters and like many of their counterparts their sense of frustration is obvious. It is high time the Brumby government started to seriously support an important industry such as aquaculture.

In closing, the action I am seeking is for the minister to ensure the Victorian Aquaculture Strategy is reviewed on an annual basis rather than every five years.
Grovedale Secondary College: synthetic playing surface

Mr CRUTCHFIELD (South Barwon) — The issue I would like to raise is for the attention of the Minister for Sport, Recreation and Youth Affairs. I would like the minister to support the Grovedale Secondary College application for some $250 000 of funding towards artificial turf for its school oval.

I have been a regular visitor to Grovedale Secondary College and to the sporting club at Grovedale. It is a wonderful precinct for which we funded a number of worthwhile projects that have benefited both the sporting and general communities. The Minister for Planning in another place was previously there to support a significant funding round which tied the secondary college to the sporting community and enabled the netball facilities to be expanded quite considerably. It paid for the lighting and expansion of the netball court facilities and generally brought the community — not just the sporting community — into Grovedale College. I would argue that the college is a wonderful example of bringing communities into schools, utilising facilities that may have been under-utilised. This request by the school in respect of upgrading of the school oval by laying down artificial turf is another example of this. It will enable that facility to be utilised by a number of sporting groups.

The school itself has an elite sporting program that encompasses cricket, soccer, football and netball. The school principal, Jeff Cooper, has been very proactive in targeting that aspect as an attractor for the school. The school oval was renovated a year or so ago with some of the best lighting facilities in the region, and it has drainage and turf, but unfortunately the drought has devastated it. Some six to eight weeks ago the Minister for Sport, Recreation and Youth Affairs, with the principal, inspected the oval and saw firsthand its rather dilapidated state. Artificial turf would enhance not only the potential of the school’s elite program but also of the sporting community that currently uses the oval. I urge the minister to support it.

Nepean Highway—Bay Road, Cheltenham: traffic infringements

Mr THOMPSON (Sandringham) — I raise a matter for the Minister for Police and Emergency Services. It concerns the operation of traffic lights at the intersection of Bay Road and Nepean Highway, Cheltenham and, in particular, the operation of the traffic camera that monitors vehicles making a right turn down Bay Road. As members would be aware, this has been an issue of contention since August last year.

Over the last eight months or thereabouts over 500 people have individually contacted my office expressing their concern regarding the operation of the cameras. In one case a particular household has incurred up to four fines. This will become a multimillion-dollar intersection. That might be very well for the government’s revenue aspirations, which have seen fines collected in Victoria increased from some $100 million a year in 2000 to approaching $500 million today.

This camera has a major impact upon bayside families, one of which was obliged to find $880 to meet fines. One family accrued 12 points, one driver 9 points and another driver 3 points. When people face a loss of livelihood and thus the inability to support their families, there is an enormous amount of stress and duress.

This case will be heard on 27 May at the Moorabbin Magistrates Court, or, as it is ineptly called by the government, the Moorabbin Justice Centre. In preparing the case for the drivers concerned, we are keen to make sure that relevant information is available. Since considerable publicity was given to this case in April, the minister has stepped up to the plate to provide further information regarding the length of operation of the amber arrow. Nevertheless, the 500 people who have raised concerns regarding this matter would like further information. They want to know what the fine frequency per month has been since the traffic light was installed in February 2007 and the number of cases where the quantum of the fine — —

The ACTING SPEAKER (Mr Nardella) — Order! I ask the honourable member to detail the action requested.

Mr THOMPSON — What I seek from the minister is access to information. If he has any difficulty providing it, I can assure him that it is quite straightforward to work out how many fines have been imposed regarding this particular intersection on a weekly and monthly basis since the camera was installed.

The ACTING SPEAKER (Mr Nardella) — Order! I will have a discussion with the Clerk about that action.

Country Fire Authority: Geelong West brigade

Mr TREZISE (Geelong) — I raise an issue for action with the Minister for Police and Emergency Services. The action I seek relates to the relocation of the Geelong West Country Fire Authority (CFA)
bride from its current site in Autumn Street to its new site in McCurdy Road, Herne Hill. I know that the member for South Barwon, who is sitting to my left, very much appreciates the work of the CFA in Geelong, especially that of brigades such as Geelong West. The action I seek from the minister is that he ensure adequate support is provided to the Geelong West brigade so that the transfer occurs in a timely and effective manner.

On Sunday I was pleased to attend, together with the member for Lara, a CFA commemorative service for firefighters who lost their lives in the line of duty. The minister was there representing the state government. The very moving service was held in the beautiful setting of St Mary of the Angels Basilica in Geelong. As I said, it was a very moving ceremony. For each name of a deceased firefighter read out, a bell was tolled. As you, Acting Speaker, would realise — and I know the member for South Barwon would well and truly know this — 2008 marks the 10th anniversary of the Linton tragedy, when five of Geelong West’s volunteers lost their lives.

At the service I spoke briefly with CFA volunteer and Geelong West fire brigade stalwart, Bruce Pickett. In our conversation we discussed the importance of the brigade’s shift from its current site in Autumn Street to McCurdy Road. The historic site in Autumn Street has served the Geelong West brigade well for more than 100 years, but it is now far too small and hemmed in by development, basically rendering the station obsolete. The new McCurdy Road site is about 3 kilometres up the road from the current site and is a far more appropriate site.

The proposed facilities under construction will obviously service the brigade well for many decades to come. It is proposed that the shift will take place in October, and as I said, it is important it is done in an effective and efficient manner, and I am confident it will be. This is an important issue for the Geelong West fire brigade, and it is therefore an important issue for the Geelong West community and for the wider community. It is important we ensure the transfer takes place in a timely manner, and I look forward to the minister’s action.

Rail: Stony Point line

Mr Burgess (Hastings) — I wish to raise a matter for the attention of the Minister for Public Transport. The action I seek is for the minister to take action to have ticket purchase facilities installed on all trains on the Stony Point line. My community has waited a long time for the Sprinter trains, and the expectation was that the upgrade would be a huge improvement to an old service. While the upgrade is welcome, it is unfortunate that there is always a sting in the tail with anything the Brumby government does.

Numerous constituents have contacted me regarding the complete absence of onboard ticketing facilities on the Sprinters and the lack of outlets stocking Metlink tickets. Apparently the government decided not to install the machines in anticipation of the now infamous myki ticketing system, which it forlornly hopes will one day replace the current ticketing system. With the problem-plagued myki system budget blowing out from $300 million to $1 billion and the implementation being three years late, it is looking less and less likely that it will ever see the light of day. The Premier has recently cast further doubt on the future of the myki ticketing system.

The absence of the ticketing facilities has caused confusion and much stress for passengers who do not have access to outlets to purchase Metlink tickets prior to travelling. Metlink tickets are not currently sold at any outlets from Stony Point to Hastings. The Hastings newsagency has advised that although it is a Metlink stockist it does not currently have tickets to sell due to not receiving an allotment from Metlink. When contacted Metlink advised that passengers on the Stony Point line are required to purchase tickets upon arrival at their destination at Frankston. This means commuters, including elderly patrons who use the service to catch connecting trains, will be inconvenienced by having to purchase and validate tickets after travel at busy Frankston station. Is the minister prepared to reimburse commuters who miss connecting trains due to this unworkable approach?

When I sought an explanation on behalf of my constituents, I was assured that station officials and ticket inspectors were all aware of the situation and would not be issuing fines to passengers who travelled without a valid ticket. However, this is clearly not the case, as demonstrated by the incident involving the Jackson family of Bittern.

Larissa Jackson alighted at Frankston station after boarding a train at Bittern with a school group and a teacher to commence a school outing. They had hoped to catch a connecting city-bound train. The students were dressed in school uniform and left the train as a group. Larissa Jackson was singled out by a ticket inspector and advised that she would need to produce a valid ticket. When Larissa explained that her teacher was in the process of purchasing tickets at the counter she was advised it was her individual responsibility to
travel with a valid ticket. She was told to stay where she was whilst the inspector wrote an infringement notice.

Larissa watched as her group moved towards the city-bound train before calling out for a teacher to assist her with the inspector. The matter was cleared up at the station, but the school group missed its connecting train. I ask the minister to intervene urgently to remedy this ridiculous situation.

**Police: Carrum Downs and Langwarrin station**

Mr PERERA (Cranbourne) — I would like to raise a matter with the Minister for Police and Emergency Services. I call on the minister to honour the government’s 2006 election commitment to build a police station to service Carrum Downs and Langwarrin in this term of the Labor government. The Brumby government has committed to the construction of eight police stations and the refurbishment of one police station over this term of government.

Since coming to office, the Bracks and Brumby Labor governments have funded the construction or refurbishment of over 150 police stations across Victoria at a cost of $400 million in the state’s largest-ever police station building program. In our first four years in government we spent more on police stations than the previous government did during its entire term in office. Many of the new police stations have been built in outer suburban growth areas such as Caroline Springs, Endeavour Hills and Hurstbridge. In my electorate the new state-of-the-art redeveloped Cranbourne police station at a cost of $6.7 million is the living, breathing example of our achievements as a government.

I understand that police command is looking for a location to build a police station which effectively services the two adjoining suburbs of Carrum Downs and Langwarrin. Carrum Downs and Langwarrin are situated at a reasonable distance from the two closest police stations at Frankston and Cranbourne. The best way to increase the police service in these areas is to have a police station in the middle of the two suburbs.

I have had an opportunity to work gainfully with local senior police in the electorate of Cranbourne. The Frankston police service area has seen a 91 per cent increase in front-line police since 1999. This investment in police has shown great results, with a 14 per cent fall in the crime rate in the Frankston police service area since 2000–01. The local police have done a terrific job in bringing down crime, with residential burglary also falling by 49.2 per cent during this period. The rate of motor car theft dropped by 62.2 per cent and drug offences dropped by 46.3 per cent. I applaud local police for their efforts.

Carrum Downs and Langwarrin have been the two fastest-growing suburbs in the city of Frankston area in the past decade and half. The majority of families who have moved into Carrum Downs and Langwarrin within the last 15 years are young and first home buyers. Now most of their kids have grown up and are in their late teen years. However, the council has not kept up the growth with matching amenities. I am sure the Frankston 2025 structure plan will address these issues.

I would like to point out that the suburbs of Carrum Downs and Langwarrin also have a large chunk of retirees moving into one to two-bedroom units — —

**The ACTING SPEAKER (Mr Nardella) — Order! The member’s time has expired.**

**Multicultural affairs: interpreter card**

Mr KOTSIRAS (Bulleen) — I wish to raise a matter for the attention of the Premier in his role as Minister for Multicultural Affairs. The action I seek is for the Premier to work with the other states and with the commonwealth to introduce a nationally recognised interpreter card. To achieve this I ask that the Premier direct his department and the minister assisting him on multicultural affairs to raise this matter at ministerial council level for support and implementation.

As members will be aware, many senior members of our community revert to their original language as they get older. Therefore, ensuring they have access to language services is important if they are to be familiar with government services and can access government programs and services. In fact this government relaunched the interpreter card in 2006 after the Liberal Party launched the card in 1995 — 11 years later! But despite the fact that this Labor government copied a Liberal policy yet again, the Victorian Multicultural Commission neglected to acknowledge that this was a Liberal government initiative launched by the Kennett government in 1995. Then again, I expect that from the VMC, which is simply an addition to this government’s huge public relations machine.

The interpreter card empowered Victorians from culturally and linguistically diverse backgrounds to access free, professional, qualified and accredited interpreters when dealing with state government departments and agencies. However, after 11 years the Brumby government has still not managed to introduce a nationally recognised interpreter card which allows
Dr HARKNESS (Frankston) — I wish to raise a matter for the attention of the minister at the table, the Minister for Consumer Affairs. The action I seek is for the minister to engage in a community awareness campaign on potentially dangerous children’s toys, particularly those for sale on the internet. I ask that the minister work with Consumer Affairs Victoria to do everything possible to ensure Victorian children are not put at risk by potentially harmful toys.

Earlier this year Consumer Affairs Victoria highlighted the importance of this issue. On 17 January the director of Consumer Affairs Victoria issued a public warning statement about 100 toys sold on the popular internet site eBay. The toys were remote-controlled cars which allegedly contained ‘super thick asbestos brake blocks’. The company selling these products did act responsibly by removing the products from eBay immediately but a public warning was issued because concerns remained about the 100 or so toys that had already been sold. Unfortunately Australians know all too well about the dangers of asbestos. The tenacious public campaigning of asbestos victims such as Bernie Banton, who sadly passed away last November, means that people are aware of the tragedy that asbestos can inflict. However, governments must continue to be vigilant to ensure that such tragedies are never repeated. As the parent of a young child myself, it is alarming to contemplate the possibility of apparently harmless toys exposing children to asbestos.

What is potentially worrying about this case is that the products were available for sale over the internet on a well-respected website. Nobody denies that sites such as eBay are a useful and convenient way to buy and sell goods, but their popularity does present new challenges for consumer protection. What we are witnessing is the emergence of a new domain, which undoubtedly brings benefits but which requires careful monitoring and regulation at the same time. More now than ever before, governments must work together with the private sector on consumer safety to ensure that the law keeps up with new technology. On this point, I am very encouraged to know that Consumer Affairs Victoria, under the minister’s guidance, works with eBay on a range of matters.

The Brumby government already has a very strong record on consumer protection, with major public campaigns taking place and numerous crucial improvements made to the Fair Trading Act. But this toy car asbestos warning is a reminder that there are always new dangers, new challenges and new solutions to be implemented. I encourage the Minister for Consumer Affairs to continue his good work in making Victoria a world leader in consumer safety and protection, particularly regarding products that are available online.

Mr ROBINSON (Minister for Consumer Affairs) — I appreciate the member for Frankston raising what is an important issue. On 14 January the Age ran a story about toy cars being advertised for sale on eBay and the problem with those toy cars was that they contained asbestos parts. As the member quite accurately pointed out, asbestos is a very dangerous product, not just for children but for all people who come into contact with it in certain forms. The member would be aware that asbestos is a prohibited import in Australia, and as such is on the list of products that is policed very actively by the Australian Customs Service. This case demonstrates the need for consumer agencies such as Consumer Affairs Victoria to work closely with the customs service.
As all members would be aware, we live in an age when trade is on the increase. We have record volumes of trade in Australia and around the world, and it stands to reason that with the greater volume of products coming into Australia from all around the world and from places where different standards apply, we will see products arriving in Australia which are composed in part of substandard or even illegal components or materials that are not allowed into this country. The eBay auction or sale system is an added complexity. Again, it is another example of the way in which the world is changing, because you can actually put products up on eBay but not in a commercial sense; eBay hosts the sales environment, but it is actually private people offering to buy and sell products and negotiating through that hosting vehicle. It challenges some of the preconceptions we have about the way in which markets work and the way in which consumer laws work.

I can assure the member that this is something we are looking at very closely within Consumer Affairs Victoria as we commence what will be a fairly lengthy legislative modernisation program. We want consumer laws in Victoria that reflect the contemporary world, not the world of trade and business as it has applied up until now. The world is changing very quickly and it is important that the laws change with it. More specifically I can assure the member that all of the remote-controlled cars were actually removed from sale by eBay. In this case eBay has shown itself to be a very good corporate citizen. It does understand the obligations on it and what the right thing to do in these circumstances is. I had the opportunity late last year of meeting eBay representatives, and we discussed in part these sorts of issues. They outlined to me the very well-developed protocols they have in place. Those protocols were of great assistance in this instance, where they were able to have those advertisements withdrawn and were also able to contact a small number of people in Australia who had purchased those products.

The customs service has been targeting asbestos imports since June 2007, and it will continue to do so. That is just one of the many products that the customs service keeps a close eye on. Consumer Affairs Victoria has also advised me that a public warning was published on the Consumer Affairs Victoria website as a continuing message to consumers about the dangers of products containing asbestos. I think that will be of some assistance to the member. But of course Consumer Affairs Victoria would always appreciate members — the member for Frankston and other members — doing their bit to promote these messages further.

I should also say to the member that recently the government established a new toy line for parents in Victoria. It is a service that is available on 1300 364 894 — and it is in addition to the consumer affairs general inquiry line. We have done that because it is important that parents have access to information. It is a new initiative. We are doing it in conjunction with the Tasmanian government so that advice is available for people in Tasmania and Victoria, and we will explore the possibility of that being extended further. As the member pointed out, it is a great source of assurance for parents to get information in a timely manner. All parents take very seriously their responsibilities for their children and for making sure their children do not come into contact with dangerous toys.

In conclusion, I can assure the member that Consumer Affairs Victoria will continue to work with him, with other members and with industry bodies to ensure we have a robust product safety regime in Victoria, particularly in relation to imported products.

The member for Nepean raised an issue for the attention of the Minister for Roads and Ports in relation to a safety audit on the Moorooduc Highway that he is requesting, and I will refer that to the minister. The member for Williamstown also raised an issue for the Minister for Roads and Ports in relation to Kororoit Creek Road, especially the investigation of the need for an opening in the median strip near Walter Street.

An honourable member interjected.

Mr ROBINSON — It is just as well I keep very good notes.

An honourable member — He has gone to Walter Street.

Mr ROBINSON — Near Walter Street. What an excellent new member he has turned out to be. He has only been here a few months and already he has secured $48 million for the duplication of an important road in his area. That is an outstanding achievement by the member for Williamstown. I will pass that on to the minister.

The member for Morwell raised an issue for the Minister for Agriculture in relation to aquaculture. He is seeking an annual review rather than a five-yearly review of the aquaculture strategy, and I will pass that matter on.

The member for South Barwon not surprisingly raised an issue for the attention of the Minister for Sport, Recreation and Youth Affairs relating to Grovedale
Secondary College. He is seeking support for an application for $250 000 to pay for artificial turf on the oval at the college, and I will pass that matter on.

The member for Sandringham raised an issue for the attention of the Minister for Police and Emergency Services in relation to traffic camera lights at the intersection of Bay Road and the Nepean Highway, as it impacts on traffic turning right into Bay Road — I think I have got that correct — and I will pass that matter on.

The member for Geelong also raised an issue for the Minister for Police and Emergency Services in relation to the support that is required for the transfer of the Geelong West fire brigade to new premises. He referred to a commemorative service held at the Geelong basilica for firefighters killed in the line of duty. I understand Father Kevin Dillon is still running the basilica with a very firm hand.

Mr Trezise — He is.

Mr ROBINSON — Mitcham’s loss of Father Kevin Dillon was Geelong’s gain. I will pass that matter on.

The member for Hastings raised an issue for the attention of the Minister for Public Transport in relation to access to ticketing on the Stony Point line and the consequential difficulties that is creating. I will pass that matter on to the minister.

The member for Cranbourne raised an issue for the Minister for Police and Emergency Services in relation to a police station to service Carrum Downs and Langwarrin, and I will pass that on.

Finally, the member for Bulleen raised a matter for the attention of the Premier in his capacity as the Minister for Multicultural Affairs in relation to the desirability of a nationally recognised interpreter card, something he would like raised at the ministerial council. I will pass that on to the Premier.

The ACTING SPEAKER (Mr Nardella) — Order! The house is now adjourned.

House adjourned 10.39 p.m.
Thursday, 8 May 2008

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

RULINGS BY THE CHAIR

Anticipation rule

The SPEAKER — Order! Several members raised matters with the Chair on Tuesday, 6 May 2008, relating to discussing matters in the house that, in referring to the state budget, may infringe the anticipation rule. In particular, members sought guidance about the application of the anticipation rule during statements by members, and during the adjournment debate.

Standing order 40 states that members may make statements on any topic of concern. The standing order appears to allow statements on any subject the member wishes to bring to the attention of the house. I believe that it is in accordance with the standing order for members to raise matters relating to the budget during members statements.

The house has already suspended that ruling relating to anticipation of the budget during question time. In agreeing to that suspension, members made the point that the budget should be treated as a separate case and excluded from the normal rules relating to anticipation. I consider the same principles apply to requests made in an adjournment debate for ministers to take action, as they do to questions addressed to a minister. In both cases information or action is being sought from the minister, rather than members participating in a formal debate such as during the second reading of the bill. I therefore rule that members are entitled to raise matters on the adjournment debate that may concern matters in the budget.

Dr Napthine — On a point of order, Speaker, I seek your advice. I have not had a chance to look up the exact standing order. You referred to the standing order with regard to statements by members and you said that any matter could be raised in them. Do I take it from your advice to the house this morning that the rule of anticipation with respect to bills before the house is also not relevant in statements by members, or do you wish to make it clear that the rule of anticipation relates to bills in statements by members but does not relate to the budget? Does it apply to both? I think if you look at the standing order, from what you read out, it would imply that the rule of anticipation does not apply to statements by members at all. I think that would be perhaps inappropriate.

The SPEAKER — Order! A ruling concerning members statements was made previously by Speaker Maddigan on 17 September 2003, which clearly states:

Members are allowed to speak about legislation before the house when making a members statement.

I am prepared to accept that ruling as it is. I understand that it is difficult because the member for South-West Coast does not have the written words in front of him. My ruling this morning is regarding matters raised on the adjournment and in members statements as they apply to the budget. I understand that the ruling has been made previously that legislation before the house can be raised in members statements.

NOTICES OF MOTION

Notices of motion given.

Mr Delahunty having given notice of motion:

The SPEAKER — Order! I suggest to the member for Lowan that that would have been a better contribution made as a member’s statement.

Mr Weller having given notice of motion:

The SPEAKER — Order! I express my disappointment at that notice of motion also. It would be much more appropriate as a members statement.

Mr Walsh — I wish to raise a point of order, Speaker, but I am happy to wait until the notices have finished.

Honourable members interjecting.

The SPEAKER — Order! Government members will not behave in that way. If a member of Parliament chooses to show good manners, he should be congratulated, and I do so.

Mr Walsh — On a point of order, Speaker, I seek your guidance for the house as to why you have ruled one way on some notices of motion and another way on others. As I would have listened to them, the member for Eltham and the member for Forest Hill moved
notices of motion that congratulated people, similar to those of the member for Lowan and the member for Rodney. I wonder why you singled out the member for Lowan and the member for Rodney and not the member for Eltham and the member for Forest Hill.

The SPEAKER — Order! If that is indeed the case, I apologise. I have not ruled out in any way — because I cannot — the notices of motion from the member for Rodney and the member for Lowan. What I was expressing to the house was my disappointment that the discussion that was had at the Standing Orders Committee some time ago and which seemed to have had a positive impact on the time of the house to do its formal business had been transgressed. The Standing Orders Committee can have a look at this again, but we have an opportunity in formal business for members statements. It is my understanding that notices of motion need to be on a matter that can be debated by this house in a full and frank manner. A message of congratulations to particular people is a difficult concept to actually debate.

We had occurrences earlier in this parliamentary term where debates on notices of motion were going for more than 40 minutes, and that is taking the time of the house in a way that is an abuse of the orders that we have. There was a very frank and, I thought, constructive discussion by the Standing Orders Committee and some common sense applied. I suppose what I was flagging today was some disappointment that that seemed to have been breaking down. I apologise if I have seemed to pull up two members in particular and not other members. I did not fully appreciate the form of the notices of motion given by the member for Eltham or the member for Forest Hill. I apologise if that is the case.

BUSINESS OF THE HOUSE

Notices of motion: removal

The SPEAKER — Order! I wish to advise the house that notices of motion 155 to 196 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.

Ms Marshall — On a point of order, Speaker, chapter 17 of Rulings from the Chair states:

Notices of motion should relate to government business.

Both of the notices of motion given by the member for Eltham and me did relate to government business, not to an individual.

The SPEAKER — Order! While I appreciate that the member for Forest Hill felt the need to make that point, points of order are not a forum to continue a debate.

PETITIONS

Following petitions presented to house:

Bass electorate: health services

To the Legislative Assembly of Victoria:

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

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

By Mr K. SMITH (Bass) (387 signatures)

Water: desalination plant

To the Legislative Assembly of Victoria:

The petition of residents of Victoria points out to the house that, given the lack of information and consultation with the public, we are totally opposed to the proposed desalination plant on the following grounds:

- Desalination is an energy-intensive and unnecessarily costly means of addressing water shortages. Any renewable energy offsets need first to be directed to reducing the impact of current levels of energy use.
- The construction of the plant poses potential risks to marine and marine park environments.
- Aboriginal heritage sites are also at risk.
- Inappropriate siting of the plant has potential detrimental effects on coastal space, with the likelihood of destroying the very values which attract visitors and residents to Bass Coast.
- The development is at conflict with state and local government policies, especially marine protection, Victorian coastal strategy, Victorian coastal spaces study and Bass Coast strategic coastal framework.
The petitioners therefore request that the Legislative Assembly of Victoria directs immediate consultation between government and the local community’s representative committee to address the issues as listed above.

**By Mr K. SMITH (Bass) (316 signatures)**

**Frankston bypass: Pines Flora and Fauna Reserve**

To the Legislative Assembly of Victoria:

The petition of the people of Victoria draws to the attention of the house the Frankston Pines Flora and Fauna Reserve as being the most botanically significant Crown land in Melbourne’s south-east; the closest home to Melbourne of the nationally endangered southern brown bandicoot, swamp skink, the black-faced wallaby and over 30 species of indigenous orchids.

The petitioners therefore request that the Legislative Assembly direct that an alternative route be found for this road and that all the Crown land within the reserve’s boundaries be set aside as a national park.

**By Mr PERERA (Cranbourne) (315 signatures)**

**Abortion: legislation**

To the Legislative Assembly of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the house:

1. the avowed desire of some members of Parliament to decriminalise later-term abortion;
2. there are around 90 000 abortions in Australia annually, which is 10 per hour, or 1 every 6 minutes;
3. the command of Almighty God ‘You shall not murder’ in Exodus 20:13; His clear instruction that human life begins at conception, as stated in Psalm 139:13–16; Matthew 1:18, 20, 21; and Luke 1:39–44; and His express command not to kill the unborn in Exodus 21:22–25;
4. the scientific fact that a new human life begins at conception, with its own DNA, blood group, blood type, separate blood supply, heartbeat and gender;
5. the fact that today’s modern medicine and medical treatment ensures a high survival rate for babies born prematurely, as early as 23 weeks’ gestation and improving continually (‘67 per cent survival at 23 weeks: Royal Women’s Hospital’ in ‘Premature baby debate needed — Pike’, the Age, 07/06/05).

The petitioners therefore request that the Legislative Assembly of Victoria:

- expand the provisions of sections 65 and 66 of the Victorian Crimes Act 1958 to prohibit all forms of abortion at any stage of pregnancy, excepting those extremely rare instances of indisputable medical emergency where the mother’s life can only be saved by ending the pregnancy;
- require, through appropriate legislation, that all such emergency deliveries be performed with the goal of delivering the baby alive together with supply of modern medical care for the premature baby.

**By Mr TREZISE (Geelong) (60 signatures)**

**Water: catchment logging**

To the Legislative Assembly of Victoria:

We the undersigned draw to the attention of the Parliament of Victoria that logging of high-conservation forest is occurring at the Armstrong Creek catchment.

We the people, are outraged that at a time when Victoria is experiencing its most severe drought, logging of this catchment is reducing our water supply.

We are equally concerned at the fact that logging of this catchment is destroying the habitat of Victoria’s endangered faunal species, the Leadbeater’s possum.

We therefore call on the Victorian government to immediately cease logging of the Armstrong, Thompson, Cement, McMahons and Starvation catchments.

**By Ms LOBATO (Gembrook) (44 signatures)**

**Water: north–south pipeline**

To the Legislative Assembly of Victoria:

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

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

**By Mrs POWELL (Shepparton) (221 signatures)**

**Tabled.**

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

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Financial and performance outcomes 2006–07

Dr SYKES (Benalla) presented report, together with appendices.

Tabled.

Ordered to be printed.

DOCUMENTS

Tabled by Clerk:

Statutory Rules under the following Acts:

County Court Act 1958 — SR 33
Subordinate Legislation Act 1994 — SR 34

Subordinate Legislation Act 1994:

Ministers’ exception certificates in relation to Statutory Rules 33, 34.

BUSINESS OF THE HOUSE

Adjournment

Mr HELPER (Minister for Agriculture) — I move:

That the house, at its rising, adjourn until Tuesday, 27 May.

Motion agreed to.

MEMBERS STATEMENTS

Water: Mornington Peninsula

Mr DIXON (Nepean) — Mornington Peninsula residents have been shocked to learn that they will now be hit with a new tax from the Brumby government — a water and drainage charge which will slug ratepayers up to an extra $57 a year on their water bills. The average water bill for South East Water is approximately $495. The Brumby government’s announced water price hike of 14.8 per cent will add a further $73, so that together with the new water tax of $57, residents on the Mornington Peninsula will be paying on average an extra 26 per cent for their water. The vast majority of my constituents are on pensions, are superannuants or have low incomes. This new tax will not be appreciated by residents, who are finding it hard enough to make ends meet.

Police: Mornington Peninsula

Mr DIXON — On another matter, following my visit to a number of local police stations last week, I have learnt that currently there is no divisional van operating in the southern peninsula at the moment. The area should have two divisional vans, but that has not been the case for years now. Following a recent accident, the only van is out of commission while it is being repaired, leaving no van at all available for patrols. When a government makes a police force operate on the edge in terms of resources, one incident, like the van’s accident, can leave a whole district without this important aspect of police work. It is about time the Mornington Peninsula was given police resources that its growing population deserves. It cannot afford to be protected by the same sized force it had 20 years ago, which is what it has now.

Werribee Mercy Hospital

Mr PALLAS (Minister for Roads and Ports) — I rise to acknowledge the important work of the Werribee Mercy Hospital, which is the local hospital in my electorate. Werribee Mercy covers the areas of Hobsons Bay and Wyndham, which are some of the fastest-growing municipalities in Victoria, and also people from as far as Brimbank and Geelong. The Brumby government has continued its strong support of the important work of this hospital with the allocation of $14 million in this year’s budget for stage 1 of the Werribee Mercy Hospital extension. This money will provide an extra eight obstetric beds, with four extra special care nursery cots, giving capability for an extra 800 births a year.

I would like to commend Werribee Mercy’s chief operating officer, Stephen Cornelissen, the director of nursing, Wendy Dunn, and all the doctors, nurses, health professionals and staff who provide so much care and respect for all the patients. In the last year it saw 24 000 inpatients, 38 000 emergency patients, 7500 surgery patients and almost 2000 births in a 186-bed hospital. The hospital is one of only three in the metropolitan area that provides a 6-bed mother-baby unit, which ensures support for mothers experiencing postnatal depression. The provision of mental health services is of extreme importance, and with 700 registered clients the hospital provides crisis assessment and treatment, a 25-bed inpatient unit, a 4-bed short-stay unit and a homeless outreach psychiatric service. The hospital also provides excellent
palliative care services, which provide for a 150-patient program that cares for people in their homes and a 12-bed inpatient unit.

East Wimmera Health Service: dialysis services

Mr WALSH (Swan Hill) — Now that the budget is over the challenge is still there for the East Wimmera Health Service in meeting the demand for dialysis services in its health catchment area. It desperately needs assistance from the Brumby government to recruit and fund a second dialysis nurse at its Donald campus. The health service has converted its disused theatre at the Donald campus into a specially designed dialysis service to cater for three people at a time — the most that can be safely managed by its sole dialysis nurse. But this is not enough to meet the demand for dialysis services within the East Wimmera catchment.

At the top of the list is a man from St Arnaud who has to travel to Ballarat three times a week for dialysis services, which involves a four-hour round trip each time. A Birchip mother in her 60s has to travel three times a week to Swan Hill for dialysis services and undergoes a 3-hour round trip each time. For both of these people the travel is physically and emotionally exhausting. A second dialysis nurse at the Donald campus would significantly reduce the travel time for these people and others who require dialysis services within the East Wimmera Health Service district.

The board and the staff of the health service are doing a great job of providing health services at Birchip, Charlton, Donald, St Arnaud and Wycheproof, but they need assistance from the Brumby government in recruiting and funding a second dialysis nurse. The community is not interested in the billions of dollars in the budget, just a small simple request: please Mr Brumby, help East Wimmera Health Service meet the demand for dialysis services.

Hugh McMenamin

Mr MERLINO (Minister for Sport, Recreation and Youth Affairs) — I rise to honour the memory of Kilsyth and Mountain District Basketball Association great, Hugh McMenamin, who passed away last month. The legacy he leaves for basketball in this state is enormous. From his beginnings as an administrator with the Kilsyth Cobras basketball team to his position as chair of the South East Australian Basketball League, Hugh has helped grow the sport like few others have. He served on almost every board associated with both Kilsyth Basketball and Basketball Victoria, and his work was crucial to Kilsyth Basketball growing into the largest basketball association in Australia, catering for thousands of players every week. His impact and influence was no better highlighted than at the recent memorial service in his honour. Hundreds packed court 1 of the Kilsyth basketball stadium — a mixture of players past and present, administrators from across the country, community leaders, families and many friends. I would like to quote from what the Kilsyth Basketball Club said about him:

Hugh was a tireless servant and figurehead at every level. Hugh was a wonderful gentleman among men and a loyal servant to the sport …

His loyalty and passion for basketball will be forever remembered and celebrated.

Anzac Day: football derbies

Mr MERLINO — I would like to pay tribute to the thousands of Victorians who came together on Anzac Day at commemoration sporting matches right across the state. Inspired by the now traditional Collingwood-Essendon clash, dozens of local Anzac Day derbies were held in places such as Ballarat, Bendigo, Mildura, Kilmore, Mornington and Reservoir helping raise thousands of dollars for local RSLs. I attended a clash in my electorate between Upwey-Tecoma and Monbulk, which began with a moving service conducted by the Upwey-Belgrave RSL sub-branch. It was a fantastic day, with Upwey-Tecoma flying home to a 35-point win. But the real highlight was the way we again witnessed how sport can bring communities together.

Box Hill Hospital: redevelopment

Mr CLARK (Box Hill) — Eastern suburbs residents are entitled to be disappointed and angry at the Brumby government’s breaking of Labor’s election promise to redevelop the Box Hill Hospital. The hospital’s waiting lists and waiting times are the worst of any hospital in Melbourne, despite the best efforts of the doctors, nurses and other hospital staff. The medical needs of residents of the eastern suburbs and beyond are suffering because the hospital is struggling to cope with growing numbers of patients, including elderly patients and young families, in the hospital’s current old and inadequate facilities. Patients in pain are left waiting for hours unattended in the emergency waiting room or are turned away from long-awaited operations.

The last major upgrade of the hospital was in 1998. Previous redevelopment plans were scrapped by the government after the 2002 election. In its eastern suburbs election policy at the last election, Labor promised to redevelop the hospital, saying:
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 preliminary stage of the redevelopment is now almost complete, but the redevelopment of the hospital is not being continued. The failure to provide funding in this year’s budget means the project will come to a halt, the project team will be wound up and the drawings filed away.

It adds insult to injury that the government set up a community consultative committee for the redevelopment chaired by the member for Burwood, which consumed hundreds of hours of volunteer time, falsely raised expectations and left the community abandoned. The health needs of hundreds of thousands of eastern suburbs residents cannot simply be brushed aside. Labor must be forced to honour its promise and continue this much-needed redevelopment.

**Casey: maternal and child health**

**Mr DONELLAN** (Narre Warren North) — I wish to talk about the maternal and child health service in the city of Casey. I am concerned that the Casey City Council still will not accept the need for its nurses to engage directly with the Casey Hospital in relation to at-risk discharges to ensure mothers have the support they need in relation to breastfeeding, depression and other emotional and physical difficulties. It is the only council in Victoria not to do so.

The Community Indicators Victoria wellbeing report indicates that in 2005–06 the participation rate of children at 3.5 years of age in the city of Casey’s maternal and child health service was 28.9 per cent, compared to the state average of 58 per cent. Further, recent Department of Human Services figures on breastfeeding indicate that Casey has the worst rate in Victoria. These problems have been around since 2002. Every time the council is caught out it seems to put a spin on it. The City of Casey can find money to fund the Melbourne Football Club, but cannot seem to find time or money to protect the health of their local rate-paying mothers. It can promise pokies for the city of Casey, but cannot find money for healthy babies. There is still no guarantee to the Department of Human Services or the Minister for Children and Early Childhood Development that the council will allow nurses to directly liaise with hospital staff regarding at-risk discharges. It is no use the state government putting more money into maternity services at Casey Hospital if the City of Casey is not going to pull its weight.

**Police: G20 protesters**

**Mr R. SMITH** (Warrandyte) — I rise to speak in support of the policemen and policewomen of Victoria. In November 2006 our overworked and underresourced police were sent to deal with organised protesters on the day of the G20 riots. Police were outnumbered by those protesters and were viciously attacked on what has become a sad and black day for Victoria. We have all seen the pictures time and again of police trying to contain those protesters who tried to break through police blockades and who threw anything they could get their hands on at police.

One of my local police, Senior Constable Kim Dixon, a police officer of 22 years, may never return to front-line duties due to the injuries she sustained during the G20 riots. She has two torn tendons in her left elbow and is unable to perform a number of daily duties such as pushing her young son in his pram. Ten protesters from the riots who the magistrate described as ‘defiant’ and ‘aggressive’ recently escaped jail sentences. Five received suspended jail terms and five received community-based orders. Kim, conversely, has received a sentence of chronic pain and the struggle of trying to complete the daily tasks we all take for granted. She may yet be pensioned off from the police force because she may not be able to carry out a full range of duties in the future. Our police are on the front line day after day, working to protect our communities and, in return, they see that those who have committed acts of violence on them are given little more than a slap on the wrist.

If our lenient sentencing is so soft that it does not protect those who protect us, then what does that say to police? Why should they put themselves on the line when there are no real consequences for those who have no respect for the law or for those who are charged with enforcing those laws? It is time this government gets tough on crime and ensures that tougher penalties are enforced on those who break the law.

**Chris Dower and Russell Elliott**

**Mr TREZISE** (Geelong) — I take this opportunity to mark the retirement of Mr Chris Dower, former principal of Western Heights Secondary College, and Mr Russell Elliott, former principal of North Geelong Secondary College. I assure members that both Russell and Chris were principals who provided dedicated and quality leadership to their respective school communities.
Chris Dower began teaching in 1972, and in 1973 he commenced his lifelong association with Western Heights Secondary College. In 1979 he was appointed to the education department’s regional office, but he returned to the school in 1993 and became principal in 1999. As the principal, Chris Dower was a man of vision and the driving force behind what will be a state-of-the-art redevelopment of the Western Heights Secondary College as a single campus incorporating facilities for the local community. When built, this building will be a testament to Chris Dower’s commitment to education.

Russell Elliott was also a driven principal. He was driven to ensure that the youth of the northern suburbs, many of them from financially and socially disadvantaged backgrounds, including newly arrived refugees, were given the quality of education opportunities they deserved. In partnership with the school community, Russell ensured that the school took a holistic approach to inter racial harmony and oversaw the development of the school’s specialist English language centre. The $3.3 million refurbishment of North Geelong Secondary College is also a testament to Russell’s relentless commitment to the school.

I commend both Russell Elliott and Chris Dower on their fine careers. They were committed to ensuring the best possible outcomes for their students, teachers and staff alike. I wish them both well and all the best for where their future may take them.

Gaming: industry restructure

Mrs POWELL (Shepparton) — On Thursday, 24 April, I met with representatives from gaming venues in my electorate to hear their concerns about the new format of the gaming licence structure after 2012. Mr Rod Drill, manager of the Shepparton Club, Mr Craig Prothero of Mooroopna Golf Club, Mr Alex Howson of Hill Top Golf and Country Club, Tatura, and Mr Ron Poole, also from the Shepparton Club, told me they met with the Minister for Gaming in Benalla. He told them that the new format would promote competition within the industry and that the new bidding processes will find the true worth of gaming machines in Victoria.

Mr Rod Drill also wrote to me concerned that the new regime creates an invitation to irresponsible gaming practice because of the desperation to meet financial commitments which are taken on to get into the industry. He is also concerned about the new bidding process. He believes the process does not require a venue to borrow money or have a loan approval, as you would when you are bidding for property. He believes the government is going to take the winning bid and the bidder will pay it off in time. With this process there is nothing to stop the bid reaching amounts that are unaffordable within the 10-year term. Desperation from existing venues to bid into their existing third share will be possible as there will be desperation on the part of new players who do not know the true expense of running a gaming venue and will bid any amount just to get machines.

The club representatives are concerned that if the cost of the licences becomes too high smaller venues will close. Also, clubs will be quarantining money to bid on the licences instead of using that money to support their community or to upgrade their venues for the benefit of their customers. I call on the minister to ensure that smaller clubs do not miss out on poker machine licences.

Anzac Day: Yan Yean electorate

Ms GREEN (Yan Yean) — I wish to record my congratulations to the record number in my community who turned out to honour the fallen at Anzac Day commemorative services held across the Yan Yean electorate. It was wonderful to see veterans and their descendants, together with the army and air force cadets, local schools, local clergy, scouts, cubs and guides, Country Fire Authority brigades, Victoria Police, other service clubs, the Watsonia RSL pipe band, the Diamond Valley Brass Band, and other musicians solemnly join together to pay tribute to those who have made the supreme sacrifice in the service of our nation. All these beautiful services would not be possible without the enormous work of RSL sub-branch executives and members from the four sub-branches that operate in my electorate, being Hurstbridge, Epping, Diamond Creek and Whittlesea. They ensure the solemn statement of ‘Lest we forget’ is very much kept alive for our young people.

At a very personal level I would like to thank those sub-branches for allowing me to participate. It keeps it very real for me as the granddaughter of someone who served in the Australian Imperial Force both in World War I and World War II. Thank you very much to those sub-branches.

Budget: Ferntree Gully electorate

Mr WAKELING (Ferntree Gully) — The people of Ferntree Gully can be rightly upset with the way in which this government has treated them with the recent budget announcement. Despite the fact that we have record spending and record debt, which will see repayments and servicing of debt of up to $1.8 billion
annually from 2012, people in my community have missed out in terms of new educational and important public transport infrastructure.

If we look at health in terms of the Angliss Hospital, there will be no infrastructure upgrade at that facility. There was no major announcement made with respect to either the Dorset Road extension or upgrades to Napoleon Road. The long-awaited promise of more police on our streets is not going to be delivered as a consequence of this budget. If one looks at the way in which this government has treated public transport, one sees that people in Rowville have been waiting for nearly 10 years for a feasibility study. The people of South Morang have received a funding announcement, but the people of Rowville have missed out. The Ferntree Gully railway station has missed out by not being given premium status. We can only hope that it is one of 10 stations that may get a car park upgrade.

Turning to education, last year one of my schools received a funding upgrade announcement, but in this year’s budget it did not get anything in terms of a major infrastructure upgrade as part of a $123 million investment. We can only hope that the school is one of the 70 schools that might get a funding announcement as part of the $35 million upgrade. The only upgrade the people in my community got was a funding announcement from last year’s budget.

Anzac Day: Glen Waverley

Ms MARSHALL (Forest Hill) — On 22 April with the member for Oakleigh I attended an Anzac Day service organised by the Rotary Club of Monash at Central Reserve in Glen Waverley. The year 2015 will be the 100th anniversary of the Gallipoli campaign, and the recognition of Anzac Day by young people in our community is vitally important. Over 1000 student representatives listened to inspirational speeches about the true meaning of the Anzac spirit and how it was formed 93 years ago on the beaches of Gallipoli in Turkey.

The students were absolutely captivated by not only the content but by the way in which retired Colonel John Coulson described in detail how the landing of troops at Gallipoli might have been seen through the eyes of a 19-year-old. Asking everybody to close their eyes, leave behind their iPods and mobile phones and climb into an imaginary time machine, he set the scene. On exiting, each of us had become a young man wading ashore in bloodstained water, a rifle held above his head, while machine-gun fire raged around him, killing and wounding his comrades and mates. There was silence as John described the mixed emotions that might have been felt by this soldier as he tried to take shelter against the steep cliffs from which enemy fire rained down. After reaching this relative safety he realised that he had not even fired a shot.

The Gallipoli campaign was not a successful battle, but it was on the beaches and scrubby hillside of Gallipoli that the legend of the Australian and New Zealand soldiers was forged and their the bravery was demonstrated. Here was a group of soldiers who would battle against any odds and conditions in the pursuit of freedom and peace.

We stood silently while the Last Post was played, and I believe every student genuinely understood that the men and women from that time had made the ultimate sacrifice, and did so in order that future generations could live freely. These soldiers fought for Australia, and now our country’s future is one of a bright and vibrant society.

Planning: Hampton East heritage precinct

Mr THOMPSON (Sandringham) — I rise to express major concern regarding the impact of compulsory heritage listing resulting from the interwar and postwar heritage study in my electorate. I am advised that some constituents invested in a property in Heath Crescent with a view to rebuilding, and that the study classifies their property as significant. While I appreciate the academic aspects of the interwar and postwar heritage study I regard it as ludicrous to permanently restrict the redevelopment of this precinct. I am certain that the local historical society will be able to capably document and store relevant photos, maps and commentaries which record our important history. I do not support residents’ dreams and future plans being destroyed by the proposed precinct limitations. I have had an avalanche of correspondence from numbers of people who have also expressed their concerns. One constituent wrote:

I object most strongly to the inclusion of my property on this list, and to the procedure which has led to its inclusion at all without my knowledge or consent.

In addition to this I object in principle to the inclusion of private property on this list — neither the council nor the community in general contributes to the upkeep and maintenance of heritage-listed properties and yet the owners of such properties are greatly restricted in being able to make changes to their buildings in the future in comparison with owners of non-listed properties.

In practice the imposition of a heritage listing weakens the meaning of the concept of freehold property with little or no benefit to the owners of the properties so afflicted.
On the other hand there are some people who are very happy for their properties to be listed, and worthily so. A voluntary heritage listing would be the solution.

**Eltham electorate: Parliament House bowls day**

Mr HERBERT (Eltham) — I rise to congratulate the Eltham Recreation Bowling Club on its historic victory at the recent bowls competition on the greens of Parliament House. Each parliamentary term the Eltham bowling club, the Montmorency Bowling Club and the Heidelberg Golf Club/Bowling Club play off for the esteem of being crowned Eltham parliamentary bowling champion for that term. This year Meryl Spargo, Judith Furlong, Cath Andrew, Lorraine and George Reid, Mike Theodore, Eric Langford and Garry Battershell bowled two absolutely terrific games to end the day five up, giving them victory in the 2008 leg of the 56th parliamentary bowls competition.

The Eltham electorate has a terrific sporting scene, stretching all the way from junior sports clubs right up to the very active, and traditionally older, constituents and members of the bowling clubs. Our local bowling clubs are a very important place for people, especially our more senior locals, to socialise, exercise and, often during the winter break, go to sunnier climates to compete. The great enjoyment people get from bowling clubs was apparent on the parliamentary bowls day, as it appeared everyone had a fantastic day, great friendships were renewed and good times were had.

In finishing, I would like to congratulate the Eltham bowling club on its first ever victory in the parliamentary bowls competition, and I very much look forward to hosting next year’s competition, which I know, once again, will be quite a thriller.

**Scrutiny of Acts and Regulations Committee: Police Integrity Bill**

Mr McINTOSH (Kew) — As the house will recall, the Police Integrity Bill passed this chamber recently and was not opposed by the coalition. The house will also recall that, apart from the case of the government’s apparent misuse of telephone-tapping powers nearly three years ago, which was eventually resolved, the coalition has always supported the government’s legislative program relating to the Office of Police Integrity and indeed the OPI itself in its fight against corrupt cops. This was again reiterated by the coalition members during the debate on the Police Integrity Bill.

However, the Police Integrity Bill itself has raised substantial concerns about the way the Scrutiny of Acts and Regulations Committee (SARC) has gone about its important task of reviewing this bill and its impact upon rights and liberties. Of course I am aware that the committee proceedings are confidential, and I do not propose to breach that privilege. Importantly, in relation to this bill, though, SARC had already identified, for the benefit of this house, substantial concerns about its impacts on rights and liberties, and these were not fully investigated. Apparently a unanimous decision of SARC, which is on the public record, to conduct a public hearing was shut down amid allegations of inappropriate interference by the government. It is a taint upon the legislation itself and a taint, unfortunately, on the Scrutiny of Acts and Regulations Committee. Unless it conducts a full inquiry and provides an explanation to the house, it will be tainted, as will the important work that could be done with the Police Integrity Bill itself.

**Music from the Wetlands Festival**

Ms RICHARDSON (Northcote) — On Sunday, 13 April, my family and I spent a wonderful afternoon at the fourth annual Music from the Wetlands Festival held at the wetlands alongside the Yarra River in South Alphington. Celebrating music, environment and community, Music from the Wetlands showcases the history, culture and life of the community. This year’s festival included a free concert on the river flats, environmental displays, guided tours of the wetlands and activities for families and children, such as storytelling and kids’ craft.

Located to the south of Alphington Park, the area was originally home to the Wurundjeri-willam people. Later the area was extensively cleared for farming and little of the original bush remained. In recent years it has been replanted with many indigenous trees, shrubs and grasses.

I wish to congratulate the event organisers, namely the South Alphington and Fairfield Civic Association (SAFCA) along with the Alphington Community Centre and the sponsors, the City of Yarra and Amcor. I also wish to acknowledge Kate Herd, who again opened her property for the event. She is a wonderful example to us all. The event’s success came only through the hard work of many volunteers, whom I wish to acknowledge and thank. They are members of the SAFCA Festival Committee, consisting of David McKenzie, Elspeth Chambers, Carol Ride, Beth Hatch, Greg O’Brien, Brian Moran, Geoff and Sandra Kelly and sound engineer, Andy Moore, without whom the festival would not have happened.

From the Alphington Community Centre I thank Pauline Rantino, Mary Jo Straford. Kate Morton and
Anne Crehan, who provided invaluable contributions. Other wonderful volunteers included Jack Morgan, Michael Meszaros, Katriona Fahey, Linda Angel, Linda Peterson, Megan Utter, Andrew Goatcher, Anne Watson, Chris Rangan, Darryl Hewson, Dianne Ryan, Phil Ryan, Fiona Currie, Geoff Fidler, Helen Uwland, Jane McCoy, Jeff Katz, John Ride, Julie Smith, Karen Sims, Kellie Robinson — —

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

Mental health: Wimmera

Mr DELAHUNTY (Lowan) — As we all know, Victoria is bigger than Melbourne, and people in the community of western Victoria are very angry with the lack of support for mental health services in the Wimmera region. The budget handed down this week has no funding for a much-needed second ambulance paramedic unit in Horsham. The crisis in mental health services in the Wimmera is well known by this minister and by the government. There are major concerns about after-hours services on weekdays, but particularly at weekends. Our health system is overburdened, underfunded and in crisis. This budget gives no joy to mental health patients or to their families and carers. Patients have had to wait up to 16½ hours for an ambulance to transport them. We have chronic underfunding of mental health services, and in this case the lack of funding for a second paramedic team for Horsham is false economy that will lead to larger social problems.

The Nationals, and now the coalition, strongly believe that those who live in the country are entitled to top-quality ambulance services for mental health patients. The budget brought forward by Labor this week has the stamp of a budget for increasing taxes and decreasing services. I pass on my heartfelt sympathies to patients and their carers and families for the ongoing problems with the delivery of mental health services in the Wimmera. I will not give up supporting them in relation to services and particularly in relation to the provision of a second paramedic unit at Horsham.

Lara electorate: government initiatives

Mr EREN (Lara) — Following on from my last 90-second statement relating to my electorate I have more good news this week. I will start with the huge announcement that was made recently by the Premier. It involved a major investment by one of India’s largest information technology companies, Satyam Computer Services — that is, to build a new software development and training campus in Geelong which will deliver 2000 jobs. It is expected that this will boost Victoria’s economy by around $175 million annually within a decade. This is of course on top of the hundreds of jobs associated with the relocation of the Transport Accident Commission to Geelong. The Satyam announcement is without a doubt a vote of confidence in the information and communications technology industry in Geelong, and indeed in this government’s initiative in creating a good environment for the business community to invest in.

On another issue, Lara’s Elcho Park Golf Club has been awarded $100 000, and Barwon Prison will receive $75 000 in funding from the Brumby government’s Smart Water Fund for an innovative water-saving project. Corrections Victoria will use the $75 000 grant to upgrade the current class C sewage treatment plant at Barwon Prison to enable it to supply class A recycled water for toilet flushing, laundry and boiler room operations. The City of Greater Geelong will use its $100 000 grant on a pledge to divert water from the Barwon Prison sewage treatment plant to nearby Elcho Park golf course for irrigation purposes. This $630 000 project will save up to 87 million litres of water per year across the two facilities.

I want to also mention that a grant of $11 500 was given to a Lara chemical company, Ronic International, under the Brumby government Grow Your Business grant program. This Lara-based company, which produces plant growth regulators — —

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

Lloyd Street Primary School: funding

Mr O’BRIEN (Malvern) — Another year, another budget, and again this Brumby Labor government has turned its back on the students of state schools in the Malvern electorate. I have five state schools in my Malvern electorate which are stretched to capacity and which have a large maintenance backlog, yet Labor has neglected each of them again. What will it take to stop this government from punishing innocent kids based on their postcode?

Lloyd Street Primary School in Malvern East is by anyone’s definition in desperate need of a major rebuild. Even my Labor opponent at the last election went into print and joined me in calling for an immediate upgrade. The school council president, Simon Richards, was quoted in this week’s Stonnington Leader as saying that the school was ‘desperate’ for funding. ‘When is it going to be Lloyd Street’s turn?’ he pleaded. ‘The building needs painting, if it is not
done soon, there will be structural damage …’, Mr Richards told the paper. But such is the neglect and callousness of the Brumby Labor government that the Lloyd Street school, like every Malvern state school, has been denied proper funding. I share the anger and frustration of the students, the parents, the teachers and the staff of these schools, who have been ignored by this government.

I give them this commitment: I will not stop fighting for them and I will not stop raising their plight until this government is forced to act or is thrown out of office and is replaced by a government that will not play politics with our children’s education.

Abortion: Tell the Truth pamphlet

Mrs MADDIGAN (Essendon) — A number of complaints were made to the Advertising Standards Bureau about an anti-abortion leaflet distributed by the rather inappropriately named Tell the Truth coalition. One of those complaints was from a well-respected community activist who is known to some members of the house, Lance Wilson. In his complaint he said:

The images are extremely graphic and disturbing. They would cause distress to anyone who has had an abortion or who has suffered a miscarriage. They imply that women who have had abortions are murderers and state that women who undergo abortions suffer a range of mental illnesses and even claim they have a higher risk of breast cancer.

Whilst I support everybody’s right to present political views, I do not support the use of graphic, violent and extremely distressing images in what is essentially a political campaign. I do not believe these images make a constructive contribution to the public debate, yet they risk a very negative impact on some sections of the community who view them.

I am glad to say that the Advertising Standards Bureau upheld the complaints, and there were a number of them, about that leaflet. In its determination it said:

The board viewed the advertisement and agreed that the images were extremely graphic and had the potential to cause alarm and distress …

The board considered that the content of the advertisement had the potential to affect the mental health of women who have had an abortion or women who are pregnant and not happy with their situation.

The board considered the advertiser’s right to free speech and their right to share their views. However, the board considered on balance that the images depicted were contrary to prevailing community standards on health and safety.

At the time of the report, 9 April — —
On Tuesday, 6 May, the Treasurer presented the government’s budget for the next financial year. It is a critical budget that comes at a critical time. On so many levels and in so many places the governance of our state is a real mess. The basic problem is simple. As the Brumby Labor government has benefited from a record level of tax revenue, it has failed to increase basic services to keep pace with our growing population. Let me repeat — the basic problem is simple. As the Brumby Labor government has benefited from a record level of tax revenue, it has failed to increase basic services to keep pace with our growing population. As a result the failures of the Brumby Labor government are piling up like peak-hour traffic on the Monash Freeway.

Major public works programs have been marred by cost blow-outs and delayed delivery dates. This in turn has led to a massive debt blow-out that is projected to reach $22.9 billion in 2012. While record amounts of revenue are flowing into Treasury coffers, Victorians face an overburdened and underfunded health system that is in crisis mode; a health system which features a patient waiting list of 38 000; a health system which keeps sick children in limbo as they wait for vital cardiac surgery; a health system where government mismanagement and poor allocation of resources have bequeathed to Victoria the lowest funding per capita and the fewest hospital beds per capita of any state hospital system in the nation.

Victorians face also an education system that produces the lowest literacy and numeracy levels of any mainland state, according to the OECD (Organisation for Economic Cooperation and Development); mismanaged major public works programs that are both behind schedule and over budget; a public transport system that suffers from chronic overcrowding and erratic performance levels; a disgraceful neglect of our water supply caused by flawed planning and underinvestment in infrastructure; increasingly congested roads and streets that feature bumper-to-bumper gridlock during peak hour traffic; soaring rates of violent crime that are overwhelming an underresourced police force; and stagnant infrastructure that has failed to keep pace with our growing population.

We are swimming in money, so the Premier and his predecessor cannot escape the verdict of history for their failures by plausibly pleading poverty. The Howard government’s extraordinary record of economic competence has produced a tax and revenue windfall for state and territory governments, and the coffers of the Victorian Treasury have been literally awash with money. Since 1999 our state government’s budget revenues have risen by over 99 per cent. Victoria’s share of GST revenues has increased from $5.1 billion in 2000–01 to an expected $10.3 billion next financial year, an increase of 102 per cent. By 2009, Victoria’s own state taxes will have generated a total amount of around $93 billion since 1999.

The government claims in its current budget to cut land tax by 10 per cent, yet, as we see in graph 1, the fact remains that land tax will continue to be one of Labor’s biggest money earners. In fact, it is expected to generate over $1 billion next year. So despite Labor’s purported cuts, land tax revenues are projected to have risen by 155 per cent since 1999, with an anticipated increase of over $300 million since last year.

Taxes that are based on property values are highly susceptible to the peaks and troughs of the economic cycle. Labor has ignored the budgetary vulnerability created by its excessive dependence on a narrowly focused tax base. Even worse is the yearning for additional revenue that has caused Labor to dig Victoria even deeper into the land tax hole. Eager to exploit recent rises in property values, the Brumby government cancelled the 50 per cent cap on annual land tax increases. By so doing it continues to callously expose many a Victorian small business to the prospect of financial ruin.

Victorian Labor has demonstrated a similar greed towards another major property value-related state tax. Despite the government’s claim to have increased the threshold by 10 per cent, the amount of stamp duty payable on a Melbourne median-priced owner-occupied home will remain the highest of any state in Australia. An owner-occupier who purchases a median-priced Melbourne house costing $432 500 will pay a whopping $17 995 in stamp duty. As graph 2 clearly demonstrates, the total amount of land transfer stamp duties forecast to be collected in 2008–09 of around $3.7 billion will remain close to the record level expected to be achieved in the current financial year, and they are a major contributor to our state’s housing affordability crisis. The Brumby government is so addicted to this source of easy revenue that it has rebuffed most proposals to ease the stress on home purchasers by meaningfully reforming Victoria’s stamp duty.

The problems of excessive reliance on stamp duty extend well beyond the personal trials and tribulations of individual Victorians who are struggling to own a home. A number of noted economic analysts have predicted that the housing market will see an inevitable correction that could lower prices by more than 20 per cent. This could mean a revenue shortfall for the
Victorian government of over $700 million. In such a scenario, the outlook for a rapid recovery of the real estate market would be bleak.

The devastating impact on state revenue of such a downturn would be further aggravated by the sharp narrowing of the stamp duty tax base. In financial year 2006–07, the number of properties subject to stamp duty fell by 12 per cent in comparison to the previous year. Any serious consideration of this risk is absent from Victorian Labor’s budget or economic forecasts. Like the proverbial grasshopper in Aesop’s famous fable, the government is making little provision for the hard times that must come sooner or later.

The Premier’s insatiable appetite for revenue has encompassed other state taxes as well. Victorian Labor has refrained from considering any substantive reforms or adjustments to state payroll tax, despite it featuring the lowest threshold in the nation. The payroll tax was conceived as a levy that would be confined to medium and large businesses. But, as we see in graph 3, despite this budget’s small reduction in payroll tax rates from 5 per cent to 4.95 per cent, there has again been no change to the threshold. As a result, threshold creep has increasingly applied this tax to small businesses as well. Companies with workforces as small as 8 to 10 employees are now paying taxes on salaries. Thus Victoria’s payroll tax is fast becoming a burden on small business, in violation of its original intent.

This policy contradicts the ALP’s 2006 election commitment in its Time to Thrive — Supporting the Changing Face of Victorian Small Business statement to make Victoria more commerce friendly by reducing business taxes. Like so many counterfeit Labor promises, this one has all the integrity of a Zimbabwean dollar. Since last year, payroll tax revenue has risen by 10 per cent, with the Victorian business sector projected to pay $4 billion, an all-time record amount.

The money is rolling in from other internal sources. Since 1999 insurance taxes have risen by 109 per cent to $1.2 billion. No reform has occurred, despite the obvious inefficiencies of this tax. Police fines will have more than quadrupled to almost half a billion dollars, with most of this due to the proliferation of speed cameras around Victoria. Gambling taxes are estimated to reap over $1.65 billion this year and are growing over and above the inflation rate. Labor has raised the tax on gaming machines by an extra $39 million — 1200 per cent above the tax in 1999.

Graph 4 shows that over eight years in power the ALP has imposed 15 new or extended taxes that are now contributing significantly to the surge in state tax revenues and are extracting hundreds of millions of dollars extra from Victorian communities and businesses. These taxes include a gaming machine levy; payroll tax on fringe benefits, eligible termination payments and leave payments; payroll tax on apprentices and trainees; stamp duty on mortgage-backed debentures; annual indexation of fines, fees and charges; the transit city tax; stamp duty extensions on land-holding bodies; payroll tax on employment agencies; a 5 per cent water levy; a long-term parking tax — the so-called congestion tax; land tax on trusts; a land development levy; rental business duty; the inbound international airline stamp duty extension; and the waste landfill levy.

Add to that the Brumby government’s intention to raise water and energy charges sharply over the next five years. Never mind that in 1999 Labor’s own affordable and reliable utilities policy promised low-cost gas and electricity.

Let us talk about debt. Victoria’s direct government net debt is projected to increase sixfold, from $1.5 billion in 2005 to $9.5 billion in 2012. But as we see in graph 5, of total public sector net debt, including non-financial public corporations such as water authorities, is also forecast to soar from $3.5 billion in 2002 to an estimated $22.9 billion in 2012. What is worse is that there are no strategies in place by the Brumby government to ever repay this debt. This debt will become a millstone around the necks of our children.

In essence this category of debt represents unfunded state government mandates that are imposed upon utilities and other public non-financial institutions. By 2012 the debt service payments are expected to reach $1.8 billion per year. Just to provide a bit of perspective, $1.75 billion is the entire annual budget of Victoria Police. With what we will be paying each year to service the Brumby government’s debt, we could be putting twice as many police on the street, and presumably we would benefit from substantially reduced levels of violent crime. Excessive levels of public sector debt can also cripple a state’s finances, as happened during the Cain-Kirner Labor governments of the 1980s and 1990s.

Last year the Liberal opposition warned the Labor government that this rising tide of red ink exposes the state to serious risk in the event of a global economic downturn. We are now in the midst of precisely such a scenario. The spike in Victoria’s debt will worsen as the growing international credit crunch heightens the cost of debt financing public works.
Labor is spendthrift. Victorian Labor has not been hesitant about spending all this money for nothing, or at least for very little. The state budget has soared from $18.2 billion in 1999 to an estimated $35 billion this financial year, and the expectation is that in 2008–09 government spending of $37 billion will be double what it was when Labor came to power. Over recent months soaring interest rates and rising consumer prices have put a real financial squeeze on Victorian families.

As we speak, the Rudd government has deployed a razor gang to contain inflationary pressures by cutting commonwealth expenditures. But while the federal government practices fiscal restraint, the Victorian government is splurging as though it has won Tattslotto. The key to whether government spending is responsible or not turns on the question of productivity. Let me repeat that point: the key to whether government spending is responsible or not turns on the question of productivity. If the government’s spending were being used to build productive infrastructure such as bridges, roads and railway lines, and if Labor were doing something to address the bottlenecks in Victoria’s freight transport system, then inflationary pressures would be minimised. But that is not the case. There is no discipline or strategic focus behind the Labor government’s spending plans.

Victorian Labor is in the midst of a scatter-shot multibillion-dollar spending spree which stokes the fires of inflation which the Prime Minister is trying to contain. Thus the spendthrift behaviour of the Brumby government is sabotaging the counter-inflationary policies of its federal counterparts in Canberra. The Premier’s fiscal policy represents a gigantic rolling of the dice. In essence Victorian Labor is gambling that the good times will go on forever. But the game is up.

Economic commentators already believe that America is in the throes of recession. As the old saying goes, when the US economy sneezes, the rest of the world catches a cold. In the current era of economic uncertainty the folly of such recklessness is obvious. When our domestic economy experiences the inevitable downturn that awaits, the Victorian government could easily be faced with a budgetary black hole — a black hole that will have to be filled through cuts in services and/or tax increases.

Let us talk about service delivery failures. In that famous scene from the film Jerry Maguire, Cuba Gooding, Jr, leads Tom Cruise in the chant, ‘Show me the money’. But, as we have seen, there is money galore from a variety of sources that the Brumby government has at its disposal, so the real issue at hand is not, ‘Show me the money’, but rather, ‘Show me the results’. The most compelling question that must be asked is: what has Victoria’s Labor government done with the unprecedented largesse that good fortune has brought its way? Has the Brumby government used its windfall income wisely? Has the ultimate source of this funding — the Victorian people — received value for money? The simple answer is no.

The Premier based his development plans for Melbourne’s road, rail and social infrastructure on the prospect of an annual population growth rate of 39 000 people, and yet in reality Melbourne has been growing at a pace of more than 60 000 people per year. This gross underestimation by state Labor represents a planning failure of monumental proportions.

As graph 6 demonstrates, Victoria spent fewer dollars per capita on infrastructure in the financial year 2006–07 than any other Australian state. The Brumby government’s $1386 spend on infrastructure per head of population fared pretty poorly against the $1571 spent in New South Wales, the $1606 in South Australia and the $3096 in Queensland, and Victoria was positively put to shame by the $7791 per person infrastructure commitment made in Western Australia.

Let us talk about transportation and the Eddington report. There is ample evidence that the Brumby government does not build things to fix things. Metropolitan Melbourne’s growing transportation woes have recently been in the news. Sir Rod Eddington submitted to the Brumby government his much anticipated Investing in Transport — East-West Link Needs Assessment, but the contents of the report reveal that the document’s title was something of a misnomer. The Eddington report should really have been entitled ‘Underinvesting in Transport’ because it reveals an eight-year history of Victorian Labor’s indifference, lethargy and complacency. The report warns that Melbourne’s overburdened commuter rail system will soon ‘hit a wall’, and this is because the ALP has been fiddling around the edges of the problem while Victorians burn millions of litres of fuel on streets and highways that are choke-a-block with congestion.

Labor’s 1999 election promise in its new solutions policy statement to create the world’s best transport infrastructure in Victoria was just empty rhetoric. You do not have to be an urban planning expert to know that our road and rail network is overburdened and overstressed. Our trams hold the dubious honour of being the slowest in the world, with an average speed of only 15 kilometres per hour. As we see in graph 7, peak-hour traffic on the Monash, Eastern, Westgate and Calder freeways flows like molasses, crawling along at between 20 kilometres per hour and 40 kilometres per
hour. Our suburban and V/Line trains will remain overcrowded and subject to delays and cancellations. Victoria’s transportation infrastructure is an absolute shambles, and we all know it.

Meanwhile, back in the real world, the Eddington report cites the threat to Melbourne’s economic competitiveness caused by the government’s failure to improve our less efficient freight network. But Eddington’s damning assessment stands in stark contrast to the utopian view expressed by Labor as recently as 2006 in its transportation election policy statement. The ALP’s 2006 Linking Melbourne policy statement proudly proclaimed that one of Melbourne’s strengths is its freight infrastructure — its ports, airports and road and rail systems.

It appears that denial is not just a river in Egypt. In June 2002 the Minister for Transport at the time, the member for Thomastown, issued a media release promising gauge standardisation on the Mildura–Portland rail line. That was a key component of the government’s regional freight links program, but as we speak, some six years later, not a single centimetre of track has been converted to standard gauge.

Labor’s rose-coloured attempt to deny the undeniable explains the government’s record of poor planning and worse execution. There are simply not enough trains, not enough trains and not enough tracks for the city’s public transport system. Between 1999 and 2007 the number of metropolitan area residents grew by a whopping 10 per cent — from 3.4 million to 3.8 million persons. Public transport patronage rose by over 50 per cent during the same period, yet only 10 new rail carriage sets have been brought into service over the eight years of the government’s tenure in office. The stopgap, impoverished policies of the government have sometimes descended from incompetence into farce. A case in point is the great recycled trains affair.

In 2002 the Victorian government decided to retire its ageing fleet of Hitachi train carriages. It sold some of them to railway enthusiasts at the bargain basement price of $2600 per unit. However, by November 2006 the Brumby government was so desperate to find additional rolling stock that it repurchased three of these Hitachi carriages for $20 000 apiece, thus Victorian taxpayers were forced to pay a price marked up by 700 per cent for train carriages the state had disposed of only four years previously.

At this stage we have no way of knowing which elements of the Eddington plan will ultimately be adopted by the Brumby government, but the inept management practices that Victorian Labor has demonstrated on other major projects do not portend well for future initiatives. The Brumby government has frittered away billions of dollars on bungled infrastructure programs that have come in behind schedule and over budget. The cost overruns incurred by the government are enough to stagger the mind. The problem-plagued myki transport ticketing system is almost three years behind schedule and has doubled in cost from a promised $500 million to $1 billion.

The cost of Labor’s fast train program blew out from $80 million to over $900 million, and it is only managing to shave 4 minutes off a 100-kilometre trip from Melbourne to Ballarat. The cost of the Port Phillip Bay channel-deepening project has spun out of control, going from less than $100 million to almost $1 billion.

Just last week we learnt that the West Gate–Monash M1 freeway upgrade project cost had skyrocketed by 40 per cent — from $1 billion in 2006 to $1.4 billion today. By comparison, the $32 million cost overrun at Melbourne’s Southern Cross station renovation is small change, but that small sum alone would be enough to fund 80 sorely needed public hospital beds for an entire year.

All in all, Labor’s managerial incompetence has cost Victorian taxpayers $5 billion, and the meter is still ticking. Never in the history of Victoria have so many paid so much with so little to show for it. We should have little or no confidence that the mammoth $18 billion infrastructure program recommended by the Eddington report will be handled with any greater effectiveness.

Turning to health care, in the run-up to the last election Labor’s Meeting Our Health Challenges policy promised the state would treat more patients sooner, reduce cancellations and invest in our hospitals. Despite these promises, after eight years of Labor government, Victoria’s public health care system is in dire straits — and it should come as no surprise. As we see in graph 8, Victoria features the fewest hospital beds per capita of any state hospital system in Australia. To make matters worse, Victoria also has the lowest level of per capita health funding of any state.

Nothing better illustrates the Brumby government’s failure to accommodate our health-care needs than the contrast between its inpatient forecast and actual patient usage. For the financial year 2006–07 the Victorian government planned and budgeted for 901 353 separations — ‘separations’ is a technical term for one person’s course of hospital treatment — but the inadequacy of that estimate should have been obvious to the Brumby government, because the preceding year’s patient numbers had already exceeded that figure.
by 18,664. In the financial year 2005–06, 919,917 patients were treated by Victoria’s public hospitals, yet Labor continued to employ flawed forecasting methods that grossly underestimated the needs for the subsequent 2006–07 year. It is little wonder that Victoria’s public health care system is plagued by backlogs, overcrowding and chronic delays.

The Brumby government is applying only bandaid solutions to a systemic crisis in the state’s public hospital system. The Premier recently announced that this government would reduce waiting lists for elective surgery by increasing its funding of acute health care treatment by 0.25 per cent. But the ALP has not been able to solve the crisis, even though the current annual public hospital budget will reach $7 billion, so the Premier is feeding accounting gimmicks to seriously ill Victorians rather than providing timely health care for their medical conditions. If members of the Brumby government are incompetent practitioners of public policy, they are masters of political sleight of hand. Victorian Labor is desperately trying to obscure its past faults and present failures, and it is precisely the sort of voodoo politics it does so very well.

Let us talk about law and order. By its very nature, law enforcement is a tough job. Victorian police need all the help they can get. At the last state election Labor’s community safety policy promised to provide record numbers of operational police. Let me stress here that the reference is to operational police and not to desk-bound administrators or police looking after prisoners in police cells. As is the case with so many other ALP policies, during its eight years of government real assistance for front-line police has been in short supply. While violent crime is increasing, police on the street are being asked to do more with less. The Brumby government’s neglect of front-line policing has caused Victoria to lag behind the rest of Australia on a per capita scale when it comes to the number of officers and the funding allocated to law enforcement. Since Labor came to power the number of violent crimes reported to police has soared to record levels. Last year 42,000 violent crimes were reported, up from 31,000 in 1999. Assaults have increased by about 20,000 to over 31,000 in just seven years. In this context it is frightening that Labor has allowed the number of police officers per 100,000 of population to drop in Victoria over the last year.

In education, in 1999 Labor promised ‘new solutions’ for the Victorian state school system. The ALP solemnly undertook to attract our brightest and best graduates to the teaching profession. In a recent speech to Parliament the Premier declared, ‘Education remains our government’s no. 1 priority’, but the Brumby government has until this week failed to bestow sufficient material rewards on teachers to attract the finest of our young people to this vital profession. Only last week was the government forced, kicking and screaming, to adopt the Victorian coalition’s well-received policy on teachers pay and conditions. We need to have people banging on the doors for admission to the faculties of education at Australian universities, yet this year’s tertiary offer statistics reveal a 6.8 per cent drop in first-round preferences for undergraduate teaching slots. It should come as no surprise that Victorian 15-year-olds had lower performance levels in science, maths and reading than students in any other mainland state.

As a result our underresourced state schools are receiving a vote of no-confidence from parents who are concerned about the quality of their children’s education. Graph 9 shows the results from the Organisation for Economic Cooperation and Development.

As graph 10 clearly demonstrates, over the last two years state schools lost 752 students while private school enrolments soared over that same period by 8,658 students. Those students who remain in our state school system are studying in increasingly dilapidated schools that are being swamped by a $270 million maintenance backlog. The Brumby government is so penny-wise and pound-foolish it is even forcing sweltering schools to pay for their own air-conditioning units. This is despite a massive forecast of a budget surplus of $828 million.

In regard to water, talk is cheap — and so is the track record of investment in water infrastructure by the Victorian Labor government. Just a few weeks ago the Auditor-General issued a report that savaged the Brumby government’s water policy. The looming crisis facing our state has been clearly apparent since the early part of the present decade, and yet as graph 11 shows, since coming to power the Victorian ALP has expended fewer than half the dollars per head of population in water infrastructure than nearly every other state.

The Auditor-General noted that Victorian Labor’s stalled water program was ad hoc and hastily cobbled together over only six months before its release in June 2007. During that short half-year a panic-stricken government promised nearly $5 billion to various water projects and programs. The Auditor-General discovered a seriously flawed decision-making process that was devoid of real cost-benefit analysis. The Auditor-General found that Labor had kept secret the highest cost projections for its desalination plant, while
using the lower $3.1 billion estimate for public consumption. One wonders even about that more modest amount, because based on past performances, Labor’s tendency to underestimate spending estimates will lead to serious cost blow-outs in the future. After all, just a few years ago the Israelis built the world’s largest reverse osmosis desalination facility for a mere $825 million.

The Auditor-General also revealed that other elements of the Brumby water plan were subject to budget blow-outs — for example, the Melbourne–Geelong pipeline has tripled in cost from its original $40 million estimate to $120 million. In what can only be explained as a cynical policy of partisan obstructionism, Victorian Labor stalled the Council of Australian Governments Murray-Darling agreement for many months. Why do I say this? It is because the final Murray–Darling plan accepted by the ALP was virtually identical to the original proposal put on the table by the Howard government, yet only after Kevin Rudd was settled in the Lodge did the Premier agree to sign this agreement.

The final proposal accepted by Victorian Labor will yield $1 billion in additional funding to address the water deficiencies of northern Victoria. This sum is a mere fraction of what is really required to make a dent in the water wastage problem. Even worse, this money will only become available four years hence at the earliest.

In country Victoria the flawed water policies of Victorian Labor are also representative of a Melbourne-centric bias that pervades the policies of the Brumby government. The north–south pipeline has raised the wrath of the Goulburn Valley residents who justifiably see it as theft of Australia’s scarcest resource from the country by the city. The flawed pipeline project is even more hypocritical in light of a previous commitment by Labor never to augment Melbourne’s supply from sources north of the Divide. This is just another counterfeit Brumby promise. When country Victorians assembled to exercise their democratic right of peaceful protest, senior Labor ministers called them ‘ugly, ugly people’ and ‘quasi-terrorists’.

State Labor also compounded the injury to regional Victoria by scuttling the network tariff rebate scheme that kept rural electricity bills within reasonable limits. The cancellation of the rebate violated yet another Labor pledge in its 1999 agriculture policy to ensure that rural Victorians have access to a cost-effective electricity supply.

A trail of broken promises litters the track record of this government. All this is reflective of a deep and abiding contempt for the bush that pervades the trade union dominated thinking of a Labor government. One of the most damning characteristics of the Victorian Premier’s tenure is his uncanny ability to unite people in anger against him.

Housing affordability in Melbourne 2030 represents yet another Brumby government planning failure that in this instance has worsened the housing affordability problem plaguing Victoria. It is the oldest principle of economics in recorded human history, but then the government must have missed that day in the classroom when the law of supply and demand was discussed.

As previously mentioned, since 1999 metropolitan Melbourne’s population has boomed by almost 350 000 persons from 3.46 million to 3.81 million. Yet at the same time the Labor-driven urban growth boundary established by Labor’s 2030 scheme has created an artificial land shortage that has led to a $825 million. In what can only be explained as a cynical policy of partisan obstructionism, Victorian Labor stalled the Council of Australian Governments Murray-Darling agreement for many months. Why do I say this? It is because the final Murray–Darling plan accepted by the ALP was virtually identical to the original proposal put on the table by the Howard government, yet only after Kevin Rudd was settled in the Lodge did the Premier agree to sign this agreement.

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A trail of broken promises litters the track record of this government. All this is reflective of a deep and abiding contempt for the bush that pervades the trade union dominated thinking of a Labor government. One of the most damning characteristics of the Victorian Premier’s tenure is his uncanny ability to unite people in anger against him.

Housing affordability in Melbourne 2030 represents yet another Brumby government planning failure that in this instance has worsened the housing affordability problem plaguing Victoria. It is the oldest principle of economics in recorded human history, but then the government must have missed that day in the classroom when the law of supply and demand was discussed.

As previously mentioned, since 1999 metropolitan Melbourne’s population has boomed by almost 350 000 persons from 3.46 million to 3.81 million. Yet at the same time the Labor-driven urban growth boundary established by Labor’s 2030 scheme has created an artificial land shortage that has led to a
vulnerable to rising interest rates. Many thousands of other Victorians are being squeezed out of the housing market altogether, but they find little relief with a tight rental market that is overheated and unaffordable as well. The result is a recipe for disaster that is becoming more apparent as the storm clouds of the global economic crisis gather on the horizon.

As usual, the Brumby government has responded to the housing affordability crisis with media-driven policies that focus more on looking good than doing good. A case in point is Victorian Labor’s much-hyped plan to fast-track more than 90,000 home sites in outer suburban Melbourne. The Premier introduced this plan with much fanfare and publicity, but we since have learnt that at least one senior bureaucrat at the former Department of Infrastructure expressed serious doubts about the benefits of this scheme. The DOI’s manager of transport policy and analysis even warned in an internal government memorandum that this initiative might do more harm than good. The memorandum expressed a clear concern that the proposed new process will not fix the situation; rather it has the potential to make it worse. It noted that the Brumby government’s proposal would also put greater pressure on planning process, creating more delays, negating any benefit from a proposed process streamlining — a far cry from Labor’s promise in its Planning in Partnership policy at the last election to create a Victorian planning system that stands up to the very best in Australia.

This is a classic Labor government reaction to any problem or difficulty that it might encounter. The Premier responds to adversity with fly-by-night plans that are both ill-conceived and ill-considered. They are plans that focus on perception rather than reality. They are plans that only work in a political universe where spin is more important than substance — and the citizens of Victoria be damned. Not only is the government doing nothing to help the plight of Victorian homeowners and renters, Victorian Labor also persists in its addiction to the revenues that come from the highest stamp duty of any Australian state — the stamp duty payable on a Melbourne median-priced owner-occupied home. By so doing, the ALP is reverse Midas touch. Put politely, it seems that every issue it tries to address turns out worse for having had its attention. As a result our health-care system is a mess, our state school sector is a shambles, our police force is in crisis and our public transport is at a standstill.

The budget that Labor Treasurer John Lenders presented to Parliament on Tuesday was full of platitudes and disingenuous rhetoric. However, past performance is the best predictor of future outcomes in politics. A visionless, flush-with-cash Brumby government is set to continue its pattern of unfocused and ill-disciplined splurging that yields few tangible benefits for Victorians. The future facing Victoria is now uncertain. We see slowing economic growth, rising unemployment and a public sector debt level that is skyrocketing. These are serious times and serious problems. These are problems that only a Liberal-Nationals coalition can be relied upon to address effectively for the betterment of our people and our state.

Mr HOLDING (Minister for Finance, WorkCover and the Transport Accident Commission) — The truth is: this is a good budget for all Victorians. The 2008–09 budget is a good budget for all Victorians because it is a good budget for young families on the urban fringe of Melbourne. This is a good budget for young working families in regional Victoria. This is a good budget for business, because it reduces payroll tax and land tax and other business costs that industry in Victoria has to bear.

This is a good budget for Victorians because it invests in vital infrastructure that will improve services to all Victorians. The budget invests in schools. It invests in hospitals. It invests in roads and public transport. It invests in economic infrastructure which will not only improve service delivery for Victorian families but also help make our economy more efficient and help drive improvements in productivity. It is a good budget for working families. It is a good budget for the urban fringe. It is a good budget for regional Victoria. It is a good budget for business. It is a good budget because it invests in infrastructure. It is a good budget because it does these things within the context of financial responsibility and economic prudence.

This is a good budget for Victoria, but listening to the opposition you would not think so. Listening to the opposition you would think that the government is taxing too much and not spending enough on services. You would believe the government is borrowing too much and that net debt is too high. If you listened to the opposition, you would believe we should spend more, tax less and borrow less. That is what the opposition
says: spend more, tax less and borrow less. The only world in which you can spend more, tax less and borrow less is the world of Santa Claus. The opposition believes that somewhere there is a magic pudding which enables you to spend more on services, borrow less and tax less. That is the prescription of the opposition. That is the critique of the Brumby government’s budget that you have just heard from the shadow Treasurer, the member for Scoresby.

The opposition believes that somewhere there is a magic pudding that you can dip into. Why does the opposition believe that? Because it says all things to all people. It believes you can be all things to all people. It believes you can go to one audience and promise to spend more on services, go to another audience and promise to tax less and go to yet another audience and say that net debt should be lower than it will be over the forward estimates period, and that it would be if a coalition government were in place. That is what the opposition believes: that you can say anything to any group, regardless of the inconsistencies between all the positions it is putting.

Do not take my word for it; take the word of the opposition that it is busy trying to be all things to all people. We all remember Phil Davis in another place saying exactly this, and I quote from an article in the Age:

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

From 1999, since we have been in opposition (after Steve Bracks defeated Jeff Kennett), we have not articulated a clear and consistent message that establishes the basis for our policy direction.

…

We have tended to position the party at the opposing poles of the environment debate. We want to say to business we support resources utilisation, but suddenly the thought of the political consequences of that position turns us green …

Consequently, we have come out of these debates offside with everybody, and everybody can paint us as having a different position. In other words, a lose-lose position with all groups.

…

We have tended to come out with bold but stand-alone policy initiatives …

We have ended up with an incoherent policy mix that sends no clear message.

That is the position of the opposition itself, and it has never been better demonstrated than by the contribution we just heard from the member for Scoresby. He tried to be all things to all people, saying that the opposition would tax less, borrow less and spend more on services.

Let us look at each of these propositions in isolation. Firstly, let us look at the critique of debt. The opposition says that over the forward estimates period net debt will be too high. We make this very clear: over the forward estimates period by the time we reach 2011–12 net debt as a proportion of gross state product — in other words, net debt as a ratio of the state economy — will be lower than it was when we came to office in 1999. In other words, if we accept the position put by the Leader of the Opposition in the Herald Sun today that ‘the budget outlined a massive and alarming blow-out in debt over the next four years’, then we are accepting a critique by the opposition of its own performance during its period in government — that net debt was out of control.

That is the critique that has been offered by the shadow Treasurer today. It is the critique that was offered by the Leader of the Opposition in today’s Herald Sun. It is a critique that is completely rejected not only by this government but also by Standard and Poor’s, which said in a press release on budget day that the:

… budget announced today for the state of Victoria is consistent with the state’s AAA rating. The AAA rating is the highest assigned by Standard and Poor’s, and reflects Victoria’s strong balance sheet, strong operating performance, solid economic outlook, and a supportive system of government …

The Victorian state government can easily afford its projected net-debt increases … The strength of the government’s forecast operating performance and existing low debt enables the state to maintain high capital spending without affecting its current credit rating.

So the critique offered by the shadow Treasurer and the Leader of the Opposition is not only rejected by this government, by comparison with the opposition’s own performance in relation to net debt as a percentage of gross state product when it was in government, but also by key ratings agent Standard and Poor’s, which says that the net debt projected by this government over the forward estimates period is responsible, sustainable and economically prudent.

The opposition says we are taxing too much. Let us look at Labor’s tax record. The top land tax rate we inherited when we came to office was 5 per cent; the budget cuts this to 2.25 per cent. The tax-free threshold for land tax was $85 000 when we came to office and is $250 000 now. This means that virtually every land taxpayer who owns property in Victoria worth between $400 000 and $5.7 million will be paying less land tax than they would if their property were in New South Wales or Queensland. This creates a competitive land
tax regime for Victoria compared with some of our
major competitors. The member for Scoresby
mentioned payroll tax. We are happy to talk about
payroll tax, because we inherited a top payroll tax rate
of 5.7 per cent when we came to office, and the
measures taken in this budget bring that rate down to
4.95 per cent.

The opposition talks about the increase in receipts over
the life of the government. We are proud of the fact that
because of a growing economy and growing
employment we have seen payroll tax receipts increase,
but the rate has come down substantially. It is the
lowest rate in 30 years. We have raised the threshold to
take many payroll tax payers out of the system, and that
is something we are proud of.

Let us look at average WorkCover premiums. When we
came to office we faced a WorkCover scheme with
unfunded liabilities of $1 billion. We have now turned
that scheme around and reduced the average premium
rates from 1.9 per cent to 1.387 per cent as a
consequence of the measures taken in this budget. We
are proud to have our record on tax contrasted with that
of those opposite. In fact when we came to office total
taxation revenue as a percentage of gross state product
was 4.8 per cent. Hold the front page, Acting Speaker,
because by 2011–12 total taxation revenue as a
percentage of gross state product will be 4.6 per cent,
lower than the percentage we inherited when we came
to office in 1999. That is something we are proud of.
We are happy to have our record and our performance
juxtaposed with that of those opposite.

The other element of the opposition’s critique is that it
says that at the same time as we should be taxing less
and borrowing less we should somehow be spending
more on services. We are happy to have our service
performance judged across a whole range of different
portfolio areas. Let us have a look at health. In 2005–06
Victoria recorded the best performance of any state in
the proportion of emergency department patients
treated within benchmark waiting times, with 82 per
cent of Victorian category 2 patients treated within
10 minutes compared to 77 per cent nationally, and
79 per cent of Victorian category 3 patients treated
within 30 minutes compared to 64 per cent nationally.
Victoria is ranked second nationally for elective surgery
效率 and first for hospital efficiency — and we
had the lowest length of stay. Yet we are still
experiencing significant demand pressures with 34 per
cent more admissions, 43 per cent more emergency
presentations and 21 per cent more specialist outpatient
treatments since 1999.

In education, since coming to office we have improved
the year 12 or equivalent completion rate from 81.8 per
cent in 2000 to 86.1 per cent in 2007. Average class
sizes are down significantly from the numbers that
existed when we came to office. We have funded new
primary schools and new secondary schools like the
Lyndhurst Primary School, which is listed in this year’s
budget and which is in my electorate of Lyndhurst.

In community safety, crime has been reduced by
23.5 per cent since 2000–01, with Victoria having the
lowest crime rate in Australia. We now have the lowest
crime rate since computerised reporting began. We
have the lowest prevalence of crime against the person,
both reported and unreported, and the second lowest
prevalence of property crime in Australia. Victoria’s
crime victimisation rate is significantly lower than the
national average, and police numbers are up. We
promised 1400 additional police in our first two terms
in office. We have delivered those additional police.
We have 350 more police on the way. We remember
when the opposition was in office it promised
1000 extra police but cut 800.

Mr Tilley interjected.

Mr HOLDING — The member for Benambra
interjects and says, ‘What about front-line policing?’ I
am very pleased to inform the member for Benambra
that the city of Casey has seen an 85 per cent increase
in front-line policing and an 11 per cent drop in overall
crime. The city of Greater Dandenong has seen a
35.5 per cent increase in front-line policing and a 21 per
cent drop in overall crime. We are proud of our record
in reducing crime and increasing front-line policing,
and we are happy to be judged against the record of
those opposite.

What matters in politics is not what you say but what
you do, and when opposition members were in
government they cut services, destroyed our hospital
system and shut hospitals. You do not have any new
beds in the 12 hospitals that those opposite closed when
they were in government. You do not have any more
teachers teaching in the schools that those opposite
closed where they were in government. You do not
fight crime by reducing police numbers as those
opposite did when they were in government, having
promised they would increase police numbers.

We are happy to have our record on service delivery
juxtaposed against the record of those opposite. We are
happy to have our record in net debt judged against the
record of those opposite who say that debt is too high,
even though at the end of the forward estimates period
of 2011–12 net debt as a percentage of gross state
product
was 4.8 per cent. Hold the front page, Acting Speaker,
because by 2011–12 total taxation revenue as a
percentage of gross state product will be 4.6 per cent,
lower than the percentage we inherited when we came
to office in 1999. That is something we are proud of.
We are happy to have our record and our performance
juxtaposed with that of those opposite.
product will be lower than it was when they left office in 1999. We are happy to have our record in taxation judged against those opposite, because we know that taxation revenue as a percentage of gross state product (GSP) will be lower in 2011–12 than the taxation revenue as a percentage of GSP that we inherited when we came to office. The truth is that you cannot be all things to all people, as those opposite would have us believe. You cannot promise lower taxes, you cannot promise lower net debt and you cannot promise increases in services unless you come forward with a coherent plan as to how you are going to achieve those things.

The member for Scoresby had an opportunity to outline the opposition’s vision for what it would do differently in Victoria. Our action plan is on the table. People can see what this government promises to do to improve Victoria even further, and they can judge us on our record over the last eight years. Those opposite were rejected and lost office because they lacked the capacity to invest in and deliver services to help all Victorians and because they lacked a capacity to invest in regional Victoria and help grow the entire state. They were rejected by the Victorian people for that. That they have been unable to articulate a coherent vision since then is established by comments by members of their own party, including comments by a member for Eastern Victoria Region in the other place, Philip Davis, who said the opposition has an inability to articulate a coherent vision to take this state forward. We think this is a good budget for all Victorians.

The ACTING SPEAKER (Mrs Fyffe) — Order! Before I call the Leader of The Nationals I understand an arrangement has been made to extend the speaking time to 40 minutes. Is leave granted?

Leave granted.

Mr RYAN (Leader of The Nationals) — Labor cannot manage money and Labor cannot manage major projects. That is a deadly financial cocktail for all Victorians, and we are on a path to where we have been before. This applies in the context of rural and regional Victoria just as it applies in the metropolitan area of this great city of Melbourne. I want to direct my comments most particularly to regional and rural interests whilst also making some observations about the position at large.

Labor’s financial management is appalling. The member for Scoresby gave a superb outline this morning of the various factors which lead one to that inevitable conclusion, and the comments of the Minister for Finance, WorkCover and the Transport Accident Commission a moment ago reinforced that conclusion in my mind.

I want to make a few salient points in relation to the overall budgetary position before moving to rural and regional interests in particular. Since 1999–2000, when Labor came to government, it has overspent its budgets by a total of $12 billion. Fortuitously in that time the revenue flowing to the state of Victoria has exceeded the budgeted figures by about $16.35 billion and accordingly we have a net excess of $4.35 billion; otherwise we would also be in the red in the sense of our recurrent expenditure. In 2007–08 Labor overspent its budget by $1.85 billion. Fortuitously in the same year income to the state of Victoria exceeded budget by $2.5 billion. The key question around this particular issue is: what happens when the music stops? I have been posing that question rhetorically over a number of years, and it is as outstanding today as it has been over those years.

We have issues such as rising interest rates; the subprime market effect and the way in which Australia is yet to see that play out fully; the market slowdown in its various forms; the reductions in property values that many people fear will occur as a result of current events; and the fact that last night on the international markets the price of oil closed at US$123.62, which is a record. Many commentators are saying that the price of oil will go to US$150 or even to US$200 a barrel. Indeed only in the last couple of days Exxon Mobil and BHP Billiton have been involved in discussions in London, where Goldman Sachs has given advice to the effect that the price of oil is likely to go to between US$150 and US$200 a barrel. These are dark clouds on the horizon. In the course of all of this Labor is simply unable to manage money.

On the issue of budget cuts, we have again seen the pea and thimble trick that we have seen played out over so many years under this government — with the purported payroll tax cuts, when in fact payroll tax will increase by $360 million over the amount of money that the government raised last year; with the purported tax cuts in relation to land tax, when in fact the government will raise an extra $300 million this year over and above what it did last year, an increase of 20 per cent; and with the purported cuts in stamp duty, when this year it will raise a figure of almost $900 million in excess of what it raised last year. The total just out of those three areas is $1.5 billion additional taxation in an environment in which the government is handing back by way of its so-called tax cuts some $300 million. There is a net gouging therefore of $1.2 billion just out of those three areas.
But that is not the end of it, of course. We are seeing the dividends from government businesses increase by $63 million, an increase of 17.5 per cent. And it is no surprise that most of that will come from the water authorities, which have contributed about $2.5 billion over the last eight years. What do we have to show for it, I ask again, rhetorically? Gambling taxes are going to increase by $66 million — and as I speak we are joined at the table by the Minister for Gaming. He is a Melbourne supporter so he is not a complete loss, I am pleased to say. When we compare the commentary from Labor before it was elected and the situation we face now, we see that the total gambling income this year is going to be about $1.65 billion. They are going to reap just over $1 billion from gaming machines — this is the Labor Party that had so much to say about gaming and gambling before it came to power. There will be an increase of 14.5 per cent, or $62 million, in relation to speeding fines — $492 million from speeding fines which this government is looking to incorporate into its budget of about $37.5 billion this year.

Then of course we have the absolutely crucial figure in relation to debt. This is a discussion about public sector net debt. It is about the total liability of the government in the event that things go pear shaped. It is not only the issue, as some would say, of the general government sector net debt; that is not the only issue at stake here. What is at stake here is the question of what happens to all of those authorities which are 100 per cent government owned if things go pear shaped in their respective areas. The answer is of course that the government has to pick up the tab. When you look at the budget papers, what they tell you is that the figure at the moment is about $5.7 billion. By 2012 it is going to rise to about $22.9 billion. We are going to see an increase of $17.2 billion in a period of four years. I say again that this is a discussion not only about general government sector net debt; this is about the public sector net debt taken in totality.

You have to look at this on the basis of the real deal. We are exposed to an interest obligation of $1.8 billion by the year 2012, and the critical thing about this is the trend. That is the issue to be looked at; you must look at the trend. We have a problem here because the government keeps running the furphy that this is a discussion about the gross state product. That is not the issue at all; the important issue is the trend.

Those of us on this side of the house who were here to pick up the bits and pieces that were left of Victoria after 1992 remember it very well. We worked hard to repair it. Labor is working hard to undo it. We have been there before and we are going there again. And it is hard to get it back in order when it goes wrong. We all remember former treasurers Tony Sheehan and Rob Jolly. We all remember the assurances that were given that the state could afford it, it was all in hand, it could all be managed. It always reminded me of Custer’s famous last words, ‘This looks like a nice, friendly group of Indians’. We saw it all come unglued when Labor was there before, and it is in the process of going that way again.

We were able to engage in the privatisation of the power industry. It raised something in the order of $23 billion. We took every cent of it down to the bank and paid off the credit card. It is interesting that the Labor Party which is now in government opposed it every step of the way. We now have these born-again capitalists sitting over there on the other side proclaiming what a competitive state economy Victoria has. They were over there opposing the whole thing every step of the way.

I give Morris lemma his due in New South Wales. At least he is prepared to stand his ground. He has the troglodytes up there again — John Robertson and the Godzillas, that well-known band. There they are playing the usual tune. They are not going to stand for it, the unions say; they are not going to have it happen. Of course it has cost that state about $25 billion. Back when Bob Carr and his mates wanted to do it and the unions blocked it they could have done it for $35 billion. Now they are talking about $10 billion. At least Morris lemma, to give him his due, has been able to stand his ground. But let the record show that those opposite who proclaim our competitive advantage here as a state, including the now Premier, were over there, in the days of yore, preaching that this would never happen under their watch. We had the fortitude to make sure it could be done. The unfortunate thing was we had to dedicate it all to paying off Labor debt — and here we go again.

Is it any wonder that those of us who have been there before are worried about the prospect of it all happening again? Is it any wonder that when you listen to and read what people are saying out there in the public arena, you hear that the public of Victoria is also petrified about it happening again. Amongst all of the commentary that we have had over the past few days, amongst all the clapping and cheering for those who have said this budget is a good one — although it has been pretty muted, I might say — no-one has asked the really key question, and that question is this: does anybody realistically think that Labor, having set out on this path, is going to stop? Does anybody realistically think that come 2012 if Labor is still the government — and heaven knows we all hope that is not the case —
that it is going to stop this path that it has now set us on?

You cannot help but be filled with dread about it. As we know, at the moment we are facing investments to do with the food bowl, the desalination plant — although we do not know how much it is; the government will not tell us; it is a cabinet-in-confidence issue, apparently. We are looking at expansion of the Monash link, the cost of which has blown out almost $400 million before anybody has laid a brick; it has gone from $1 billion to $1.4 billion — classic Labor management. We have got Rod Eddington’s transport proposals sitting out in the wings somewhere or other at a potential cost of $18 billion. We have got the bay deepening. Where is the money going to come from for these projects when Labor cannot manage its own state finances? You cannot help but wonder where we will be in 2012 if Labor is still running the show. If you look at the history of fast rail, Spencer Street, HealthSMART, the myki imbroglio — no wonder everyone is filled with dread.

If we had an observable outcome from all of this for all Victorians it might well be that people would have a different point of view. We have got Mr Lenders, the Treasurer in the other place, talking about building for a future. If we had another two or three CityLinks, if we had another 10 or another dozen hospitals, if we had a functioning transport system, if in country Victoria we had another two or three CityLinks, if we had another dozen hospitals, if we had a functioning transport system, if in country Victoria we had a road and rail system that worked, it might well be different, but unfortunately such is not the case. Across country parts of Victoria it is a sorry state of affairs.

I want to deal with some of the issues, not necessarily in the order of their priority. The Maffra Secondary College imbroglio — what an absolutely classic piece of Labor mismanagement! Here are the college people, told in a press release they are going to get $5.7 million. The assistant principal of the school appeared on air on Kathy Bedford’s show on the ABC celebrating this grant for which he was so thankful. Within the hour of course the department rang up and he had to recant. The same person, the assistant principal, Andrew McIntosh, had to go on air after having been in the awful position of being told, ‘Sorry, slips no go; it hasn’t happened at all’. The government says basically that there is many a slip between the cup and the lip, and that that is just the way it goes. It ought to do the honourable thing and fund this school. This is a classic piece of Labor Party mismanagement.

Members might remember the promise about the train to Leongatha. That was one of the government’s foundation promises going into the 1999 election. It promised it would return the train service to Leongatha. Last Friday afternoon there was a press release — it is gone, it is done, it is not coming back to Leongatha. I say, in a measure of fairness, we have had a response from the government that there will be a $14.7 million package for bus services. I reserve judgement on that for the moment because we simply do not know the detail, but here we are again with a promise that the government has failed to honour. I might say that if the government realistically thinks that $14.7 million is going to satisfy the South Gippsland community after eight years of waiting for the return of the train service it is sadly mistaken. We have many needs down there insofar as transport and transport infrastructure are concerned, not the least of which is access to VicTrack land in both Leongatha and Korumburra, but that story is yet to be fully told.

On the issue of rail freight, the industry has been pleading with the government for years to do something about it. There was the promise made in the 2001–02 budget to inject $96 million for rail standardisation. That has gone out into the ether somewhere with that famed figure, Pig-Iron Pete, who has been shifted from one industry to another. Somehow or other that did not happen. We had the Fischer report, which was commissioned by this government. Mr Fischer reported in November under what he called ‘switchpoint’. He recommended that $141 million be spent. The response from the government has been a package in this budget of $42.7 million — $23.7 million for infrastructure, the rest to fund maintenance. The problem is that we end up with four-fifths of nothing. What we are going to have done is what are termed the ‘gold lines’ recommended in Tim Fischer’s report, but the rest of it is out there somewhere. Nothing is happening, particularly in regard to the extension of the work down to Portland. I know that the member for South-West Coast will talk about this when he makes his contribution to the debate.

How can it be that the government can turn its back on the balance of this report? What it should have done was announce perhaps a three-year program to have the whole of that report implemented. It would have been the sensible thing to do. I say to members of the rail alliance in northern and north-western Victoria who have worked so hard to resolve this issue over the years, ‘Keep the faith’ because members on this side of politics will address that issue in the event that we are given the opportunity to do so. In the meantime government should do so. The trucking industry is a great industry in this state and across Australia — of course it is — but the rail freight system is one that we should have functioning properly and we do not.
The next issue I want to deal with is the Regional Infrastructure Development Fund (RIDF). It is most instructive when you look at the figures within this budget. I refer particularly to a table, which I have sought permission to have incorporated. The Speaker has approved its inclusion; Hansard has approved, and I have distributed it to all parties.

_Leave granted; see table page 1759._

This document is instructive. What it shows is that since 1999 through the Regional Infrastructure Development Fund the government has budgeted to spend $580.7 million. What it also shows is that its actual expenditure to the end of 2006–07 has been $276.5 million. It is short $300 million. Worse still, this year the government has budgeted to spend $41.4 million. It has cut the allocations to the Regional Infrastructure Development Fund by 50 per cent. It is all there in budget paper 3 for even the most ignorant amongst us to see — and on that point, I see that the member for Melton has joined us. If he would care to have a look at page 152 of budget paper 3 he will see reference to the figure of $41.4 million. If regional and country Victoria is going to be able to do what it is able to do, then the government should properly fund these promises and not do what the Treasurer is doing in the course of this budget.

I might say that it is reflected also in table 3.4 at page 145 of budget paper 3, which shows the overall figures relating to regional development. Those figures show that there is a cut of 40.1 per cent in regional development funding. A note on that cut is also interesting. It says:

> The major reasons for the variance in regional development is due to annual variations for the Regional Infrastructure Development Fund in 2008–09 consistent with its budget funding profile, and —

> importantly —

> cessation of funding for drought initiatives.

That is a relief for us all from the country — the drought is over. It is finished; the government has declared that the drought is over. I am just delighted. That will ring true in the hearts of not only those who follow the Blues but those who love rural and regional Victoria; they will be delighted to know the government has declared the drought is over. This is simply not good enough.

The next issue is the fact that the government allowed the tariff rebate to lapse. Eighty thousand rural and regional Victorians enjoyed the benefit of this. It was trumpeted by Mr Bracks back in 2005 as being a $110 million program, and those 80 000 Victorians enjoyed the benefit of it. This government has allowed it to sink.

I refer also to the Auditor-General’s recent report in relation to the capacity of people to afford water for their residential usage throughout Victoria; 94 per cent of those who are struggling come from rural and regional Victoria. That is what the Auditor-General’s report said. It talks about the fact that the figures for every benchmark — those who are now having reduced service provision of water to their homes; those whose accounts are now being chased by the various authorities; those who are struggling to meet their costs — are getting worse. I ask the Acting Speaker to remember that we have been told by this government the price of water in Melbourne is going to double over five years; we already know in rural and regional Victoria that that path is being followed.

I ask again, rhetorically of course, what happened to the great traditions of the Labor Party which once proudly proclaimed it would look after the disadvantaged in our community? What has happened to those great principles? Why would it allow a network tariff rebate to lapse so that these poor people cannot get the benefit of it? Why is it that it will not give the appropriate levels of assistance to those who struggle to meet the cost of the water for their own households? It is nothing less than a disgrace.

The issue of water is its own sorry story. The desalination plant is supposed to cost $3.1 billion. I have with me the recently released report by the Auditor-General entitled _Planning for Water Infrastructure in Victoria._ It is a litany of commentary on what a disgraceful performance this government has engaged in over the course of the last 12 to 18 months in the water industry. In an environment where this government is pursuing full cost recovery, we do not even know the price of the desalination plant that it is seeking to recover the cost of. It is an appalling state of affairs. If it were not so serious, it would be a joke. The scoping documents have been released for the environment effects statement for the desal plant. Those scoping documents are worth a read. This is supposed to be a carbon-neutral plant, but they are now talking about building gas-fired turbines beside the desal plant to provide the power for it. And it is supposed to be carbon neutral! It is just a joke, and the sorry thing is those fools who sit over there on the back bench swallow this nonsense. It is absolutely unbelievable.

Regarding the pipeline issue, Labor policy in 2006 was never to pipe water from north of the Great Dividing Range. What did we get 11 months ago? It was a
cobbled-together patchwork quilt of rubbish by way of a pipeline and desalination plant. The Labor government swore it would never do either, and now it is going to do both. God knows how much money it is going to cost us. The government was panicked into it, because as usual all it ever did was talk about the demand side of the equation and never about the supply side — supply was going to look after itself. It was subterfuge on the way through.

Who will ever forget the helicopter advertisements with Premier Bracks out there in the red helicopter? Country Victorians will never, ever forget it. There is now community division destroying one of the great competitive edges that we have in country Victoria, and that is the use of water. Mr Lenders, the Treasurer in the other place, was sent over to the Municipal Association of Victoria conference to flog them with the threat that if they did not agree to what this government wanted to do, then they had better look out because there would be no more money spent out in the country regions.

Mr Nardella interjected.

Mr RYAN — Is that policy now, is it? You do not spend money in country Victoria unless Melbourne somehow gets its cut; is that the policy?

Regarding the circus over the national water plan, we remember the Premier in here day after day talking about this whole thing being cobbled together on the back of a postage stamp or on the back of an envelope. What did he do? He signed it. I wonder if there was room at the bottom of the envelope for his signature. The funny irony is that the architect of Victoria’s opposition to the national water plan was Terry Moran, who now works with Prime Minister Rudd and who was in the room at the time this deal was apparently done. It was the biggest deal since the Blues knocked off Greg Swann from under Eddie’s nose and picked him up from Collingwood. Mr Rudd has pinched Terry Moran from straight under the nose of the Victorian state government. He is not sitting on the couch this time; he is over on the bed. Gee, it would have been very interesting to have been there.

We heard all the fictional games Mr Brumby talked about in terms of now being able to sign up to the national water plan. As I have demonstrated in this place and outside its walls before today, that is exactly what they are — a fiction. There was the $5 million bribe to try to persuade people to be sucked into the business of supporting the flawed idea for a pipeline. There is the money the government is spending on advertising around Victoria and particularly in the Goulburn Valley; it is pouring taxpayers money into trying to prop up its own ridiculous arguments to justify this dreadful project. There are the false figures in relation to the savings. There has been no solution to any of that yet.

The Auditor-General’s report, to which I have already referred, is absolutely replete with commentary which shows the lengths to which this government will go to get what it thinks it needs to do — and it is all done in a panic. It has committed $1 billion on the back of a proposition advanced to it by the group who wanted this to happen without subjecting it to proper scrutiny from a governance point of view. There is ongoing unrest, as I say, and what a great job the Plug the Pipe group is doing! I give all credit to the Murrindindi Shire Council, which on 15 April passed a motion telling this government that it should suspend the whole thing.

All of this is happening in circumstances where we have known, as the Auditor-General’s report refers to at page 10, that we have been in drought since 1997. All that ought to be done is that any savings that are achieved out of this project should be dedicated to those who no longer get their full allocation of water under their entitlement — but who, by the way, continue to pay the full tote odds even though they do not get the water. How would that go in Prahran, I wonder? I wonder how that would go out in Melton, if people found they had to pay for the total amount of water they are supposed to get and they were not getting half of it? That would go down really well; you can just imagine. Yet this government is proposing to pinch water from north of the Divide.

What about doing this project on its merits? Of course the project should be done, but if it were done and the water stayed north of the Divide, it would add to the productive capacity of those great communities up there. It would grow their communities and our export capacity. It should be done on its merits.

What about the notion of this government doing something to require Melbourne to live within its water means? I think Melburnians are also embarrassed by this stupid proposition the government has advanced over this dirty great big garden hose running from north of the Divide, from a system which cannot provide even for itself, and taking water into Melbourne. There is not a single substantive initiative that anyone can point to which indicates that this government has invested any of the $2.5 billion of water dividends into a program which would see Melbourne provide for itself properly. We are still waiting to learn what will happen with the 100 billion litres of treated water that will come out of the eastern treatment plant — if the government ever gets that project finished.
I say to the people up there in the north: keep the faith; just remember what has happened recently; the taxidrivers were able to have a win eventually. The policy adopted by this government was again the policy of the two parties which now comprise the opposition. The government fell over in the space of a day. Maybe we ought to get Kenny Harrison and a few of the other boys down here to rip off their shirts on the front steps. Let us see how they go — although, on reflection, when I think of what might be on show, that might not be a good idea!

We have seen the public win over the issue of the helicopter to the south-west. More power to the member for South-West Coast, the member for Lowan, those members in the other place and those others on this side of politics who in the end forced the government to adopt what has been longstanding coalition policy!

Then there was the issue in relation to the teachers, with the government again falling over in the face of a proposition advanced by the coalition through the leader, Ted Baillieu, only about four weeks ago. Now the government has been dragged kicking and squealing to that. So I say again to the people in the north: keep the faith, just keep the faith.

There are other issues in relation to this budget to which I want to make some reference. There is a commentary about the Snowy River. I have with me the press release that was released by that pipe hugger, the Minister for Water, on Wednesday, 5 March. It says:

Victoria, New South Wales on track to meet Snowy River flows target.

When you look at page 397 of budget paper 3 it tells us that the aim is to get a flow of 21 per cent into the Snowy River. In fact now, after all these years, we are up to 4 per cent.

The Minister for Gaming is at the table. On the gaming industry, as someone once asked rhetorically: what is this government doing; what is it thinking? What the government has done is throw this industry into absolute chaos. At the moment the minister is on the grand tour around Victoria where he is talking to people at the clubs.

Mr Robinson interjected.

Mr Ryan — Oh, yes, we know where you go. You are in our territory, mate; don’t you forget it. You leave Melbourne and we know where you are going, not a problem at all. We have you taped, no worries at all.

The interesting thing is that people come along to get some insight into what is going to happen in the future. They say to the minister, ‘How’s it going to work?’ and the answer is, ‘I dunno’. They say to the minister, ‘Are we going to be able to buy the machines? If so, what’s going to be the approximate figure and how is it going to be financed?’ The answer is, ‘Oh, I dunno’. It goes on and on.

The worst possible circumstance for business to operate in is one of uncertainty. What this government has done is throw this industry into absolutely chaotic uncertainty. I will tell you what is worse, Acting Speaker: in the end, whatever money is paid to buy these gaming machines, it will be paid substantially by the finance sector. It will be the banks that pay; the money will be borrowed. Let us say there will be 27 500 machines at $100 000 each. That is $2.75 billion. If they are $200 000 each, it is $5.5 billion. I say to the minister and the house that as a principle about 75 per cent of that money will be paid by the finance industry, which will lend it. What people in the finance industry are saying is, ‘How is it all going to work? What is the licensing system? What are the tax rates? How is it actually going to function?’ All the clubs have long-term plans for what they are going to do by way of expansion of their facilities and the like, growing their employment and so on. Now those plans are all on hold — because no-one knows how it is going to operate. The minister has thrown the industry into complete and utter chaos. Again, classic Labor.

In the last week in the power industry we have had announcements by the government about clean coal in the Latrobe Valley. I was down in the Latrobe Valley, coincidentally, when the clean coal announcements were being made, with these sorts of buzzwords of carbon capture and clean coal being used. As principles, I think they are both terrific initiatives, and I support them. But in the style of the good old USA’s political system, there is a lot of dog whistling going on here. The issue that the government will not face and won’t talk about is what is to happen with Victoria’s coal reserves. In the speech by the Treasurer there is reference to coal reserves: there are 500 years worth of them, at current usage. At the other end of the scale we have a program in relation to clean coal.

Let us say that that technology comes on stream, as many would say it will, in 2015 or 2020. What does the government say should happen with the coal, given that that technology is actually developed? Is the government’s view that we need more generating capacity in Victoria and that the clean coal will be used for it? It needs to say what its position is. We have about an 8500-megawatt capacity in Victoria. I might
say that China adds 1000 megawatts a week. In Australia we have a total grid of about 32,000 megawatts and China replicates it every seven or eight months. That is the world in which we live: we produce about 1.5 per cent of the global energy. We have all this coal down there and we have clean coal technology. The government needs to say what we are going to do with it. Current predictions are that in 18 months we will not have the capacity to supply our power needs throughout summer. What does the government say ought to happen in relation to this?

In the last 12 months the price of coking coal, which we do not have, has gone up by about 260 per cent. Australia will reap about $18 billion additional income out of exports of coking coal and iron ore, without having to add another single tonne by way of the quantities. Wayne Swan is going to pocket $6 billion or $8 billion of it for taxation purposes. What does the Victorian government say about all this, with a background of climate change? There is a lot of dog whistling going on.

The *Age* of 7 May, in its editorial summary of the budget, which is headed ‘The budget of small things and good intentions’, says:

> Despite its tax reforms and spending measures, this was a state budget of missed opportunities on the big issues.

That *Age* editorial finishes:

> Where is the evidence in this budget that the government is serious about looking at both sides of the energy equation: supply and demand?

Therein lies the question: where is the government in relation to this?

We got into trouble over water because for eight years the government ignored the supply side of the equation. Here we stand on the cusp of a similar problem with regard to power. I tell the house here, on 8 May 2008, that unless this government declares its position and gets active about this, we are going to have a problem.

*Honourable members interjecting.*

Mr Ryan — We have a comment over here about wind farms. Can you believe this? When we are facing what we are facing, this dill is talking about wind farms. Goodness, gracious me! Is it any wonder?

What has happened with the development of the smart meters? The Labor Party had the capacity to at least have an influence in the development of smart meters. There are various other issues in country Victoria. The policing issue remains a problem for front-line police officers. Regarding the education issue, we got three new schools in non-metropolitan Melbourne out of this budget and another nine are supposed to share in the ill-fated $39 million fund, which was also supposed to be shared by Maffra Secondary College, and there is some more money for relocatables at small rural schools. All those things are good as far as they go, but the government has got to get serious about putting some real money into investing in education.

On the question of farming, the big farming statement sank with all hands lost. It has got weeds over it already. The regulations that farmers face these days are just impenetrable. These are global competitors. These are people who are the best in the world at what they do, and the government needs to conduct itself accordingly. Research issues are fine, but we need much more in the way of partnering programs in concert with our farming sector to make sure that we can do the best not only for our farmers but for agribusiness generally and for all the manufacturing sectors and many communities that are dependent upon them.

By way of a general summary of all of this, I say about this budget that there is no focus to it; there is no centre point to it. In the whole 11 pages of the Treasurer’s speech he did not once use the word ‘vision’. That is reflective of the fact that the speech has no vision, and that is what Victorians are demanding from this government. There is no public policy around this budget which gives people hope for what we should see as being Victoria at its best.

I offer a vision now just from the Gippsland perspective, and I will quickly run through it. We should have more water storages. They do not have to be on stream; we could have them off stream. We can do it for the benefit of farming and agribusiness and the benefit of the lakes. They do it interstate, so why not do it here?

Planning issues are so important for us. The Kipper gas field is coming on stream in Bass Strait, a $1.6 billion development, and another gas plant is going to be built, a multibillion-dollar development. The Royal Australian Air Force base at Sale has expanded. It is a $60 million federal investment, and it is going to be bigger again. I had the pleasure of speaking there at the officers mess on Friday night. The things that will happen at that base in time to come will be wonderful.

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We need planning to accommodate our needs. In education there is capacity for university development in the city of Sale, where I live, to capture some of the kids who are presently missing out on that sort of
education. Regarding the energy industry, I have mentioned coal in particular but there are many other facets. We have the issue of the investment by utilities in water and sewerage, particularly in small towns in the southern coastal area, to enable the people who come and live with us on a part-time basis throughout the year to have decent facilities. Local government support and regional development support are so important to us.

The budget is a disappointment. It does not have the sort of vision that Victorians are entitled to expect. As I speak, in Burma 20,000 people are dead and 41,000 are unaccounted for. We live in the greatest nation in the world, and we are in the best state in the best nation in the world. We have an obligation to do better than what this budget gives us. I say to the government: for heaven’s sake, you can do better. I implore it to please not bury us in debt again, to clean up its act and to run its budgets according to how it says they should be run. If it does those things, we will all be the better for it in this great state.

Mr HULLS (Attorney-General) — I rise to support the Appropriation (2008/2009) Bill. As we know, this is Treasurer John Lenders’ first budget, and I want to congratulate him on continuing the fine tradition of this government of growing Victoria and growing the economy whilst delivering on the key services of health, education and addressing social disadvantage. I have just come from the launch of A Fairer Victoria, and I have to stay it was indeed a great launch. As Attorney-General I am particularly pleased that the budget provides an unprecedented $198.3 million justice package which will give people faster access to justice services and offer a new way to resolve disputes.

As part of the government’s program for reform of Victoria’s justice system we are currently working on a new justice statement which builds on the work of the forward-thinking themes and initiatives. The justice statement mark 2 will continue the themes of modernising justice and addressing disadvantage but will also introduce two subthemes — reducing the cost of justice and creating a unified and engaged court system that will be more responsive to public needs and expectations. This budget means that we can commence the process of delivering some of the goals of justice statement mark 2, particularly by improving the efficiency of the court system and providing people with quicker access to justice.

The justice package in the budget includes $38 million to further improve Supreme Court efficiency by providing more prosecutors and three new judges as well as ongoing funding for a further two judges to support the government’s crackdown on organised crime. It also provides for support staff, increased transcript capacity, prisoner transport and support for juries. The budget will tackle the huge increase in the workload of the Children’s Court. There will be $6.5 million for two new magistrates, four registry staff, one assistant registry manager and the use of additional courtrooms for a period of time. This extra funding will also deliver new Children’s Court services at the Moorabbin Justice Centre.

To ensure we have a modern court system which is safe and secure for all court users the budget also includes $15.6 million over four years for the Magistrates Court to fund additional security personnel and weapons screening right across the state. I was at the Frankston Magistrates Court yesterday where this initiative was certainly welcomed. One of the major initiatives we are exploring as part of the second phase of the justice statement is the development of alternative or appropriate or complementary processes to the current adversarial system of justice. Whilst the adversarial system of justice has generally served us well, in some cases it can lead to very lengthy and costly court proceedings.

You really have to ask whether the process, particularly in civil disputes, of interrogatories, discovery and the like is really aimed at getting to the nub of the problem and resolving a dispute or whether it simply adds to increased court delays. We are certainly entering a new era where the public demand for more accessible and affordable justice is ever growing, and the adversarial system is not necessarily the most effective and efficient way to resolve issues. I certainly believe we have to find new and innovative ways of doing things, and an alternative dispute resolution strategy including, I might say, judge-led mediation is central to reducing the cost of justice.

This budget includes a landmark $17.8 million for alternative, or appropriate, dispute resolution initiatives across the state. These include mediation programs in our courts, judge-led mediation pilots for both the Supreme and County courts through the appointment of two new judges, one for each jurisdiction, and a range of other new dispute resolution services and initiatives. There is no question that as a result of this budget Victoria will become the appropriate dispute resolution capital of Australia. I use the term ‘appropriate dispute resolution’ because we have continually referred to it as alternative dispute resolution as though there are only two ways to resolve disputes and this is an alternative to the more mainstream way, which is our court system.
We have to change that mentality. Courts should be a last resort. But if matters get to court, we should also be thinking of more innovative ways of resolving disputes when that happens. That is why this judge-led mediation pilot is so important. It is based on the model that works very well in Canada. Justice Louise Otis heads up the dispute list in Canada, and I think something like 95 per cent of matters that go before her are resolved by way of mediation. She has nothing to do with a case when it is in a particular list — they come to her cold — and she is able to resolve these matters. Why? It is because the mediation process has the imprimatur and oversight of a judge. Mediation works well, because people take ownership of the actual dispute resolution process, so it can be far more effective than the traditional adversarial system of our courts.

We will also be providing over half a million dollars for a new Koori County Court. I am proud to say that this will be an Australian first at this level of the court system. I remember when we opened the first Koori Court in Shepparton in 2002. I was there again just recently, and I have to say that the Koori courts are working extraordinarily well throughout the state. There were plenty of nay-sayers at the time who called it a deluded social experiment and used other derogatory descriptions, but those who ridiculed the reform at the time now have to face up to the reality that the Koori courts have proved so overwhelmingly successful that in just 5½ short years we have opened eight more of them; we have opened Australia’s first ever Koori Children’s Court; and we look forward to opening the first-ever Australian Koori County Court.

Some of the usual suspects continue to carp about the Koori Court system. I noticed the other day that Peter Faris, QC, repeated a ridiculous claim that he has used before — that is, that the Koori Court dispenses apartheid justice. That was the term he used. He is reported as having said that when he read about the Koori Court initiative he felt sick. Not only do I find these comments appalling but they are misleading and false. I sincerely hope that they indicate — I expect they do — a complete lack of understanding of what these courts do, rather than something more malicious.

As we all remember, the Royal Commission into Aboriginal Deaths in Custody made it crystal clear that we need a culturally appropriate legal system if we are ever to break the cycle of overrepresentation of indigenous offenders in our nation’s jails. Koori courts in Victoria lead the nation when it comes to reducing recidivism rates and dealing with Koori offenders in a culturally sensitive manner. For Mr Faris’s interest — and anyone else who still questions the validity of Koori courts — I remind him that Koori courts apply exactly the same sentencing laws that apply in every Victorian criminal court.

The presence of elders is a powerful way of shaming and making Koori offenders accountable. As the Chief Magistrate has said only very recently, these courts have been tremendously successful in reducing recidivism rates amongst Koori offenders to approximately half that of the general rate. Offenders who plead guilty and elect to go to a Koori Court do not get lighter sentences. In fact many Kooris find the experience of appearing before the Koori Court so traumatic that they would rather not appear before it. They do not get a lighter sentence, but they do get a system that is far more meaningful to them and a system with which they can readily engage.

For far too long Kooris have been disengaged by the justice process. I have told this story before, but it is worth repeating. When I was doing Aboriginal legal aid work up in Mount Isa I remember sitting in on the Mount Isa Magistrates Court during a simple coronial inquest. The only witness to a single-vehicle accident was an old Aboriginal fellow who was sitting on the side of the road from Camooweal to Mount Isa. He was called to give evidence as to what he saw in relation to this accident. He got into the witness box, looked around and said, ‘I will plead guilty’. As funny as it may sound, that is what the justice system meant to him — it was a place where you have to go and plead guilty.

We have to deal with matters in a far more culturally appropriate way, and we have to do so because Aboriginal males are still being incarcerated at something like 12 times the rate of their non-indigenous counterparts. Aboriginal kids are being incarcerated at something like 16 times the rate of their non-indigenous counterparts. Before the introduction of Koori courts, recidivism rates were skyrocketing. We have now reduced recidivism rates by half, and that is a good thing. By and large the orders that Aboriginal kids and Aboriginal adults are being placed on are being adhered to. That was not happening prior to the Koori courts, so Koori courts are indeed working well.

It is now time to have a trial of the Koori Court in the County Court jurisdiction. I am pleased to say that the Chief Judge, Michael Rozenes, has embraced this initiative and is looking forward to setting up a Koori County Court. I call on all those misinformed critics to take the time to go and poke their heads in at one of these Koori courts. The Koori Court at Broadmeadows is probably the closest to the central business district. I urge those nay-sayers to go and have a look at it; I have
no doubt that they will quickly understand how very wrong they are when they criticise Koori courts and how they work.

As well as the Koori courts, we are also going to fund some $61.8 million worth of upgrades of mortuary facilities and forensic services. That includes rebuilding the mortuary building, providing additional pathologists and establishing a world-first Victorian coronial council.

As far as the Attorney-General’s portfolio is concerned, and as far as the justice area of government is concerned generally, this is a great budget that delivers on justice. It delivers justice for families, for businesses, for our regional and rural communities and for our community sectors. This budget has the hallmarks of a great budget, because it weaves together two vital strands: building strong economic growth, while at the same time delivering on a solid social justice program.

If any evidence was needed in relation to the latter, one only had to be at the launch of A Fairer Victoria to see how well the initiatives in A Fairer Victoria were received, in particular by the community sector. As the Premier said, we are leading the nation when it comes to our A Fairer Victoria strategy. When the Premier was at the 2020 summit recently, he heard that Victoria was seen as an icon when it came to addressing disadvantage. Many people were talking about using the A Fairer Victoria strategy in the federal jurisdiction to look at having A Fairer Australia strategy based on the Victorian model. We take pride in that, and we take pride in leading the nation when it comes to a lot of these social justice initiatives.

Certainly we take pride — and I take pride — in leading the nation when it comes to setting up the first Koori County Court in Australia. I still believe we are leading the nation when it comes to our Koori courts in Victoria, and we will also lead the nation when it comes to looking at alternative ways of resolving disputes outside the traditional adversarial system. I welcome this budget, and I fully support the appropriation bill before the house.

Ms ASHER (Brighton) — When we were voted out of office in 1999 the budget was around $19 billion. This budget today is around $37 billion — almost double — and the question I encourage the public to ask always is: what has the public got for the budget increase from $19 billion in 1999 to $37 billion in 2008-09?

The public would do well to reflect on what it actually got. Is there double the service for double the money in the core areas that state government operates? I will just go through a number of areas of core state government responsibility. In the area of health, we have the longest waiting lists and the lowest number of beds per capita. In the area of education our students leave school with literacy and numeracy at the lowest levels, as exemplified in the graphs distributed by the member for Scoresby. In the area of transport, on a daily basis people experience congestions on roads. Trains are packed, late and cancelled. In the area of water, the government has failed miserably on the supply of water. Melburnians cannot even water their gardens except on specified days and at specified times. In terms of safety, assaults are at record levels. A number of people do not even feel safe to walk on the streets.

I want to make reference to the government’s tax cuts. The Treasurer came in here the other day and spoke about land tax cuts, payroll tax cuts, stamp duty tax cuts and the like. But it is very important to look at what these cuts actually mean. Nothing better illustrates that than page 179 of budget paper 4. If you look at the section on land tax, where the government was boasting of significant tax cuts, you see there that the government expects next year to have a 20.5 per cent increase in collections of land tax. That is off the revised 2007–08 estimates. It is a funny sort of cut when the government expects an increase in total tax take in that particular area. The same applies to the so-called payroll tax cuts. A real tax cut is in fact a tax cut when the government anticipates collecting less tax in the next year.

I also want to make a couple of comments about debt. According to these budget papers, in 2012 the total debt is now going to be $23 billion. What should be of significant alarm to Victorians is that total debt servicing costs taken out of the recurrent budget will be $1.8 billion in the year 2012. The last time I spoke about debt servicing costs in this Parliament was in 1992. I just pick up on this absurdity that the Labor Party talks about when it looks at the level of debt servicing costs taken out of the recurrent budget. What was debt from the Cain and Kirner governments that we were elected to eradicate, and we did. To invoke the level of debt in 1992 as if it is somehow attributable to my political party is an absolute joke.

I heard the Premier yesterday in question time talk about the level of debt and quote from Standard and Poor’s, saying the government’s AAA credit rating was going to mean this level of debt was fine. Admiration for Standard and Poor’s was not always so forthcoming from members of the Labor Party. As an aside, I cannot resist putting on record comments made in this place on 19 November 1997 by one member for Thomastown,
Peter Batchelor, now minister for energy, who in reference to a previous Treasurer, Alan Stockdale, said:

...the Treasurer can achieve his single objective or obsession of the restoration of a credit rating with Moody’s, Standard and Poor’s or some other overseas credit agency.

The now minister for energy went on to say:

It has to do only with satisfying the ideological drive of the Treasurer and the people to whom he feels responsible — that is, overseas credit agencies.

Standard and Poor’s was willingly described by a prominent member of the Labor Party as an ‘objective or obsession’ with overseas credit agents. The then Treasurer was described as having an ideological drive — a desire to achieve ratings. I reflect on how much things have changed in this place.

I want to make a couple of comments in relation to water. Water is this government’s greatest failure. From 2002 to 2010 the government will have done nothing about water supply. If you look at other states, you see that other states have built dams, have upgraded treatment plants or have built desalination plants. This government has done nothing between the period from 2002 to 2010. In terms of the 2008–09 budget, what we have is a series of reannouncements about the government’s contributions on water. The government has referred to the $600 million for the food bowl project and the $20 million for the Geelong–Melbourne pipeline — and already the Auditor-General has identified a significant blow-out in the cost of this pipeline from $80 million to $120 million. The Hamilton–Grampians pipeline project has been reannounced, as has the government’s contribution of $10 million out of a total cost of $30 million. All of these projects were in fact announced on 19 June 2007. The gaping hole in this budget is the upgrade to the eastern treatment plant, which, even on this government’s reckoning, will not even be finished by 2012. That is the gaping hole in this year’s budget, and it should have been brought forward.

I also want to make reference to the fact that the government has now confessed in this budget to the fact that it will be using the environmental contribution levy to pay for capital projects. I refer to page 354 of budget paper 3, footnote (b), where it says that $14.5 million from the environmental contribution levy will be put towards the food bowl project. At the time that bill was before the house the government told us that the environmental levy would go to protecting and repairing water resources, smart urban water initiatives, smart water farms, water security for cities, towns and the environment and COAG (Council of Australian Governments) Living Murray. The government has confessed publicly in this budget to the fact that it is raiding the environmental levy for one particular project.

I also refer to the fact that there have been a raft of new KPIs (key performance indicators) for water in the budget, most of which are ridiculous. For example, the government claims that the statutory obligations of water corporations will be complied with 100 per cent. If that is a KPI, I am amazed. I thought that would have been a statutory requirement which would be met automatically. Again, we see that there are five new KPIs, all of which, quite frankly, are irrelevant to an average urban water user, for example, in Melbourne.

The KPI for people in Melbourne is: when are water restrictions going to be eased? That is the KPI. The KPI is: when will the augmentation of supply actually come online? I refer to the document Our Water Our Future at page 17. Why does the government not run an $8 million campaign on this one, because this is where the public finds out how long we will be on water restrictions in Melbourne? It states:

If the scenario based on the past three years ... is taken as a guide, the new supply will enable Melbourne to move to stage 2 water restrictions by 2010 and progressively move back to low level or no restrictions by 2013. If inflows closer to the average of past 10 years are restored, Melbourne will move out of water restrictions earlier.

The government is saying that Melburnians are likely to remain on water restrictions until 2013, and if that is the case the inaction of the government between the period 2002 and 2010 is absolutely pivotal.

I also refer to the issue of the government’s failure to invest in water. Again I refer to the chart distributed by the member for Scoresby, graph 11, headed ‘State investment per capita in water infrastructure, 2006–07’. We note that in Queensland, for example, $284 per capita was spent on water infrastructure in 2006–07; however, in Victoria only $71 per capita has been spent in the vital area of water infrastructure. State investment in water infrastructure, as a percentage of GSP (gross state product), is 6.1 per cent in Queensland, 3.2 per cent in New South Wales and only 1.5 per cent in Victoria. If we look at Australian Bureau of Statistics figures for engineering and construction activity, we can see that in the years 2005, 2006 and 2007 the state with the greatest investment in water infrastructure is Queensland. It spent $3.2 billion. New South Wales spent $2.4 billion in that period. In terms of government and water authorities Victoria spent $786 million.

Mr Andrews interjected.
Ms ASHER — More spending on capital would be a really good idea, particularly in this area. Use the surplus. I also want to refer to concessions.

Mr Robinson — You did not apply this logic to buying a house in Brighton, I bet!

Ms ASHER — No. Minor changes to concessions for low-income people having difficulty meeting their water bills are outlined in budget paper 3 at page 36. There has been a small increase to the concession for water and sewerage for low-income earners. I am of the view that, given the government is going to double water prices in metropolitan Melbourne, there should be some concessions for low-income earners and pensioners. However, we note that in this paper just the cap will be increased for the water and sewerage concession by 14.8 per cent from 1 July 2008. This will come nowhere near to covering the sorts of price increases the government has already flagged.

The Minister for Water knows that this is the case, because he makes it clear in his press release that the sorts of concessions that are outlined in this budget as small assistance to low-income people are not the sorts of increases that we were led to believe from answers the previous Premier gave in question time. I find it amazing that the member for Brighton is pointing out the ALP, traditionally the supporter of low-income people, has made a very lousy effort at a small increase in the cap to assist these people on low incomes who will be adversely affected by the government’s proposal to double water prices in Melbourne.

We see with this budget a range of inadequacies. No doubt I will get opportunities in the future to speak on the shortcomings in the small business and tourism areas as well, but what we see here is a budget with significant expenditures. We see Clayton’s tax concessions, because the government is budgeting to get 20 per cent more revenue from land tax next year as a result of the so-called tax concessions. It is a very ordinary budget, and the government should have done more with the money.

Ms RICHARDSON (Northcote) — I am pleased to rise in support of the Appropriation (2008/2009) Bill. This is John Lenders’s first budget as Treasurer, and I congratulate him on the excellent work he has done and on his vision for Victoria’s future. This is a great Labor budget that delivers to working families and reaffirms to each and every person in Victoria that it does not matter where you live in Victoria, that that does not determine what services you will receive nor how you will be regarded by the Brumby Labor government.

The budget provides for $180 million for maternal and child health, which is great news for residents of my electorate, who are experiencing their own mini baby boom. There is also $592 million to modernise schools across the state and $79 million for early childhood education and care. The budget allocates $502 million to add capacity and improve the reliability of public transport; $491 million for hospitals, health care and community services; $663 million for new and upgraded roads; $490 million for road and rail infrastructure; and $476 million to improve police services across the state.

Over the last few days I have listened to and read the views of members opposite on the budget, and I have to say they are rather confused and contradictory. Members opposite are all over the place, a bit like a toddler’s piece of artwork — although there has been a bit more toddler and a little less art in what we have heard today. Not only are there inherent contradictions in their arguments, but if you follow them through to their logical conclusions, you reveal what the Liberals and The Nationals truly stand for.

The first obvious contradiction appears in their discussion of the state’s debt levels. Even in 2012 Victoria’s general net debt will be 2.9 per cent of gross state product, which represents a modest and sustainable level of debt. Standard and Poor’s has stated:

The strength of the government’s forecast operating performance and existing low debt enables the state to maintain high capital spending without affecting its current credit rating.

The level of debt is lower than the level that was inherited from the Kennett coalition government. Nonetheless, the Liberals and The Nationals have declared that the end of the world is nigh as a consequence of this level of debt.

We all know that the former leader of the Liberal Party and Premier of this state, Jeff Kennett, is revered by members opposite. They overlook what he did to country Victorians, what he did to services and how he drove Victorians out of the state in ever-increasing numbers. The former Premier, who some describe as a bit of a boofhead, is dearly loved by members opposite. If the projected level of debt in 2012 is unsustainable and unreasonable, where does that put poor old Jeff? Is the love affair over? Of course it is not. Members opposite can rest assured that they can still take their teddy, who no doubt they have nicknamed Jeff, to bed tonight and tuck him in lovingly. They should not throw him in the corner just yet. The reason they can hang on to him is that the standards by which they
judge themselves and the standards by which they judge others are clearly very different.

The Liberals have totally misunderstood the views of Victorians on debt. What people want is a government that manages the books and provides excellent economic stewardship of the economy, and that is precisely what they have in this state government. They are not alarmist about state debt, as the Liberals are, because they want services. In short, you have to spend in order to build, provide services and meet the challenges of the future. The Liberals are more beholden to their ideological position on debt than they are to the belief in the need to deliver services to all Victorians. We all know the contradictions do not stop there. On the one hand, they bleat about the level of state debt; on the other hand, they bleat about the need to increase services. The Liberals have a very clear choice to make: either be the economic zealots that we all know they are and stand up for it, or argue that the state debt levels are reasonable, as concluded by Standard and Poor’s, and provide the services that the community wants. This is precisely what the Victorian Labor state government is doing.

The contradictions do not stop there either. In their desperate bid to be all things to all people, the Liberals have called for a further reduction in state taxes. Even though this budget has introduced tax and WorkCover premium savings of over $1.4 billion, even though Victorians now pay less tax than Queenslanders and even though Labor has progressively driven down or abolished state taxes since coming to office, the Leader of the Opposition, the shadow Treasurer and members opposite have all called for a further reduction in state taxes. In yesterday’s question time we saw the Leader of the Opposition respond to a question from the Premier — simply put, it was ‘Do you support a further cut in taxes and a cut in services?’ — by nodding in agreement.

This is the heart of the problem for the Liberal Party and The Nationals. The only way you can further cut taxes is by cutting and slashing services. That is the only way you can do it. That is precisely what they did when they were in government. Do not believe what they say; believe what they did when they were in government. They closed 370 schools across the state, including countless schools in country Victoria. They sacked over 8000 teachers, slashed police numbers and watched the crime rate soar across the state. They closed hospitals, slashed hospital funding and sacked thousands of nurses across the state. They ripped the heart out of country Victoria, describing it as the toenails of the state.

If you were a member of a working family in Victoria and had listened to the contributions to the debate from the members opposite, you would have to ask them the following questions: which school will you close next time? Which school will you flog off so that the Leader of the Opposition can get a tidy profit from its sale? Which railway lines will you close while members of my family sit on a waiting list or wait in an emergency room? Victorian families have a right to know the answers to these questions. The Liberals and The Nationals must be held to account for their shameless record when in government.

Let us talk about vision. Members opposite talked about a lack of vision. The people of Victoria well remember their vision for the state. We remember the school closures, hospital closures, expanding class sizes and the closure of country rail lines. The vision it provided for Victoria was bleak, dark and black; may it never return to Victoria.

In stark contrast this budget rises to meet the challenges of the future. Do not take my word for it, look at what others had to say about this great Labor state budget. The Property Council of Australia said:

The Property Council of Australia applauds the government on its record infrastructure spending announced in today’s budget.

It went on:

There is no doubt the additional spending will have a significant impact.

Victorian Employers Chamber of Commerce and Industry said:

Today’s state budget provides business cost relief in the context of a healthy tax take, to keep Victoria competitive with other states …

It went on:

The WorkCover premium cuts are the fifth consecutive reduction and will provide immediate relief to businesses.

Kindergarten Parents Victoria said:

It is great to see a key focus of the state budget will again be on ensuring vulnerable children have access to kindergartens.

My favourite quote is from the Victorian Farmers Federation, which said about the state budget:

Farmers welcome this budget and the commitments that have been made on agriculture, and regional development.

That is what the Victorian Farmers Federation said. This budget has been welcomed wholeheartedly by
everybody in this state other than by members of the Liberal Party and The Nationals. This budget invests in Victoria’s key services. It recognises the changing global circumstances that we find ourselves in, and acknowledges that interest rates are on the rise and inflation is on the rise. It addresses those concerns. Clearly there is nothing contradictory in this great state Labor budget which is delivering for Victoria.

I am proud to be part of a Labor government that has delivered this budget to Victoria. I am very keen for members opposite to be held to account for their record in government, because in debate after debate when members opposite talk about the budget and talk on the countless bills that come before the house, they want to convince Victorians that what they did in government actually did not happen, and that in fact it was all just someone else’s terrible, horrible mistake. It was not up to them that people were leaving in droves in their cars outside — —

The SPEAKER — Order! I need to interrupt the member for Northcote. When this matter is next before the house she will have the call.

The time has arrived for this house to meet the Legislative Council in this chamber for the purpose of sitting and voting together to choose a person to hold the place in the Senate rendered vacant by the resignation of Senator the Honourable Robert Francis Ray. The joint sitting will conclude at an appropriate time for the lunch adjournment, so I propose to resume the chair at 2.00 p.m. for question time.

Sitting suspended 12.45 p.m. until 2.00 p.m.

Business interrupted pursuant to standing orders.

QUESTIONS WITHOUT NOTICE

Australian Labor Party: marginal seats group

Mr BAILLIEU (Leader of the Opposition) — My question is to the Premier. I refer the Premier to a leaked copy of minutes of the meeting of the Victorian ALP marginal seats committee on 16 April of this year, which records the complaint — —

Honourable members interjecting.

The SPEAKER — Order! The member for Pascoe Vale will not behave in that manner. The member for Albert Park!

Mr Batchelor — On a point of order, Speaker, the Leader of the Opposition said he was referring to an ALP committee. I put it to you, Speaker, that has nothing to do with government business, and if that is the case, it should be ruled out of order.

Honourable members interjecting.

Mr BAILLIEU — Thank you, Speaker; I will start again. I refer the Premier to a leaked copy of minutes of the meeting of the Victorian ALP marginal seats committee, dated 16 April this year, which records the complaint from the member for Eltham, that: ‘The Premier’s office in Parliament House seems out of bounds. Is there any chance of tours or introductions?’ I ask: will the Premier — —

Honourable members interjecting.

Mr Nardella — On a point of order, Speaker, as the chair of the marginal seats group, I can say that we do not keep — we do not write — or have any minutes of those meetings. I request of the Chair that the document referred to by the Leader of the Opposition be tabled before any question is answered.

Honourable members interjecting.

Mr Nardella — On a further point of order, Speaker, as the chair of the marginal seats group, I can say that we do not keep — we do not write — or have any minutes of those meetings. I request of the Chair that the document referred to by the Leader of the Opposition be tabled before any question is answered.

Mr Nardella — On a further point of order, Speaker, I seek an assurance from the Leader of the Opposition that it is authentic.

Mr Nardella — On a further point of order, Speaker, I seek an assurance from the Leader of the Opposition that the document he is referring to is authentic, because there is no such document.

Mr Baillieu — The document is a record of the meeting of the marginal seats committee.

The SPEAKER — Order! However, I do not believe that the question relates to government business and thus rule — —

Honourable members interjecting.
Mr Baillieu — On the point of order, Speaker, the Premier is the Premier of this state. His office in this Parliament is a part of his job. My question was: will the Premier now admit that his office is isolated and out of touch? That was the question.

The SPEAKER — Order! I do not believe that the question relates to government business in that it relates quite specifically, as the Leader of the Opposition has stated, to an ALP group.

Mr Baillieu — On a further point of order, Speaker, the question was clear. If the Premier of this state’s office does not relate to government business, what does? It was a question about this Premier being isolated, arrogant and out of touch.

Mr Batchelor — On the point of order, Speaker, you have previously ruled that the question by the Leader of the Opposition does not relate to government business. If he is unsatisfied with that ruling there are avenues open to him, but to continue asking the question in defiance of your ruling is not one of them.

Dr Napthine — On the point of order, Speaker, in the preamble to the question the Leader of the Opposition referred to leaked minutes of an ALP meeting, but the question itself related directly to government business. It related directly to the Premier’s office and to whether the Premier and his office are isolated and out of touch. That is directly related to government business. It is asking whether the Premier is arrogant and out of touch, as expressed by his own backbench committee. It surely relates to government business.

The SPEAKER — Order! I am prepared to rule again on the point of order. I rule the question out of order.

Mr Wells — You are kidding!

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

Mr Baillieu — On a further point of order, Speaker, can I invite you to reconsider your ruling? The preamble — —

The SPEAKER — Order! I do not believe that this is a point of order. I have ruled on the status of the question.

Mr Baillieu — I have not begun, Speaker.

The SPEAKER — Order! I have ruled on the status of the question.

Mr Baillieu — I have not begun my point of order. On a further point of order, Speaker — —

The SPEAKER — Order! I have ruled on the status of the question, and I will hear — —

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

The SPEAKER — Order! I will hear no further points of the order from the Leader of the Opposition on this matter.

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

The SPEAKER — Order! I call the member for Clayton.

Honourable members interjecting.

The SPEAKER — Order! The member for Clayton has the call. I will take further points of order from both the Leader of the Opposition and the member for Melton after the question from the member for Clayton, who has been given the call. If the Leader of the Opposition would like to continue with question time, he will not question the Chair.

Burma: government assistance

Mr LIM (Clayton) — My question is to the Premier. I refer the Premier to the humanitarian crisis in Burma and ask: is the Victorian government providing any assistance?

Mr Nardella — On a point of order, Speaker, the Leader of the Opposition picked up and referred to two pieces of paper that he had been referring to in his prior question. I seek the tabling of those documents.

The SPEAKER — Order! I did state that I would hear points of order from the member for Melton and the Leader of the Opposition following the member for Clayton’s question. Does the Leader of the Opposition wish to make a further point of order?

Mr Baillieu — Speaker, you have just had a point of order. I do not wish to contribute to the member’s point of order; I wish to make a separate point of order.

The SPEAKER — Order! The member for Melton has asked whether the Leader of the Opposition is happy to make the document that he has — —

Honourable members interjecting.
QUESTIONS WITHOUT NOTICE

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

Mr Baillieu — On a point of order, Speaker, you invited my point of order, so I will make the point of order. I invite you to consider the consequences of the ruling that you made previously, where a comment was referred to in a preamble and as a consequence of the source of the comment, you have ruled the question out of order. If that were to apply across the board, Speaker, then I think we would have very few questions in this house. I invite you again to reconsider your ruling, albeit you might wish to consider that in your own chambers.

Mr Haermeyer interjected. The SPEAKER — Order! The member for Kororoit is warned.

As the Leader of the Opposition knows, question time is regularly reviewed by the Chair, and in discussions with other members of the chamber I will do so, but I have ruled the question out of order. I do so on the basis that the basis of the question is a document from the ALP in the same way as I would rule on a document from the Liberal Party. This can be discussed, and I am quite happy to discuss it further, but I believe question time should continue.

The member for Clayton has asked a question regarding the humanitarian crisis in Burma and any Victorian government assistance that is being provided. I call the Premier.

Mr BRUMBY (Premier) — I thank the member for Clayton for his question. I would like to offer condolences on behalf of the house, the Victorian government and the Parliament to the families and friends of those who are lost in the wake of the recent cyclone in Burma. The scale of the disaster is truly horrific. As each report comes in, we hear that the numbers of casualties and deaths have increased. Our thoughts are obviously with those affected by the tragedy in Burma and their relatives and friends here in Australia. Official reports have stated that the death toll from the cyclone is already at 22 000 with a further 41 000 people missing. Unofficially there are reports of a much higher death toll, and the Red Cross estimates that up to 1 million people may have lost their homes.

There are some 12 400 Burmese-born people in Australia and just under 2000 of those live here in Victoria. In that context I am pleased to advise the house that the Victorian government will donate $500 000 to the Red Cross Myanmar cyclone appeal to help get much-needed aid into Burma following this devastating event. The Red Cross is on the ground in Burma providing emergency assistance to the thousands affected by the cyclone. It is working to deliver food, water and medical supplies as well as providing shelter for the many who have been left homeless by the cyclone.

After the initial emergency and relief stage there will be the huge long-term task of rebuilding shattered communities. I know I speak on behalf of all members of the house today when I urge all Victorians to donate to cyclone relief appeals organised by the major aid organisations, many of which are now under way. Those donations will obviously help in the huge task of delivering desperately needed emergency relief to the victims of the tragedy.

Budget: health and transport infrastructure

Mr BAILLIEU (Leader of the Opposition) — My question is to the Premier. I refer the Premier to a leaked record of a sensitive meeting of government members which refers to the member for South Barwon complaining that ministers are running out of excuses, and I ask: what excuse does the Premier now have for failing to provide funding for major health and transport infrastructure in this week’s budget?

Ms Thomson interjected. The SPEAKER — Order! I warn the member for Footscray.

Mr BRUMBY (Premier) — I want to thank the Leader of the Opposition for his question. It is good to see that the Leader of the Opposition is continuing his focus on budget issues. The budget that was brought down this week provides a huge boost to health and transport initiatives right across the state. As I said in the Parliament on Tuesday, referring to the announcement that we had made in relation to country health — I made this announcement in Bendigo last Friday at the rural health conference — there is $135 million in new capital works for health: $70 million for Warrnambool, $9.5 million for Bendigo, $5.5 million for Ballarat, $21 million for Latrobe Valley and about $7 million for Trentham. There are hospital projects across the state. In this budget in Melbourne there are things like the Sunshine Hospital — a huge increase in funding for that hospital — Dandenong, Kingston and the maternity package. We are spending almost as much in one year on hospital and health funding right across the state as the former Kennett government spent in seven years.
I take umbrage at this question. We have already opened a new Austin Hospital, which was going to be privatised and closed by the former Liberal-National coalition. We have opened a new hospital at Berwick. We are just about to open the new Royal Women’s Hospital and we are spending $1 billion to build what will be the best children’s hospital in the world — and the Leader of the Opposition says we are not doing anything on health funding!

Transport projects in this budget are: Craigieburn rail project, $30.2 million; Laverton rail project, $92.6 million; Dandenong rail corridor, Westall, $153 million; Windsor and Prahran station upgrades, $3 million; metropolitan park-and-ride stations, $29.2 million; South Morang rail development, $10.4 million; and train electrical renewal and maintenance, $4 million. They come on top of $64 million for new metropolitan bus contracts; the South Gippsland service improvement package, $14.7 million; the regional passenger maintenance package; and the $250 million we are putting into freight across north-western Victoria. There has never been a government which has made investments of this size and scale in our public transport system or our health system. In this state we have record jobs growth. The Australian Bureau of Statistics figures that came out today show that the state which in the last month has created more than half all the jobs across Australia was Victoria.

We have strong population growth, we have jobs growth and we have babies — we have a baby boom, with 73,737 births last year. These are substantial investments in the future of our state.

Budget: cancer initiatives

Mr LANGDON (Ivanhoe) — My question is for the Minister for Health. I refer the minister to the government’s 2008–09 budget overview document, Taking Action for Our Suburbs and Our Regions, and I ask: can the minister outline to the house the actions the Brumby government is taking to support patients in their fight against cancer?

Mr ANDREWS (Minister for Health) — I thank the honourable member for Ivanhoe for his question and his interest in high-quality care right across his region, but most notably in cancer care out in Melbourne’s north.

In this budget, we have announced a comprehensive package to give a very substantial boost to cancer services right across our state — a $150 million boost to support those who do important cancer research and those who treat patients. Right across the spectrum of care, right across the board, this is a substantial boost to what is one of the great health challenges of our time.

Cancer is relevant to all of us. Each day 70 Victorians are diagnosed with cancer; one in three of us will be diagnosed with cancer before we turn 75; and each year 10,000 Victorians lose their lives to cancer, so this is a key health challenge that is relevant and important to every single person across our state.

This package builds on our record spending. We invest around $600 million a year in supporting cancer patients, but it is important to take that next step to continue to support those who do the world-leading research and those who provide care to meet the challenges that will face us in the years to come.

I was very pleased yesterday to visit the Sunshine Hospital. The Premier just made reference to a very substantial boost to that fine health service, a $73.5 million boost not only to build the teaching, training and research facility there that will deal with some of the workforce challenges we face but also to construct four radiotherapy bunkers. This tells the story of our investment in health. The western suburbs have never had access to public radiotherapy services. Thanks to this budget, families in that local community in Melbourne’s west will, for the first time, have access to public sector radiotherapy cancer care. That will be possible only because of the investment by this government and because we have a comprehensive plan to support those right across Victoria who suffer from cancer. There are a $150 million boost and additional investments like the investment in the radiotherapy bunkers at the Sunshine Hospital.

The member for Ivanhoe would be pleased to learn that in this package $25 million is provided in furtherance of our election commitment to support the Olivia Newton-John Cancer Centre at that fine health service, Austin Health, which was saved and rebuilt by this government. Cancer is a key priority for our government because it is a key priority for Victorians, not just in metropolitan Melbourne but also in rural and regional parts of our state. This package delivers for them as well, including extending the access in rural and regional communities to palliative care, for dignified end-of-life care at home. We know that cancer patients and their families want that.

It is also about making sure that we boost the percentage of rural and regional cancer patients who get access to multidisciplinary care, packages of care that are tailored to help them in their own cancer journey. Across this package and across the state, this is about giving cancer patients the support and care they need.
It is not just about more money, as important as that is. It is about setting a bold and ambitious target. In 1990, 48 per cent of cancer patients survived their cancer; in 2004, it was 61 per cent. As we have always said, there is more to be done in health. We can do more — —

Ms Asher interjected.

Mr ANDREWS — I would not be laughing about cancer care, if I were you!

Honourable members interjecting.

Mr ANDREWS — You’ve got to be joking! It is about a bold and ambitious target, with funding to back it up.

Ms Asher interjected.

Mr ANDREWS — Stupid slogans — that is what the Deputy Leader of the Opposition thinks this is.

The SPEAKER — Order! The minister should ignore interjections, and I ask the Deputy Leader of the Opposition to not interject across the table.

Mr ANDREWS — This is a plan with $150 million of ongoing funding over the next four years and capital works investments like those for the Olivia Newton-John Cancer Centre and for bringing public radiotherapy to an entire region for the first time. It is a plan to save lives and a bold and ambitious target to underpin it. In 1990, 48 per cent of cancer patients survived; in 2004, it was 61 per cent. Under this plan and this government’s commitment, we aim to raise that to 74 per cent by 2015.

I would have thought that every member of this house could sign up to a target like that, because I know communities right across this state expect nothing less of a Labor government.

Transurban: concession notes

Mr MULDER (Polwarth) — My question is to the Premier. I refer the Premier to his comments before the Public Accounts and Estimates Committee in June 2006 relating to the Transurban concession notes deal:

I do not think it matters how you cut the arrangements — how you analyse it — the state achieved excellent value for money.

And I ask: is it a fact that Transurban was indemnified for any cost blow-outs in the M1 project, and who was it who foolishly signed up to a contract which has already cost Victorians an extra $363 million, the current Treasurer or the former Treasurer?

Mr BRUMBY (Premier) — I am just finding my notes from what I said the last time the member asked me this question. The notes that the member refers to were valued by the Kennett government at $130 million and $269 million — and we sold them for $700 million.

Honourable members interjecting.

Mr BRUMBY — That is what the Kennett government valued them at, $130 million to $269 million — and we sold them for $700 million. In terms of all the assessments that were made at the time, this represented good value for money for the state.

In terms of the question about the M1, the Monash–West Gate upgrade, this is a good and important project for our state. It is a project which will substantially improve traffic flows east–west across Melbourne, it will be the biggest publicly funded road project this state has seen in decades and it is one that this government fully supports.

Budget: A Fairer Victoria

Mr PANDAZOPOULOS (Dandenong) — My question is to the Minister for Community Development. I refer the minister to the government 2008–09 budget overview document Taking Action for Our Suburbs and Our Regions, and I ask: can the minister please inform the house how the Brumby government is taking action to expand opportunities for all Victorians through the A Fairer Victoria strategy?

Mr BATCHELOR (Minister for Community Development) — A Fairer Victoria is the Brumby government’s $1 billion campaign to address disadvantage and create opportunities for families, individuals and communities right across Victoria. A Fairer Victoria has two basic ingredients for building its objective of social and economic inclusion, and they are simple and straightforward: strong people and strong communities. Those two ingredients are reflected in the four key priority areas of A Fairer Victoria, which was successfully launched by the Premier today in the parliamentary precinct. It is important to understand what those priorities are, because they address disadvantage, and this is important for a Labor government and important for the Brumby government. It is about Labor values because Labor cares.

The first of our priorities is to continue — —

Mr K. Smith — Just more Labor lies!

Mr BATCHELOR — I know this is of no appeal to members of the Liberal Party, but we care about people, we care about disadvantaged communities — —
The SPEAKER — Order! I ask the minister not to debate the question, and I ask for some cooperation from the member for Bass.

Mr BATCHelor — Our first priority is improving the early years support services for children and families who are most at risk. We know that intensive early support for these children and families will make a profound difference, not just now but throughout the whole of their lives. This year we have announced an extra $163 million to further improve those services. This will mean more access to maternal and child health services, more help for women to give up smoking and drinking during pregnancy and better services for families affected by domestic violence.

Our second priority area in A Fairer Victoria will be to increase educational opportunities to help more young people get into work. Providing a job and getting young people job ready is the best help you can offer young people. In Victoria we already have the highest rate of year 12 completions of any Australian state — 86 per cent. But we are going to try to do better for those who have not reached that benchmark. This year we have announced an extra $218 million to expand upon these achievements. With that money we will create 60 new school improvement leader positions to help schools work with high-needs students, and we will expand the student support program that provides targeted support to those students. We will also expand the literacy improvement teams, whose work already has a dramatic impact on improving literacy amongst those struggling students.

The third priority will be to improve health and community wellbeing. You have got to be healthy to have a job, you have got to be healthy to get a job and you have got to be healthy to keep a job. Everyone knows that good health is needed for a person to fully participate not only in community life but also in employment. This year improving health and wellbeing is the biggest single area of funding under A Fairer Victoria, with an extra $400 million being provided to meet this objective. Disability is a major focus of this extra investment. Our new funding will dramatically expand the range of individualised supports that are available to people with a disability.

Our fourth priority area will be to continue developing livable communities. Wonderful programs like the neighbourhood renewal program and the community renewal program have already made major contributions in creating opportunities in areas of concentrated disadvantage. We will also be looking at community enterprises, which in the past have created hundreds of employment and training opportunities.

This year we have announced an extra $224 million to further strengthen local neighbourhoods, to reduce the risk of homelessness and to provide extra help for low-income families.

These are just some of the initiatives that are contained in our $1 billion A Fairer Victoria package. It is a great initiative. It is a Labor initiative, because we care about ordinary people, we care about working families, we care about places that are disadvantaged and we want to make sure people do not fall between the cracks.

Gaming: public lotteries licence

Mr O'BRIEN (Malvern) — My question is to the Premier. I refer the Premier to the review by the former judge, Ron Merkel, of the lottery licensing process, which found that at an early stage of the licensing process Hawker Britton was given preferred access to a licensing process document by someone in the minister’s office. I also refer the Premier to the report of the Select Committee on Gaming Licensing, tabled in the other place, which found:

This places in doubt the probity of the process as this breach of the tender process rules was never investigated by the probity auditor, the VCGR or the steering committee.

I ask: will the Premier now sack those responsible, and will he guarantee that the awarding of lucrative gaming machine licences will not be similarly corrupted by special access for Labor Party mates?

Mr BRUMBY (Premier) — I thank the honourable member for Malvern for his question. If my memory is correct, he is referring to something from October last year, so he has certainly had plenty of time to prepare the question. But since then other events have occurred. Those events include of course the government’s decision in relation to future licensing arrangements, which, as I thought all members of this house knew, has been fully signed off in every way, shape and form by Mr Merkel — the whole lot. This question today is from a Liberal Party which is profoundly embarrassed by the upper house report —

The SPEAKER — Order! I will not allow the Premier to debate the question!

Mr BRUMBY — Speaker, the question was about probity issues in the gaming industry, and that is what I am responding to. Those probity issues were examined in another place by another upper house inquiry, and after all of the smear, all of the innuendo, all of the invective, all of the claims about corruption, there was not one single piece of evidence, not one single conclusion, not one iota of evidence, not one skerrick.
After 15 months, 48 witnesses and 12 days of the committee sitting the Liberal Party did not produce a thing — not a thing. We always said from the start that this process was a witch-hunt. Events today have confirmed that this was a witch-hunt. There is nothing at all from this, and Ron Merkel, QC, has signed off on every aspect of the government’s process and has given it a tick in every single box.

**Gaming: public lotteries licence**

**Mr SCOTT** (Preston) — My question is for the Minister for Gaming. I refer the minister to allegations regarding the government’s handling of the gaming licence processes, and I ask the minister to detail for the house whether these allegations have been substantiated.

**Mr ROBINSON** (Minister for Gaming) — Timing is everything in politics, is it not, Speaker? I thank the member for Preston for his question on what is a very important issue. The Bracks and Brumby governments have been the first governments in Victoria’s history to open up the gambling industry and gambling licences to competition. Others in this place talk about it, but when it comes to the crunch it is only Labor governments that have the ticker to do these things on a competitive basis.

**Mr O’Brien** interjected.

**The SPEAKER** — Order! I ask the member for Malvern to cease interjecting in that manner.

**Mr ROBINSON** — As a government we have provided the licence review process with a very robust probity framework. That of course is given expression through the independent review panel, which the member for Malvern so kindly alluded to in the last few minutes. That panel is headed by the very respected former judge, Ron Merkel, QC, who delivers fearless and frank reports. In fact on two occasions he has delivered reports to this Parliament. The most recent of them, which went to the regulatory review phase of the keno wagering and gaming licences, was tabled here only a few weeks ago. I might just allude to that in part.

On page 34 of that report Mr Merkel stated he was:

... satisfied ... all parties ... have been treated impartially ...

Page 35:

No complaint or issue has come to the panel’s attention ...

Page 37:

... the panel is satisfied that no probity issue has tainted those reports or processes ...

Page 38:

The panel is satisfied that the steering committee papers exhibit a robust, independent and fair approach to the relevant issues ...

And:

... the panel has concluded that ... no significant probity issues arose in respect of the regulatory review.

Now, there is an independent report panel that is earning its keep. It is actually going about doing a very thorough analysis of the government’s processes, and it is giving it the tick of approval, as the Premier has said.

Earlier — in October last year — the independent review panel delivered a report which gave an endorsement of the processes adopted by the government insofar as the lotteries licence was concerned. But, sadly, it is a matter of record that not all parties agreed that the independent review panel was the right way to go. Such was the determination of the opposition to run the line that that process had been tainted — by the former Premier in particular and claims of untoward activity by him — that the opposition established a select committee of the Legislative Council. I am pleased to advise the house that that committee has delivered its report today.

The government welcomes that report, because it demonstrates how baseless these criticisms and claims of the opposition against the government and former Premier are. After 15 months of bluster, 12 days of hearings, 44 hours of evidence and 58 witnesses, and endless cups of tea and iced vo vos in the Legislative Council committee room, and after a huge expense to taxpayers, what has the select committee come up with in respect of the lotteries licence? It has come up with a big fat zero. Specifically, no evidence has been produced to sustain any allegation of interference in the lotteries licence process, or that the former Premier had any discussion with parties that could be construed as in any way improper — a big fat zero!

On 18 July last year in this place in a debate on a matter of public importance the opposition leader claimed in respect of the lotteries licence process that the ‘cock’ was ‘crowing’ — they were his words — the cock was crowing. But the select committee report today demonstrates very clearly that the cock has lost its voice, and we all know there is only one thing to be done with a crowless cock, and that is the chop. You
have got to give the crowless cock the chop chop, because a crowless cock is absolutely useless.

The government stands by the very robust processes it has established in respect of gambling licences. We make no apology for putting in place this robust framework, which is given expression through the independent review panel. In conclusion, we refute entirely the wild and baseless claims that have been made by the opposition, particularly in respect of the former Premier of this state — a very decent and honourable individual. If the opposition has a shred of decency, it will do the right thing and issue to Steve Bracks an unconditional apology.

**Budget: Maffra Primary School**

Mr **RYAN** (Leader of The Nationals) — My question is to the Premier. I refer the Premier to his claims in the house yesterday that:

The budget papers refer to funding for Maffra Primary School …

I ask: given that a search of the budget papers reveals no reference whatsoever to Maffra, let alone the Maffra Primary School, can the Premier inform the house what page of the budget papers he was actually referring to, or was he simply misleading the house?

Mr **BRUMBY** (Premier) — As I indicated yesterday to the house, the press release referred to Maffra Secondary College. It should have referred to Maffra Primary School. My understanding is that the reference was in the papers. If it is not, I apologise for that. The school which was selected for funding was Maffra Primary School, and the Minister for Education advised me yesterday that that is, I think, a project of $4.1 million. As I indicated yesterday, in respect of Maffra Secondary College we promised before the last election that during our next term of government we would undertake works at that school and, as I said yesterday, we will do that.

**Budget: justice services**

Mrs **MADDIGAN** (Essendon) — I have a question for the Attorney-General. I refer the Attorney-General to the government’s 2008–09 budget document *Taking Action for Our Suburbs and Our Regions*, and I ask: will he explain to the house how the Brumby Labor government is taking action to improve access to justice for Victorians?

Mr **HULLS** (Attorney-General) — I thank the honourable member for her question. As members of this house would know, demand for justice services in this state has certainly risen dramatically in recent years. Courts are now dealing with higher caseloads and more complex and costly cases. In response the state budget provides an unprecedented $198.3 million justice package that will improve access to justice and improve the efficiency of our court system, from the Supreme Court to the County Court and Magistrates Court, and indeed the Children’s Court as well. This of course means additional judges, additional prosecutors, courtrooms, support staff, infrastructure and, just as importantly, security for our magistrates courts as well.

Sadly, for too long in the eyes of sexual assault victims courtrooms have represented fear and anxiety more than justice. That is why, as members would know, this government commissioned the landmark review of sexual assault law and procedure by the Victorian Law Reform Commission. This week’s budget extends the new specialist sex offences unit of the Office of Public Prosecutions, which was opened in April 2007, to a regional office in Geelong, and I know that is welcomed by all members in the Geelong area. The specialist unit is about encouraging women to come forward and report sex offences and, when they do, being dealt with in a dignified and respectful manner.

In an Australian first we are also developing the first Koori County Court in partnership with the County Court and also with the indigenous community in Victoria. When we opened the first Koori Court in 2002, there certainly were many doom-and-gloom merchants about the Koori courts. For people who describe Koori courts as apartheid justice, I simply say: put your ignorant prejudices aside and visit one of the eight Koori courts in this state. They indeed are leading the nation in reducing recidivism rates and leading the nation in reducing breach-of-order rates as well.

The Koori County Court is our next step along this very important journey, and the court, I might say — just like the Koori Magistrates Court — will not hear matters involving sex offences. It will sit around 11 times a year, probably hearing about four or five matters on each occasion. We are still working through the process, obviously, with the Chief Judge of the County Court, who has embraced the Koori County Court proposal.

The adversarial system of justice has generally served our justice system well, but that does not mean we cannot question that system. The public is certainly demanding more accessible and affordable justice. I think we simply have to find innovative ways of administering justice in this state. The process of sending off a letter of demand, which often launches parties, as the Leader of The Nationals would know,
into long and protracted legal processes — I do not think he ever lost a case, or so he tells us — may be a tried and true system for lawyers, indeed lawyers reap the financial rewards of such a system, but it is not necessarily the best way of resolving disputes. So this budget provides nearly $18 million for alternative or appropriate dispute resolution initiatives across the state. The funding will deliver new mediation programs in our courts, including a judge-led mediation pilot in the Supreme and County courts, and that will also include the appointment of two new judges and a range of other new dispute resolution services and initiatives, particularly in regional areas.

I will conclude on this note, and this will be of particular interest to those opposite: the budget includes some $61.8 million to fund an upgrade of mortuary services and forensic services in this state. As the opposition and the member for Malvern would know, forensic services are all about finding evidence. Despite this huge injection of funds, no matter how much we spend on forensic endeavours, we would be hard-pressed to track down any decent policy of those opposite in relation to matters of importance to all Victorians.

Ms RICHARDSON — In respect of the appropriation bill, no doubt the retiring senator, the iconic Robert Ray, would share the concerns of members on this side of the house, who are firmly of the view that what we have heard in the presentations, discussions and debates from members opposite, as well as what we have heard and read from them in the media, is nothing but the height of hypocrisy. No doubt he would comment on the fact that on the one hand Liberal and Nationals members want to cut taxes and take tax cuts even further while on the other they want to increase spending on services. We all know that this simply cannot be done. As I said earlier, we all know what the Liberal Party and The Nationals did in government. Victorians wisely decided that members opposite should be judged by what they did in government not by what they say in this place or what they say out in the media.

There is another important element that I would like to touch upon with regard to this great Labor budget. It is an important issue that I want to highlight in the interests of people in my electorate of Northcote. It concerns Labor’s ongoing commitment to job creation and job growth in this state. I refer to what another great Australian, a former federal parliamentarian, former Treasurer and former Prime Minister, Paul Keating, said that creating 1 million new jobs over five years was what he thought keeping the faith is all about — that is, looking after the people we are supposed to be looking after.

This is precisely what this great Labor budget is all about. It recognises the challenges ahead. It recognises that interest rates have risen. It recognises that inflation is on the march, and as a consequence it introduces important tax reform for the state. It cuts land tax at the top marginal rate from 5 per cent to 2.5 per cent. It cuts payroll tax from 5.75 per cent to 4.95 per cent. It cuts the WorkCover average to 1.387 per cent. All in all, it provides a total of $1.4 billion in new tax initiatives and WorkCover relief for businesses across the state. In summary the budget takes pressure off Victorian businesses in order that they can avoid increasing prices or laying off employees as a consequence of the global pressures that face them.

Labor’s record on jobs is one that Labor can be very proud of. This budget rounds out that ongoing commitment to jobs. I look forward to seeing continuing record low unemployment and continuing record participation rates arising directly from the initiatives that this budget implements. I again congratulate the Treasurer, John Lenders, on his first budget. I congratulate the Premier on introducing and holding true to Labor’s commitments. I look forward to
seeing the budget proceed through the houses and seeing it implemented across the state.

Mr DIXON (Nepean) — The education section of this year’s budget is all about spin. It is a budget of lost opportunity and a budget of pinched policies. For all the hype, for all the glossy brochures and for all the spin, leaking roofs, blocked toilets and frayed carpets are still everyday realities for students and teachers in the Premier’s education system. The budget is meant to provide funding for the building, modernising and upgrading of 128 schools, but that promise probably holds less water than a bucket in Sandringham East Primary School that is catching the water leaking through its roof at the moment.

Last year the government promised to modernise and upgrade 131 schools. Of that number, just 89 school upgrades have been announced, so there are 42 schools there and no-one knows about them, least of all the schools themselves, and they do not know who is getting that money. I am sure that those 42 schools have been shifted to this year’s promise of 128 schools to be modernised. For those 89 schools that we could find — the government refused to supply the names of those other 42 schools — those schools have been announced. Some may have started construction, others may have not even commenced construction, yet the government is saying, ‘Trust us on our 128 this time, we will deliver them’. As I said, of the last budget’s 131 schools only 89 have been announced let alone delivered. How can we believe this year’s target of 128? The reality will be something down in the 70s and the 80s if we are lucky and a further 40 schools who are expecting funding for major capital works will again be disappointed.

Looking more closely at the figures for major funding, rebuilding and modernisation of our schools, there is $124 million for 22 schools. That is a windfall for those schools, and good luck to them. However, the process is incredible. All schools that want major redevelopment — and that is most Victorian schools — do not apply for funding; they have to be tapped on the shoulder. They are not told when they are going to be tapped on the shoulder. It is this great never-never. They do not know if it will be next year, in 3 years time or 10 years time. They cannot plan their maintenance. They never, ever know when their school will be tapped on the shoulder. If they are tapped on the shoulder, they have to go through a three-year process of filling out forms and a three-year process of meetings before they receive the money. They may be one of those 42 schools that were expecting money, but they miss out and have to wait another year.

There is $101 million for regeneration projects. Theoretically these projects are excellent and much needed, but they are notoriously expensive. For example, up in Bendigo there is already $11 million uncommitted for a project there. That huge expense that was announced originally seems to be reducing.

It has been a farcical process for many school communities. The process that the Heidelberg community is going through at the moment is the best illustration of it. I refer to Macleod College, which is one of the schools in part of the regeneration project in the Heidelberg area. It was decided that Macleod College, which is a P–12 school, would become a P–9 school and there would be a senior secondary college in the area that all the schools would feed into. Everybody was happy with that. However, out of the blue, during the school holidays, everyone received a letter saying that the committee running this process said no, the government’s preferred option is that there will be no more Macleod College and there will be a gigantic school, P–12, of 2500 children from the Heidelberg area. The government’s preferred option is to close Macleod College.

Mr Wells interjected.

Mr DIXON — That is right, as the member for Scoresby says. The government will say that the community decided to do it. But the community is forced into these sorts of decisions because it is told, ‘If you do not close this school, if you do not go down our preferred route, we will not give you any money for any of your schools’. So the community, starved of funds, reluctantly says, ‘We are better off having one or two new schools than no schools that are funded at all’. It reluctantly decides to close the school and the government says, ‘It is nothing to do with us; that was a community decision’.

It just so happens that the Macleod College site is a premium site worth a lot of money. It is next to a premium railway station, located in a very expensive suburb, and a block of land there is going to be worth a fortune. That is indicative of the regeneration process that is happening. Theoretically it is a good process, but in the end communities are being taken for a ride.

Three schools will receive $19 million between them as replacement schools, and this includes Wodonga South Primary School, which is great news. The member for Benambra has been fighting for that, as did the previous member for Benambra. I have visited that school on three occasions, and it is great to see that that community will get its new school.
There is funding of $30 million for land for new schools, and that is welcome but that is the government’s job; there is $29 million for new schools in growing areas, and again that is part of what the government should be doing; and there is $26 million for new portable classrooms. There is no detail there, just more portable classrooms. There is a paddock out north of Melbourne, full of portable classrooms sitting there. There are a lot of poor quality, asbestos-ridden portable classrooms still in schools, and the sooner we get rid of those the better. I hope the funding is for replacement portable classrooms.

There is $19 million for two select-entry schools. That is a great idea. I wonder where that idea came from. I think that idea came directly from the 2006 Liberal education policy. It is something that the community wants, the government has recognised that it was behind the ball on this and finally decided — no, reluctantly decided, from what I hear from a few members on the opposite side — that it was going to have these select-entry schools. Those two are welcome, and it would be good to see a couple more too to better spread them around Melbourne.

There is $35 million for the Better Schools Today project. This is an interesting concept. About 70 schools are going to share in that $35 million, roughly $500 000 for each school. But that is it. Maintenance audits have found that there are hundreds of schools in Victoria needing hundreds of thousands of dollars worth of maintenance. Small-to-medium schools are going to receive $500 000 each, but that will be it for the next 10 years; it is the only capital funding that they will get for the next 10 years. Basically it is only maintenance money. It is not rebuilding money; it is not modernisation money. I know the government will come out and say, ‘We have modernised this school. We have spent $500 000 on it’. You could spend $500 000 on hundreds of schools in Victoria and the works would all be underground; you could not even see the difference. Yet this government will claim and does claim that those 70 schools that are going to receive $500 000 each are modernised. You can hardly call some asphalt, new pipes and a new roof a modernisation.

There is $171 million for PPPs (public-private partnerships). Again that is a backflip from this government. This process is something that it was never going to consider. It has backflipped because it is short of cash and it needs this process to fund new schools.

Many schools have missed out despite the promises. We have Maffra Secondary College, but not Maffra Primary School. It is interesting that a mistake was made, because in the last Parliament a similar mistake was made with Drouin Secondary College and Drouin West Primary School. However, because they were in a Labor seat both schools ended up with the money. This time there has been a mix-up with Maffra Secondary College and Maffra Primary School. They are in a coalition seat, so only one of them will get the money. There is a disappointed community down there in Maffra.

Tootgarook Primary School in my electorate was expecting funding but missed out. Others are Parkwood Secondary College, Western Port Secondary College, Western Autistic School, Lloyd Street Primary School, Bayswater Secondary College, Wandin Yallock Primary School, Inverloch Primary School, Caulfield Junior College — those two schools are probably in the worst condition of the schools in the state I have seen — Portland Special Developmental School, Nathalia Primary School, Pembroke Secondary College and Sandringham East Primary School, where the principal has said, ‘Oh well, we missed out again — back to putting the buckets under the ceilings’.

There is no money in this budget for school maintenance over the next four years. There is a maintenance backlog in our schools of more than $260 million. It has more than doubled over the term of this government. The budget does not provide one cent for maintenance of schools in Victoria. The government should hang its head in shame about that. For so many schools, if you get a windfall it is great; otherwise you get absolutely nothing from this government.

The government debt has built up to the level that it is paying $860 million in interest. Just one-third of that could eradicate the maintenance backlog in all of Victoria’s schools. That is the importance of debt and what it does to the community. Interest payments will blow out to $1.8 billion; imagine what we could do to our schools with the sort of interest that would have to be paid on that sum! The money is not going to our community; it is going to a bank somewhere.

Apollo Bay P–12 College and Kew High School are two interesting examples — and there are many other schools like this — of schools that signed a master plan, a contract between the department and the school community that says, ‘This is our master plan, and it will be completed in so many stages’. These two schools were funded for their first or second stages but have been told, ‘You will not get your third stage, even though we signed a contract with you. You have to start again. In fact, you cannot start until you get a tap on the shoulder. If you eventually get the tap on the shoulder, you have to work through a process for three years, and
you might get the money at the end of that’. That is a
broken contract with those communities. If a school
needed and was funded for a master plan in the first
place, that should be seen to, as it means the needs are
great. I have seen both those schools, and the areas of
those schools that need the next stage of the master plan
to be completed are in a desperate condition — they are
Third World facilities.

The former Albert Park Secondary College is another
example. The government refused to fund or support
the school. In the end the government forced the
community to close it down. It washed its hands of it
like Pontius Pilate. It said, ‘We will knock down the
school, rebuild and have a brand-new school starting in
2009’. The old school is still standing. It has not been
knocked down, and there is no way known that it will
be ready in 2009. That is another broken promise to a
community, and another community that was forced to
close down one of its schools.

The former government introduced a laptop computer
leasing program for teachers. Laptops are half the price
they were then, yet teachers are paying more for the
lease. That is just a small thing, but it says a lot.

I turn to education measures which have been
discontinued in the budget. Why do we no longer have
the year 3–6 or year 7–10 class sizes or pupil-teacher
ratios? It is probably because they are going up. We
always hear about it when the class sizes are dropping,
but when they are going up the government does not
want it in the budget any more — the measures are out
the door, never to be seen again.

I support the increase in support for students. It is
always welcome, but we need more than $33 million
over four years given the massive problems we have
with student support services. There is more money for
the program for students with disabilities. I want to
know whether that means that funding for children with
language disorders, which was taken away from
students — a small amount was given to schools to run
a new program instead — will be returned with the
extra funding for students with disabilities.

I could go on to say more about opportunities that have
been missed with this budget and how it copies
opposition policies, but I will spend the last 2 minutes
of my contribution on my electorate. It is good to see
that Dromana Secondary College finally has funding
for the next stage of its rebuild, even though, as I said,
Tootgarook Primary School missed out.

The government said that when it took control of the
Point Nepean, which will happen in September, it
would hand over $10 million towards the work that
needs to be done. Is there $10 million for Point Nepean
in the budget? No way, of course there is not. I
remember the former member for Albert Park carrying
on about the federal government and what it was doing
to Point Nepean. He said the state government would
show leadership, it would put its money where its
mouth is by putting $10 million into Point Nepean;
there has not been one cent. The government has
conveniently forgotten that, probably because the
$30 million or $40 million that the community trust
received from the former federal government is yet to
be spent. However, all along everybody has been
trustling and relying on the state government to deliver
the $10 million for Point Nepean. It is not there.

There is no extra money for public transport in the
Mornington Peninsula. There is no roads funding. For
years and years the community has been calling for the
installation of noise barriers — and it is still on the top
of the priority list that we requested from the
department under freedom of information laws — but
there is still no money for that.

There is no date for the closure of the outfall at
Gunnammatta. The 2012 eastern treatment plant upgrade
is yet to be started — will we ever see the start of that,
after three promises? We desperately need more police
resources. The budget says there will be 100 extra
police around Victoria. The Mornington Peninsula has
the same number of police that it had 20 years ago, and
members would know how the population has changed
since that time. As I mentioned this morning, there is
not even a divvy van available on the Mornington
Peninsula at the moment. There is $1 million extra for
piers and jetties right around Victoria, which is
nowhere near enough, since they are all crumbling.
Rosebud pier was closed right through summer and is
still sitting idle.

Dive companies and other recreational companies that
use the bay for a living are already losing money
because of the dredging and the filth in the water
around the Mornington Peninsula — I was told that last
Easter was the worst ever for the dive companies — but
there is no money to compensate them. Our biggest
industry has been torpedoed by the government, and
there is no compensation at all. Dredging is a
billion-dollar project, and the government cannot hand
over a lousy few million dollars so that dive companies
can survive for the next 18 months and start
re-employing people.

Mr STENSHOLT (Burwood) — I am delighted to
support this budget. The member for Nepean has
misled the house by saying there is no money for
school maintenance in the budget. I suggest that he read page 302 in budget paper 3; he will find $20 million for maintenance.

The budget aims to secure our suburbs and regions. It continues the work that has been done over the last eight years. There is a silver thread running through the budget, a continuum in terms of fiscal management and financial responsibility.

What has been done? What have we seen since 1999? We have seen 8000 more teachers and school staff. We have seen 8000 more nurses. Hundreds of thousands more patients are now treated every year in our hospitals. We have 1400 extra police out there with 350 more to come, and hundreds of schools have been rebuilt and modified.

I am delighted that there is money in this budget for Surrey Hills Primary School. I was there yesterday as well as having been there several times earlier this year. That school will receive $6.2 million for modernisation with an absolutely marvellous design. It is a marvellous project. There is also $2.5 million for Hartwell Primary School.

Since 1999 we have seen well over 50 hospitals rebuilt, or new ones built, with more to come. There is more to come in so many things. In the budget there is also $1.2 million for MonashLink Community Health Service which provides health services to Ashwood. There is more money for hospitals and for hospital services at the Monash Medical Centre, which is used by people in the south of my electorate, and also $8.5 million for extra services at Box Hill. There is also money for ambulance services at Box Hill and Nunawading as well as at Ringwood.

Since 1999 we have seen dozens of police stations rebuilt and upgraded with more to come. In my area we are all looking forward to the rebuilding of the Box Hill police station. In the last few years we have seen the building of the Boroondara police station at Kew, which was on time and on budget. We have also seen $2 million spent on the modernisation of the famous art deco police station in Camberwell. Today the Minister for Police and Emergency Services and I visited Ashburton police station which is going to be one of the stations that will get a bit of a makeover, and there is $80 000 there for refurbishments. The senior sergeant was delighted to see us and delighted with the news that the station is going to have some refurbishment.

As I have already mentioned, there are more ambulances, more ambulance services and more paramedics. A wonderful program was announced a few days ago. The construction of a new ambulance station in Hartwell began in the year before last, and there is $6.1 million for a 24-hour ambulance station in Box Hill, and others that I have already mentioned throughout the eastern suburbs.

Since 1999 money has been provided, and continues to be provided in this budget, for sport and recreation. The Melbourne Cricket Ground has been rebuilt. Here in Melbourne we have the best sport precinct in the world. A new rectangular stadium is on the way, and there is money in the budget for that. There is action in our suburbs as well, including a grant for the Burwood Bowls Club, for example. Today I got an email from the president of that club saying that things are going really well in terms of the refurbishment of the greens. He thanked us for our support.

This year is the 150th anniversary of Aussie Rules — or footy as we call it. The Box Hill oval is part of a $10 million program for Australian Football League grounds. Box Hill is getting $600 000 of that, which adds to a wonderful program involving the cooperation of the Whitehorse City Council, the Victorian Football League and the Australian Football League, Hawthorn Football Club and the Box Hill Hawks Football Club. The facilities will be refurbished and extensions will be made. I think there is about $1.9 million for that.

The Bracks and Brumby governments have a proud record of sound financial management in what is clearly a prosperous state. Other speakers have already pointed out that we are seeing a bit of a baby boom. There is an increase in the population. People are coming here. More skilled migrants are coming to Victoria. We have strong job creation and low unemployment. Victoria is the fastest growing non-revenue state in Australia built on solid fiscal management and on our solid prospects, and because we have great objectives here in Victoria.

In terms of financial objectives, we are aiming to maintain a substantial budget operating surplus. There is now a new target of 1 per cent. Members can see the figures in the budget papers which show that $378 million is the target moving to $426 million over the out years. Of course, the estimated net result from transactions is predicted to be $825 million in the next year moving to $963 million. That is a very good buffer for very good reasons, because this is prudent, sensible fiscal management by the Brumby government. We are also in the process of delivering world-class infrastructure to maximise economic, social and environmental benefits.
We can see that the investment in Victoria is now more than four times what it was in 1999 under the Kennett government, with $4.3 billion total estimated investment (TEI) set aside in this budget for a whole range of infrastructure projects. What are they? There is $491 million for hospitals and health care; $592 million for the second tranche of the $1.9 billion being invested in our schools; $663 million for new and upgraded roads; $490 million for rail infrastructure; and $150 million for the channel deepening project. I noticed that a commentator in the Australian just a couple of days ago said that things are going very well in Victoria, including the wonderful channel deepening project. There is $476 million more in terms of infrastructure for police, corrections and justice, and $632 million for the food bowl project and the Wonthaggi desalination plant. There are a whole range of things happening there.

The third of the government’s financial objectives is to maintain the state government’s net financial liabilities at prudent levels. I have mentioned the word ‘prudent’ several times because that is the hallmark of this government. It is prudent, but it is also getting things done; it is doing things as well. We are maintaining our AAA credit rating. A number of speakers have said in the house in the last few days that the judgement of Standard and Poor’s on this budget shows that our AAA credit rating has been maintained. In regard to debt, which we are maintaining at low and sustainable levels, Standard and Poor’s said we can easily manage the level of debt which is being proposed. It is good to see that by 2012 the level of debt — and there is a very nice graph in the budget papers — will be lower than the level of debt at the end of the Kennett era.

A fourth financial objective of the government is to have a fair and efficient tax system which is competitive with other states. I think we have delivered on that. Eight years ago the competition was pretty tough, and when we were compared with Queensland, we were behind the eight ball. But now we are competitive with other states. Indeed there is a wide range of taxes that have been cut in this budget — $1.4 billion worth of taxes. The land tax relief package is $490 million; payroll tax is $170 million; stamp duty on land transfer is $420 million; and WorkCover is $250 million. I could go through our whole record, but it is too long, and I do not have enough time to do it because it is so substantial.

I will give an example in terms of land tax. If you have a property worth around $5.5 million — and I am looking at a graph — in 1999 in Victoria you would have paid $200,000 in land tax under the previous government. It charged 5 per cent land tax for properties worth over $2.7 million. These days land tax is less than $100,000 for a property valued at $5.5 million.

We are also providing improved service deliveries for all Victorians. There is a baby boom in Victoria; more babies are being born, and this service delivery is reaching out to those families. It is delivering services to working families. For example, $70 million is to be spent in this budget to expand maternal and child health services and maternity services, whether that is for check-ups or in increased demand for jointly funded maternal and child health programs run by local councils, providing services for babies and family needs support or extra money for antenatal care activities. Of course, there is an extra $31 million in TEI infrastructure to cater for an additional 2800 births every year.

Also in the budget is marvellous relief for first home buyers, reducing stamp duty through the adjustment to all thresholds, as well as enabling first home buyers to receive both the first home bonus and the principal place of residence stamp duty concession. I have to admit that I have received a number of messages from constituents and from other people I know saying, ‘It is great, Bob, that when we go out to buy our first home this government is really helping us’. In regional areas there will be an extra $3000 first home bonus for newly constructed homes, and — not forgetting those who need it — the pensioner and concession card holder stamp duty concession has also been increased.

We are also driving investment in jobs. We are driving investment to ensure that there are more jobs, that there is more money for apprentices and more money going out to ensure we have a skilled workforce in Victoria. I am proud of what is being done at our very fine educational institutions, particularly those in my electorate. The Box Hill and Holmesglen institutes do a marvellous job, as do Deakin and Monash universities. I am proud of the investment which has gone into those institutions and which continues to go into them. I am also proud of the investment in training more doctors and more nurses, including at the new centre in Box Hill.

There is more investment in services for working families, as I have already mentioned, including an additional $1271.8 million in this budget for early childhood and education services. Not forgetting other areas such as climate change, there is $295 million for a climate change package, for renewable energy projects and also for carbon capture storage, as well as a new national park. We are the only government that puts in new national parks — and The Nationals have never...
supported one. There will be more action on previously announced water projects to secure water supplies in Victoria.

What do we see from the opposition? What do we see from the man for whom the cock crows? We are talking about the member for Hawthorn. We see only poor economic analysis, voodoo economics and poor policy. You only have to read Paul Austin’s article in today’s Age to see that yesterday the Leader of the Opposition, for whom the cock crows, said, ‘I would cut expenditure’. In other words there would be fewer services. What does it mean? It means less money and fewer services. Do opposition members not understand that? Do they not understand that there would be less for south-western Victoria? What does it mean in terms of recurrent services? What schools would be closed? How many nurses would be sacked? How many doctors would be sacked? How many did the coalition sack last time? How many police were made redundant? What hospitals would be closed?

I know what would happen, for example, with the Box Hill Hospital. I know the Kennett government was going to downgrade the Box Hill Hospital. It was all ready to do it in 1999. Would it downgrade the hospital if it actually had less money — in other words, if revenue was reduced? What services to the disabled would be cut? What concessions would be abolished? Would it be the rates, water and gas concessions? That is what we learnt yesterday from the Liberals — they have no policy.

In contrast, this particular policy reduces disadvantage. We have excellent policies and excellent programs right across the board to reduce disadvantage in this budget. We have $1 billion for A Fairer Victoria in the third part of this A Fairer Victoria package. There is a $111 million major boost for mental health services which is welcomed by many people throughout my constituency, and $233 million to support people with disabilities and their families, including early intervention support, which many people see as a key to helping young people with disabilities. There is $82 million to provide concessions and other assistance for essential services, as well as $18 million to support refugees. We know that the previous federal government did nothing for refugees. In fact it pilloried them and made them — —

Mr Walsh — That’s not true.

Mr STENSHOLT — Well it is true in terms of the children overboard affair. It was just a disgusting phase in Australia’s history; you ought to be ashamed of it.

This budget is good for families, good for business, good for schools, good for our health services and good for the disadvantaged. This budget is good for my electorate and good for the surrounding area. It is reducing disadvantage and building a fairer Victoria right around the state. It is also good for promoting a prosperous future for provincial Victoria. This budget is good for all of Victoria, and I commend it to the house.

Mr WALSH (Swan Hill) — I join the debate on the Appropriation Bill. It has already been said by a lot of the members on this side of the house, but I think it needs to be reinforced, that in this budget, debt is up to $23 billion. Although there have supposedly been tax cuts, the tax take is up significantly. Payroll tax goes up by $360 million, land tax goes up by $300 million and stamp duty goes up by $900 million. So despite the rhetoric, there is actually a $1.5 billion increase in the tax take in those three items alone. Future generations are going to be lumped with the interest bill, which is currently at $1.8 billion per year.

Those of us who were around and in business in the 1980s will well remember the same story leading up to the meltdown of Victoria in the Cain-Kirner era. It is all about how you actually build up debt and leave someone else to pay for it. That is what is happening again. It is a smoke-and-mirrors, a pea-and-thimble — however you want to put it — budget because this government is very good at making announcements, at rebadging things, at reallocating and giving an allusion that there is new money in the budget, when the truth is that a lot of these things have been out there before. In some cases there are actually reductions where there are said to be increases, and where there are said to be reductions in tax there are actually increases in the total tax take. It is a government that lives by press releases and advertising campaigns to make things seem good.

Coming to the issue of water, on page 398 of the budget papers are the measures on the return of environmental flows to the Snowy River. The Snowy River was the great first promise of the former Premier, Steve Bracks, when he was elected to government. The promise of the Snowy River was the thing that won over the three so-called Independents to support the Labor Party in forming government in 1999. The promise was that the government would return 15 per cent of flow to the Snowy River by 2009 — that is next year for those who have not done the arithmetic — and 21 per cent by 2012. Budget paper 3 says that the return of environmental flows to the Snowy is currently 4 per cent.

Magically the government is going to have to find another 11 per cent by next year to meet those targets.
The government has still not fulfilled the very first promise it was elected on, and it is interesting that two of those Independents have now left this place. I hope that the third Independent, who is still here, hangs his head in shame at the fact that that promise is not being met. The Minister for Water was out there in March talking it up, saying that the government was going to meet this target. He was out there saying, ‘We are on track to meet these targets’ in March this year, but the budget paper says they are only at 4 per cent.

It is interesting to look at all the savings this government has promised. If you look at the Murray–Goulburn system, you see we are now up to 520 000 megalitres in water savings promised by this government — 25 000 megalitres to come from the Goulburn–Murray reconfiguration project; 225 000 megalitres from the food bowl stage 1; 17 500 megalitres from Central Goulburn 1, 2, 3 and 4; 52 000 megalitres from the Shepparton modernisation; and with the recent announcement by Penny Wong, the federal Minister for Climate Change and Water, of another 200 000 megalitres from food bowl stage 2, making a total of 519 600 megalitres. When you look at the fact that Goulburn-Murray Water this year only is losing 450 000 megalitres, you wonder how these savings are ever going to be achieved.

It gets worse. If you look at the promises that have been made in recent times by the Premier and the water minister and stack them up against the previous promises that are still unmet — that is, 70 000 megalitres for the first stage of the Living Murray project, which is unmet, and 100 000 megalitres that is still owed to the Snowy River project — you can see that far more water savings have been promised by this government than can ever practically be achieved. When people in the community rise up and say, ‘We do not believe this; we want to question this. We have had the Auditor-General look at it, and he has said that all these promises are built on false premises’, and you take into account the fact that the government only took advice from a lobby group in formulating a lot of these policies, you wonder what is really going on.

When the community rises up and wants to question these sorts of things, we have the Minister for Water saying they are quasi-terrorists and a sorry bunch of people. When people exercise their democratic right to object and to demonstrate, we also have the Leader of the House calling country people ugly because they do not agree with the government and would like more truth.

If you go through the budget papers, you see that the funding for the Wimmera–Mallee pipeline is mentioned on page 354 of budget paper 3. The government still owes the community of Wimmera–Mallee $25 million. The federal government did the right thing and stumped up for the additional $124 million to finish that project, but this government is stuck on $99 million. That $25 million would be a major incentive for the local community not having to pay back the cost of that pipeline, but this government will not match the federal government in funding what is a state project.

You can also see there is $20 million in the budget to build a pipeline from the Grampians to Hamilton. That is $20 million to build a pipeline from Rocklands Reservoir which, if I have been informed correctly by the member for Lowan, is at 1 per cent capacity and not looking like getting much water into it. I repeat: I would have thought a $20 million pipeline from an empty reservoir to a town that needs water was not very good public policy.

One of things which we have talked about a lot and which is reported in the budget is the environmental levy, a secret tax on the water bill of everyone in Victoria. That levy is underspent by $27 million, so the government has been collecting this secret tax to supposedly help the environment, but it has not actually spent that money. If you go to the outputs in the budget papers, you see there is a measure related to improving the health of rivers. The target for this year was 15 rivers to be improved, but the government has only managed one. It has not spent the money to achieve that target. What is even worse is that if you go to page 354 of budget paper 3 you can see that the government has raided $14.5 million of that environment levy — which is actually a secret tax — that was supposed to help the environment to help pay for the food bowl project. The government has raided its own environment levy to show its largesse in helping to fund the bowl project. How can anyone believe in the credibility of this government?

The last point I want to make about water concerns the national water initiative. We saw this government effectively playing cheap politics for the last 12 months in not signing up to that initiative as the other states did. It said it was sticking up for the rights of irrigators and that it was hanging out to get the best possible deal for Victoria. If members cast their minds back to the discussions around that issue, they will recall that the federal member for Wentworth and shadow Treasurer, Malcolm Turnbull, said that because Victoria effectively makes up 40 per cent of the irrigation drawn from the Murray–Darling Basin, he believed that with the right projects put forward it could probably expect
to get $2.5 billion of that money. But what do we have?
The Premier, after playing cheap politics to try and undermine the Howard government, sold Victoria out for $1 billion.

Dr Napthine — Up to — no guarantee.

Mr WALSH — True; I stand corrected — up to $1 billion. My understanding is that the Premier of Victoria owes the irrigation community in northern Victoria $1.5 billion.

Dr Napthine — And an apology.

Mr WALSH — And an apology. I agree with the member for South-West Coast. That is how much the Premier has sold Victoria out by.

Mr Cameron interjected.

Mr WALSH — The problem with this government is that it is looking at restricting the use of water. It is effectively looking at piping water from empty reservoirs to other places when it should have a vision for water. It should be thinking about some new dams and new storages and making a serious commitment to recycling and stormwater harvesting in Melbourne, but if you look at the budget papers you see that there is effectively no money for urban recycling.

Turning to my shadow portfolio of agriculture, we had the deliberate strategy of spreading the budget news over a number of weeks. We had the Future Farms strategy put out a few weeks ago which gave the illusion that there was a whole heap of new money in the budget for agriculture; supposedly $205 million was going to be made available for a Future Farms strategy. Of that, $42 million was for rail projects. I do not know what rail has got to do with agriculture, apart from actually carting the grain that is grown. There is a $77 million commitment to research, but the government was already spending $50 million. I cannot see how it was not doing any research today and magically it is going to spend all of this money on research tomorrow. This is just a slight top-up for the continuation of a project.

We have a government that has not done anything effective on water for eight years and now there is a major panic to try to find water. You have the issue and the discussion worldwide about food security, about the potential shortage of food for the human race on this planet, yet the government is actually reducing funding to the Department of Primary Industries. If you worked backwards and put today’s dollars invested in the Department of Primary Industries into real terms, you would see that there has been a halving of the DPI budget since this government came into office.

Mr Cameron interjected.

Mr WALSH — The previous Minister for Agriculture says that is not true. If you go to budget paper 4, at page 263, and you put the dollars into today’s dollars terms, you will find there has been a halving of the money going to the Department of Primary Industries. That would have been more significant if it had not been for the top-up for the drought.

When this government was elected it picked up the previous government’s targets for exports out of this state. The things that really drive this state are food, fibre and merchandise production. Exports have stalled as we have gone forward in this state. In the seven years from 1994 to 2000 the value of exports out of Victoria increased from $12.4 billion to $20.8 billion — an increase of 68 per cent. If you take the seven years from 2000 to 2007, merchandise exports out of Victoria actually fell. The value was $20.8 billion in 2000 and that fell to $20 billion in 2007. We have seen over the seven years of the life of this government a 4.2 per cent fall in the value of merchandise exports out of this state versus a 68 per cent increase in exports in the life of the Kennett government. I am getting sick and tired of those on the other side of this house constantly rewriting history. You just need look at what the Kennett government did for the state in getting it moving compared to what this government is doing in driving it backwards.

If you go to the table on page 200 of budget paper 4, you will see that the government believes the drought is over. It will be great news to the people in my electorate that the Premier has said the drought is over. I can hear the tractors starting now, and the trucks are taking the fertiliser out because the drought is over. The drought has been taken out of the budget so the drought is over. It is fantastic news. I just hope it is true. I have not been home since Sunday, but obviously it has rained significantly since I left home because the government says the drought is over!

I would like to touch on a couple of issues for the Swan Hill electorate, and those couple of issues are that there is nothing in the budget for the Swan Hill electorate. The Swan Hill electorate is made up of two state government regions, the Loddon Mallee region and the Grampians region, and if you look at the budget papers, you will see there is nothing allocated north of Bendigo in the Loddon Mallee region and there is nothing
allocated north-west of Ballarat in the Grampians region for the Swan Hill electorate.

Mr Cameron interjected.

Mr WALSH — That was in the last budget, not in this budget. There is absolutely nothing for the Swan Hill electorate. If you look at the member for Mildura’s electorate, there is very little up there. If you look at the member for Lowan’s electorate, there is not much in the northern half of his electorate. I would like to put on the record that this reinforces the argument that was run a couple of years ago by Vernon Knight, the mayor of Mildura Rural City Council, that north-western Victoria should be a stand-alone state government region. We are sick of the money going to Bendigo and Ballarat and a lot being made about the money that goes into those two regions when north-west Victoria misses out. I would like to put on the record that north-west Victoria should be a stand-alone region so that we can get our fair share and that the money does not all go to Bendigo and Ballarat.

Mr LANGDON (Ivanhoe) — With a great deal of pleasure I wish to speak on behalf of the Ivanhoe electorate on this family-friendly and business-friendly budget. Even the Australian Financial Review said it was a win for business. Let me again advise the house that land tax is down from 5 per cent under the Kennett government to 2.25 per cent. Payroll tax has hit a 34-year low and is now below 5 per cent. The opposition raves on about government debt, and yet today we have less debt than we inherited from the previous Kennett government. We have borrowed some money but by 2012 we will have less debt than we inherited from the Kennett government. Standard and Poor’s AAA rating for the budget endorses our position.

The Ivanhoe electorate has done quite well out of this budget. To be honest, the Ivanhoe electorate has done well out of all the state budgets presented to this Parliament by the Bracks and Brumby governments. Mainly that money has been spent on the Austin Hospital, I will concede that fact, but we are continuing on the great work with the Austin and building and investing in Victoria’s future. Again, I take the opportunity to emphasise that our forward estimates for debt are well below those which we inherited. We are borrowing some money, minor though it is, to invest in our future.

I want to speak on a few other aspects, such as public transport, for example. I can advise the house that the Hurstbridge line that runs through the middle of my electorate has since 1999 had an additional 128 train services. That is remarkable. As a matter of fact I was quite surprised when I looked at the figures to see that it had the biggest increase of all the metropolitan lines. I am not sure how we managed to do that. On the Hurstbridge line there will also be a duplication of the railway bridge between Westgarth and Clifton Hill, which hopefully will help to speed up the trains and make sure they are not delayed at that bottleneck.

I wish to comment also on education. I was not in the house but I could hear from my room a previous speaker today, the member for Nepean, speaking on education, and he mentioned Macleod College. I know Macleod College very well because it is the secondary college I attended. It is opposite the railway station at Macleod. Heidelberg is having a school regeneration project for which I am chairing a public consultation meeting process. The project involves includes many schools, and I pay tribute to Northland Secondary College and the former La Trobe and Banksia secondary colleges. Banksia and La Trobe have combined and now are one college, so freeing up the La Trobe Secondary College site, which was formerly the Macleod tech site when I was a young child. The school regeneration program includes also three primary schools: Haig Street Primary School, Olympic Village Primary School and Bellfield Primary School.

People at Macleod College had been invited and were involved in the consultation for some time for a new senior school to be built somewhere, and it was allocated to the La Trobe Secondary College site. The education department and the school have come up with a different process. Perhaps Macleod College in total could be part of the regeneration of that site. I heard the scare campaign by some locals. Again, the member for Nepean seemed to dwell on that — that the reason Macleod College was included was so that the prime real estate land opposite the railway station could be sold. What a complete and utter furphy. The education department has guaranteed that that land will remain for use by an educational facility. It is just a constant beat-up some people, including some local councillors and now members of the opposition, seem to have made up.

Besides that, the other week the people at Macleod College voted for the college not to be part of the Heidelberg regeneration. The college is staying on its current site, so the beat-up is even bigger. I do not think it is the wisest decision that the school could have made. As I said, I am a former Macleod High School student. I very much appreciate the school’s history and tradition and I wish that to remain. Again, that is an example of members of the opposition saying that the
government is doing something only to be able to sell the land.

I can assure members opposite that if the state government was about selling land the La Trobe Secondary College site, which is opposite an industrial area and right next to La Trobe University, it would have a far higher retail value than any other land. That is where the proposed new school is going to be, with a P-4, a middle school from 5–9 and a senior school. The funding component of the senior school is still to be met, but before the last state election the then Premier said that it will have a maths-science component of about $4 million. I suspect it will cost more when it is actually built, but that is one of the things that my electorate is looking forward to in the future as part of the Heidelberg regeneration.

I wish to comment also on cancer, about which I asked a question this afternoon. I am very pleased to announce that the government has honoured its commitment to Olivia Newton-John and people suffering with cancer and that the Olivia Newton-John Cancer Centre has received funding of $25 million in this year’s budget. As all members know from recent press coverage, Olivia has been doing a fabulous job pushing her cause of cancer research with a walk along the Great Wall of China. I congratulate her and all those other people involved.

My electorate has also done exceptionally well with pedestrian safety. The Heidelberg shopping centre has been granted $245 000 for a pedestrian crossing to be installed. The people there have been working hard for that, and I congratulated them yesterday morning in a member’s statement. The shopping centre is part of a sustainability hub; it has already been given another $200 000. All bodes well for making Heidelberg a very livable area where people can walk, ride a bike, live, raise a family et cetera.

I am also very pleased to advise the house that the Heidelberg Magistrates Court is part of a $15.6 million magistrates courts refurbishment scheme for security and safety. I am exceptionally pleased that the Minister for Police and Emergency Services is here, because Statewide Forensic Services, which is just in my electorate, behind the La Trobe Secondary College site — I share the facility with the member for Bundoora — is receiving $19.4 million for another upgrade. It received an upgrade two years ago and prior to that, when it was not in my electorate, I think it received another upgrade, so the forensic service is certainly getting an enormous boost under this government. I have visited the facility several times. I get a little frustrated about police forensic services because the programs on TV show that forensics have the results of their findings within 5 minutes, and our service is not quite as efficient as that. It takes several weeks if not months for our service to get DNA samples worked out, so it is not as fast and efficient as the movies or TV programs indicate it might be.

I appreciate also, and the Minister for Children and Early Childhood Development is here, the $55 million extra for maternal and child-care services in this baby boom budget. I know that last year a record number of children were born in this state, and I suspect a few more will be born in the coming year — I am very close to home, I might add. The other funds that she also announced, the $29 million, $15 million and $10 million for other facilities, are exceptionally welcome.

I cannot speak on the budget without mentioning the Austin once or twice, especially with the Minister for Police and Emergency Services here. Apart from receiving the $25 million for the Olivia Newton-John Cancer Centre, a section of Austin Health is also receiving $3.6 million for a new peak-period ambulance service. The unit, which was located there only recently, will be much improved and will provide more services.

I wish to raise something that is very close to my heart and that I have been working on closely with the veterans in my electorate. Apart from the Austin, the Heidelberg Repatriation Hospital — both of which are part of Austin Health — is a major part of my electorate. The veterans have been working for some considerable time and with numerous governments over the years to get many services there improved and increased. One of the things they wanted was a hydrotherapy pool, which was funded in last year’s budget. I am pleased to advise the house that work has already commenced on that.

The veterans have also been longing for years for what I can now gladly say was their old ward 17 and 18 to be replaced. In this budget $15.5 million is announced for a new ward 17 and 18, which is the expression that the veterans like to use. Its official title is trauma-related mental health services for veterans. That is a bit longwinded for veterans; they like the ward 17 and 18 expression. I know that the veterans are exceptionally pleased about this. As I said, they have been longing for this. I also chair the community consultation committee of Heidelberg repat and I know that they are very pleased.

On a darker side, I am terribly disappointed about services for mental health, be they for veterans or
whatever. The repat hospital has a long and strong history of dealing with mental health patients. Many years ago, when Larundel and Mont Park hospitals were closed, many patients were placed in large sections of the repat hospital which, to be honest, were not the most ideal facilities. Governments over the years have certainly upgraded the facilities, but they were not ideal. Previous budgets have provided $18 million for mental health facilities on the Austin site. The government is considering putting more purpose-built mental health beds at the repat hospital. As I said, it has a long history — 60 years — of dealing with veterans as mental health patients. It has a more recent history of more than 10 years of dealing with people who were previously at Mont Park and Larundel.

I commend the previous government on locating a drug rehabilitation centre on the repat site. I did have some criticism at the time because I thought it was an ad hoc decision. I can advise the house that at a public meeting I asked if there was anyone present who had a complaint about the services provided over the past 60 years or 10 years or about any patients, and not one person raised a concern about the rehab centre; it has fitted in so well. The veterans community and the hospitals services group are to be commended for that.

However, the local ward councillor loves to campaign against mental health services and likes to raise issues such as that we are moving the criminally insane and closing the Thomas Embling Hospital. To say that the Thomas Embling Hospital site is going to be used for multistorey units is false. The councillor is constantly beating up this story at the expense of mental health. I find it incredible that someone could use mental health as a political football. It should be beyond that sort of thing. I am sure we all know people who suffer from some form of mental illness. The person I am talking about is an independent councillor who has failed her electorate but campaigns on state issues all the time. I know the minister wants a very quick summation on the bill, so I commend the bill to the house.

Debate adjourned on motion of Mr MULDER (Polwarth).

Debate adjourned until later this day.

JOINT SITTING OF PARLIAMENT

Senate vacancy

The DEPUTY SPEAKER — Order! I have to report that this day this house met with the Legislative Council in the Assembly chamber for the purpose of sitting and voting together to choose a person to hold the place in the Senate rendered vacant by the resignation of Senator the Honourable Robert Francis Ray. Jacinta Collins has been duly chosen to hold the vacant place.

CHILDREN’S LEGISLATION AMENDMENT BILL

Second reading

Debate resumed from 7 May; motion of Ms MORAND (Minister for Children and Early Childhood Development).

Ms MORAND (Minister for Children and Early Childhood Development) — I want to briefly thank members who participated in the debate on the Children’s Legislation Amendment Bill. They were the members for Doncaster, Eltham, Morwell, Geelong, Sandringham, Northcote, Lowan, Yuroke, Mildura, Ballarat East, Swan Hill, Forest Hill, South-West Coast, Ivanhoe, Hastings and Keilor. I also want to acknowledge a range of peak bodies that have provided support for this bill, including Kindergarten Parents Victoria, Family Day Care Victoria, Community Child Care Association, UnitingCare, Playgroup Victoria and Lady Gowrie centres.

The need for the legislation has been articulated very well by the members who have contributed to the debate, and it has been a very good debate with a lot of discussion about the history of legislation governing the safety of children in this Parliament. We maintain responsibility for setting and monitoring minimum quality standards — —

Business interrupted pursuant to standing orders.

The DEPUTY SPEAKER — Order! The time set down for consideration of items on the government business program has arrived. I am required to put the questions necessary for the passage of the bill.

Motion agreed to.

Read second time.

Circulated amendments

Circulated government amendments 1 to 4 as follows agreed to:

1. Clause 3, lines 8 to 16, omit all words and expressions on these lines and insert—
“family day care service” means a children’s service providing a network of family day carers each of whom provide care or education for up to 7 children (including the carer’s own children) of whom no more than 4 children may be under 6 years of age unless the children who are under 6 years of age are—

(a) students enrolled at preparatory level or above at a school; or

(b) siblings, who are not the carer’s own children, in which case no more than 6 siblings may be under 6 years of age;”.

2. Clause 3, page 4, after line 15 insert—

“school means Government school or non-Government school, within the meaning of the Education and Training Reform Act 2006.”.

3. Clause 4, page 6, line 15, after “of 6” insert “who are not students enrolled at a preparatory level or above at a school”.

4. Clause 4, page 6, line 23, after “over” insert “or who are students enrolled at a preparatory level or above at a school”.

Third reading

Motion agreed to.

Read third time.

NATIONAL GAS (VICTORIA) BILL

Statement of compatibility

Ms MORAND (Minister for Children and Early Childhood 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 (the charter), I make this statement of compatibility with respect to the National Gas (Victoria) Bill 2008.

In my opinion, the National Gas (Victoria) 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 main purpose of the bill is to establish a framework to enable third parties to gain access to certain natural gas pipeline services. This is done by applying the National Gas Law set out in the schedule to the National Gas (South Australia) Act 2008 as Victorian law.

In December 2003, the Ministerial Council on Energy responded to the Council of Australian Government’s report Towards a Truly National and Efficient Energy Market, also known as the Parer review, by announcing a comprehensive and sweeping set of policy decisions for its major energy market reform program. These policy decisions were publicly released as a ministerial council’s report to the Council of Australian Governments on Reform of Energy Markets. All first ministers endorsed the ministerial council’s report.

The 2004 Australian Energy Market Agreement, as amended in 2006, commits the commonwealth, state and territory governments to establish and maintain the new national energy market framework. An important objective of the Australian Energy Market Agreement is the promotion of the long-term interests of energy consumers, which have been enshrined as a key objective of the new National Gas Law.

Also in 2004 the Productivity Commission completed its Review of the Gas Access Regime. The new National Gas Law implements the policy responses of the Ministerial Council on Energy to that review and incorporates a number of resulting regulatory reforms.

As the honourable members are aware, an existing cooperative scheme for the regulation of pipeline services came into operation in 1997. The lead legislation was the Gas Pipelines Access (South Australia) Act 1997. Victoria passed the Gas Pipelines Access (Victoria) Act 1998 in response to that legislation. The existing cooperative scheme is known as the gas code.

Under the proposed reforms the gas code will be replaced with the National Gas Law.

Under the proposed reforms, the National Gas Law and the national gas regulations made under the South Australian act and rules will be applied in all Australian jurisdictions by application acts.

Part 2 of the National Gas (Victoria) Bill 2008 will apply the National Gas Law as set out in the South Australian act as a law of Victoria and as so applying may be referred to as the National Gas (Victoria) Law. The regulations in force for the time being under the South Australian act will apply as regulations in force for the purposes of the National Gas (Victoria) Law and as so applying may be referred to as the National Gas (Victoria) Regulations.

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

As stated, the bill will apply the National Gas Law as set out in the National Gas (South Australia) Act 2008 as Victorian law. Accordingly, the National Gas Law provisions have been assessed against the charter.

The National Gas Law establishes a framework to enable third parties to gain access to certain natural gas pipeline services by providing functions and powers to gas market regulatory entities. One of these entities is the Australian Energy Regulator (AER) established by section 44AE of the commonwealth Trade Practices Act 1974. Included in the function and powers of the AER is monitoring compliance with the National Gas Law, the regulations and rules, and investigating breaches or possible breaches of provisions of the National Gas Law, the national gas regulations or the rules.
**Search warrants**

In exercising its powers, the AER can seek, by an authorised person, the issue of a search warrant from the Magistrates Court of Victoria and also has the power to obtain information and documents in relation to the performance and exercise of functions and powers.

Section 35 of the National Gas Law provides that an authorised person may apply to a magistrate for the issue of a search warrant on reasonable grounds or reasonable suspicion that there has been or will be a breach of a relevant provision. The search warrant authorises an authorised person to enter, search, examine and seize. This provision engages the right to privacy and the right to property.

Insofar as a person owns or occupies the place, the person’s right to privacy is engaged. However, the issue of a search warrant is lawful and has a clear public purpose, the entry and search is not arbitrary and is clearly lawful. In so far as a person’s property is seized, it is seized lawfully pursuant to a warrant.

**Information gathering powers**

The National Gas Law adopts the AER’s information gathering powers under the national electricity law. They are designed to address ongoing issues of information asymmetry between regulated businesses and the AER. These information gathering powers do not raise privacy issues as the information relates to businesses.

Section 42 of the National Gas Law makes it an offence to provide false and misleading information. This section engages a person’s right to freedom of expression. However, special duties and responsibilities are attached to this right and the section 42 limitation is reasonably necessary to ensure compliance. Accordingly, the right is not limited. Further, section 42(8) of the National Gas Law protects legal professional privilege and section 42(6) of the National Gas Law protects against self-incrimination.

Section 60 of the National Gas Law makes it an offence to provide false and misleading information. This section engages a person’s right of expression. However, special duties and responsibilities are attached to this right and section 60 is reasonably necessary to ensure compliance. Accordingly, the right is not limited. Further, section 62 of the National Gas Law protects legal professional privilege and section 63 of the National Gas Law protects against self-incrimination.

**Access**

The National Gas Law also provides for applications for access to pipelines. If access is disputed, the dispute is to be heard by the dispute resolution body. The Australian Energy Regulator (AER) is the dispute resolution body under the National Gas Law as that law applies as a law of Victoria.

Proceedings conducted by the dispute resolution body may engage the right to a fair hearing in section 24 of the charter if one of the parties to the dispute is a natural person. The right to a fair hearing states that a party to a civil proceeding has the right to have the proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing. The right is engaged because section 196 of the National Gas Law provides that a dispute hearing is to be held in private. However, under section 24(2) of the charter, proceedings may be private if permitted to be so by a law other than the charter. In this case, the law provides for the proceedings to be in private and as such the right is not limited. In any event, the National Gas Law provides that a dispute hearing may be held in public subject to both parties agreeing.

Dispute resolution proceedings also engage the right to freedom of expression. This right includes freedom not to impart information. The right is engaged by section 200 of the National Gas Law which makes it an offence for a person to divulge certain information. Section 201(2) of the National Gas Law gives the AER the power to summons a person to appear before the AER to give evidence and section 203 of the National Gas Law makes it an offence to fail to answer questions. These powers can only be exercised for the purposes of hearing and determining an access dispute. As stated, the right to freedom of expression can be lawfully restricted and section 203 is a lawful restriction reasonably necessary to enable the dispute resolution body to function. In addition, under section 203 a person may refuse or fail to answer questions or produce documents if the answer or production of the documents might incriminate the person or expose the person to a criminal penalty.

**Bulletin board**

The National Gas Law provides for a bulletin board operator which must maintain a website. Section 228 of the National Gas Law provides that a person must keep confidential certain information. Again this engages the right of freedom of expression. However, this is a lawful restriction reasonably necessary to protect confidential information.

**Conclusion**

I consider the bill is compatible with the Charter of Human Rights and Responsibilities as any limitation is lawful and reasonably necessary for the operation of the National Gas Law.

Peter Batchelor, MP
Minister for Energy and Resources

*Second reading*

Ms MORAND (Minister for Children and Early Childhood Development) — I move:

That this bill be now read a second time.

The bill will facilitate implementation in the Victorian gas sector of the second phase of the national energy market reform program under the Council of Australian Governments (COAG). In particular, the bill contains transitional provisions to transfer responsibility for economic regulation of gas access distribution networks from Victoria’s jurisdictional regulator (the Essential Services Commission) to the Australian Energy Market Regulator (AER) under a new national framework.

The national energy market reform program is being implemented through the Ministerial Council on Energy (MCE). In 2005, in the first phase of the reform program, the Australian Energy Market Commission
(AEMC) and the AER were established as rule-maker and economic regulator respectively, and a new National Electricity Law (NEL) was enacted, together with new National Electricity Rules (NER), for regulation to the national wholesale electricity market and electricity transmission networks. On 1 January 2008, the economic regulation of electricity distribution networks was transferred to the AER from various state and territory jurisdictional regulators pursuant to amendments to the NEL and NER.

In the second phase, a bill was introduced on 9 April 2008 into the South Australian Parliament for the National Gas Law (NGL) and the National Gas Rules (NGR) to provide for the transfer of economic regulation of gas transmission and distribution networks from the Australian Competition and Consumer Commission and various state and territory jurisdictional regulators to the AER under a new national framework.

The NGL contains new incentives to encourage investment in gas infrastructure, which are important in light of the important role gas is expected to play as we move to a carbon-constrained economy. These incentives include the continuation of the greenfields pipeline incentives, a new light-handed regulatory regime and improvements to the rules around cost recovery for investment in expanding existing gas infrastructure capacity.

A further major reform is the streamlined rule change process, now embodied in the new National Gas Law. As a result of these reforms, the rules that govern the regulation of pipeline services, and which are currently embodied in the national gas code, will be replaced with rules made under the National Gas Law.

The National Gas Law also makes significant advances in transparency in the market for gas by establishing a bulletin board to provide information about natural gas services and assist in the response to gas emergencies.

Overall, the National Gas Law will strengthen and improve the quality, timeliness and national character of the governance and economic regulation of pipeline services while increasing consistency between electricity and gas regulation and improving transparency.

The COAG Australian Energy Market Agreement requires transfer of responsibility to the AER progressively as gas distribution access reviews become due in the various jurisdictions. The AER will therefore be responsible for the next review in Victoria which is scheduled to apply from 2013.

The agreement also allows for earlier transfer of responsibility for current access arrangements. Accordingly, this bill provides for the ESC to continue to administer the Access Arrangement Review 2008–2012, Gas Pipeline Access (Victoria) Act 1998, Gas Industry Act 2001 and the Essential Services Commission Act 2001 until a nominated date and for the AER to assume responsibility on and from that date.

Statement under section 85(5) of the Constitution Act 1975

I now wish to make a statement under section 85(5) of the Constitution Act 1975 of the reasons why clause 14(2) of the bill will alter or vary section 85 of that act.

Clause 16 of the bill states that it is the intention of section 14(2) of the bill to alter or vary section 85 of the Constitution Act 1975.

Clause 14(1) of the bill provides that if a pipeline is a cross-boundary pipeline, any action taken under the national gas legislation of a participating jurisdiction in whose jurisdictional area a part of the pipeline is situated (by a relevant minister or court) is taken also to be taken under the national gas legislation of each participating jurisdiction in whose jurisdictional area a part of the pipeline is situated (by a relevant minister or court as the case requires).

Clause 14(2) of the bill provides that no proceeding for judicial review or for a declaration, injunction, writ, order or remedy may be brought before the court to challenge or question any action, or purported action, of a relevant minister taken, or purportedly taken, in relation to a cross boundary distribution pipeline unless this jurisdiction has been determined to be the participating jurisdiction with which the cross boundary distribution pipeline is most closely connected.

The relevant minister in relation to a cross-boundary distribution pipeline is determined by the National Competition Council under the National Gas Law.

The reasons for the variation to the application of section 85 of the Constitution Act 1975 are as follows.

The purpose of clause 14(2) is to prevent jurisdiction-forum shopping in relation to decisions of a relevant minister relating to cross-boundary distribution pipelines. The effect of the provision is that proceedings may only be brought in the Supreme Court of the jurisdiction with which a cross-boundary distribution pipeline is most closely connected.
Clause 14 of the bill is a uniform provision that forms part of the nationally consistent scheme for regulation of pipeline services provided by means of transmission and distribution pipelines. It is the intention that it will be enacted in identical terms by all of the parliaments of the state and territory participating jurisdictions. The provision is necessary for the integrity of the nationally agreed scheme.

Victoria continues to be a leader in the national energy market reform process. This bill, together with the amendments introduced in South Australia, will streamline and improve the quality of economic regulation of the national energy market to lower the cost and complexity of regulation facing investors, enhance regulatory certainty and lower barriers to competition.

I commend the bill to the house.

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

Debate adjourned until Thursday, 22 May.

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

Statement of compatibility

Ms NEVILLE (Minister for Mental Health) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:

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 the bill

Division 2 of part IV of the Drugs, Poisons and Controlled Substances Act 1981 currently sets out a scheme whereby police are granted particular powers when dealing with young people under the age of 18 who are using inhalants. The aim of the scheme is to protect young people and others from the effects of inhaling volatile substances.

The scheme was inserted into the Drugs, Poisons and Controlled Substances Act 1981 on a trial basis in 2004, and its utility has been subject to review and analysis since then. The scheme is due to sunset on 1 July 2008.

On the basis of positive reports and feedback received, it has been decided to keep the scheme operating. Accordingly, the bill revokes the sunset clause relating to division 2 of part IV, thereby making the scheme and the powers granted to police relating to young people affected by volatile substances an ongoing part of the Drugs, Poisons and Controlled Substances Act 1981.

Human rights issues

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

Part 2 of division IV of the Drugs, Poisons and Controlled Substances Act 1981, to which the bill relates, engages a number of rights which are specifically protected and promoted by the charter.

Section 8 — right to recognition and equality before the law

Section 8(2) of the charter establishes the right of every person to enjoy his or her human rights without discrimination. In this context, ‘discrimination’ refers to both direct and indirect discrimination within the meaning of the Equal Opportunity Act 1995 on the basis of an attribute set out in section 6 of that act. The attributes listed in section 6 of the Equal Opportunity Act 1995 include age, impairment and religious belief.

Section 8(3) of the charter recognises that every person is entitled to the equal protection of the law without discrimination. As a result, legislation should not have a discriminatory effect on people.

In general, the scheme established in division 2 of part IV of the Drugs, Poisons and Controlled Substances Act 1981 engages the right to equal protection before the law. This is because the provisions in division 2 of part IV apply to persons under the age of 18. This is prima facie discrimination on the basis of age and results in unequal treatment of those under the age of 18 because young people under the age of 18 can suffer the potential detriment of being subjected to the particular search, apprehension and detention powers contained in part 2 of division IV without the police requiring a warrant and without first committing an offence. Those over 18 are not subject to these particular and potentially invasive powers.

Reasonableness of the limitation

Nature of the right

The rights engaged relate to the prevention of discrimination and equal access to protection against discrimination.

Importance and purpose of the limitation

The effect of this bill is that division 2 of part IV will be made an ongoing part of the Drugs, Poisons and Controlled Substances Act 1981. That is, police will continue to be able to search for volatile substances and items used to inhale volatile substances and to apprehend and detain young people under the age of 18 who are affected by volatile substances.

The powers of the police contained in division 2 of part IV will remain in the Drugs, Poisons and Controlled Substances Act 1981 because studies have shown that young people are more likely to be involved in inhaling volatile substances because of the cost, availability and accessibility. Whilst under the influence of volatile substances, young persons are more likely to have accidents and injure themselves in some way. According to Victoria Police data in the period between 2004 and 2006 there were a total of 97 searches of young people under 18 and 57 young people under 18 apprehended and detained due to concern of the possibility of serious harm to self or others.
Nature and extent of the limitation

There are important safeguards on the exercise of these powers granted to police under division 2 of part IV of the Drugs, Poisons and Controlled Substances Act 1981. The search powers granted to police enable them to search for volatile substances and items used to inhale volatile substances only when police have a reasonable belief that the person is inhaling or will inhale a volatile substance. Similarly, persons under 18 years of age are only apprehended and detained with the specific intention of preventing them from causing immediate serious bodily harm to themselves or others.

In addition, a person under 18 years of age may only be searched under certain circumstances (see section 60E) and can only be detained until the police can release them into the care of a suitable person (see section 60M(3)). There are also limitations on where a young person can be detained (see section 60M(6)).

The relationship between the limitation and its purpose

Limiting the right to equal treatment before the law by applying the provisions of division 2 of part IV only to those under the age of 18 is directly related to the purpose of the limitations. The purpose of the limitation is to protect young people under the age of 18 from serious harm caused by inhaling volatile substances.

Any less restrictive means reasonably available to achieve the purpose that the limitation seeks to achieve?

There is no less restrictive alternative available that would achieve the purpose the limitations set out to achieve.

Conclusion

Accordingly, the limitations imposed on sections 8(2) and (3) of the charter by the overall scheme of division 2 of part IV can be demonstrably justified and are reasonable.

Section 12 — freedom of movement

Section 12 of the charter protects various rights in relation to freedom of movement. These rights include the right to move freely within Victoria; the right to choose where to live in Victoria; and the right to be free to enter and leave Victoria.

Section 60L and 60M of the Drugs, Poisons and Controlled Substances Act 1981, which are part of the scheme in division 2 of part IV, permit young individuals to be detained. While the detention of a person will limit their freedom of movement, lawful detention affects more specifically the right to liberty and security of persons (see General Comment 27: Freedom of Movement by the Human Rights Committee of the United Nations). As a result, where this statement considers the compatibility of these clauses with section 21 of the charter, it does not separately consider section 12.

Section 13 — privacy and reputation

Section 13(a) of the charter recognises a person’s right not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with. The requirement that any interference with a person’s privacy must not be ‘unlawful’ imports a requirement that the scope of any legislative provision that allows an interference with privacy must specify the precise circumstances in which interference may be permitted. The requirement that an interference with privacy must not be arbitrary requires that any limitation on a person’s privacy must be reasonable in the circumstances and should be in accordance with the provisions, aims and objectives of the charter.

Sections 60E and 60F of the Drugs, Poisons and Controlled Substances Act 1981, which are part of the scheme in division 2 of part IV, engage the right to privacy because they enable a person to be searched in certain circumstances.

Sections 60E and 60F provide a lawful basis for any search under division 2 of part IV of the Drugs, Poisons and Controlled Substances Act 1981. Furthermore, those sections require that the police can only exercise the power to search if the police have reasonable grounds for believing that the person to be searched intends to provide a volatile substance or item used to inhale volatile substances to a person under the age of 18 years. These conditions are consistent with the purpose of the division of protecting the health and welfare of young people and are therefore not arbitrary.

For these reasons, sections 60E and 60F are compatible with section 13 of the charter.

Section 17 — protection of families and children

Section 17(1) of the charter provides that families are entitled to be protected by society and the state. Section 17(2) specifically provides that every child has the right, without discrimination, to such protection as is in their best interests and is needed by them by reason of them being a child. ‘Child’ is defined in the charter as a person under 18 years of age.

In general, the scheme established in division 2 of part IV of the Drugs, Poisons and Controlled Substances Act 1981, which is the subject of this bill, engages the right protected by section 17(2) of the charter because it gives police the power to search, apprehend and detain people under the age of 18 who are considered children for the purposes of the charter.

Overall, the scheme established in division 2 of part IV is consistent with the human rights contained in section 17(2) as the stated purpose of the division is the protection of the health and welfare of those under 18. The division is particularly designed to ensure that young people are protected. In exercising any powers under the division in relation to a young person under the age of 18 police must take into account their best interests.

The provisions in division 2 of part IV enhance the right under section 17(2) by recognising that it is in the best interests of a young person who is inhaling a volatile substance to be subject to a welfare response.

Section 20 — property rights

Section 20 of the charter recognises a person’s right not to be deprived of his or her property other than in accordance with law. The requirement that a permissible deprivation can only be carried out ‘in accordance with law’ imports a requirement that the law not be arbitrary.

Sections 60J and 60K of the Drugs, Poisons and Controlled Substances Act 1981 which are part of the scheme in division 2 of part IV, engage section 20 of the charter because they authorise the removal or seizure of volatile substances or items. These provisions are not arbitrary. The reasons for the removal are clearly set out in section 60J and section 60K.
Removal of property can only occur if there is a risk that the substances or items may be used by a person under the age of 18 for the purpose of inhaling a volatile substance. Accordingly, sections 60J and 60K are compatible with section 20 of the charter.

Section 21 — right to liberty and security of person

Section 21 of the charter establishes an individual’s right to liberty and sets out certain minimum rights of individuals who are detained to minimise the risk of arbitrary or unlawful detention. More specifically, section 21 of the charter recognises the following rights:

- the right not to be subjected to arbitrary arrest or detention
- the right not to be deprived of his or her liberty except on grounds, and in accordance with the procedures, established by law
- the right to be informed at the time of detention of the reason for detention and to be promptly informed about any proceedings to be brought against him or her.

Sections 60L and 60M of the Drugs, Poisons and Controlled Substances Act 1981, which are affected by this Bill, engage section 21 of the charter because they enable police to apprehend and detain a young person under the age of 18 in certain circumstances. The conditions of detention are specifically set out in section 60L, which provides that a detained person must be informed why they have been detained and also that they are not under arrest. Safeguards also exist in section 60M where the provisions stipulate when a young person must be released and into whose care.

Accordingly, detention under these provisions is neither arbitrary nor unlawful and sections 60L and 60M are compatible with section 21 of the charter.

Section 23 — children in the criminal process

Section 23 of the charter provides that a child detained without charge must be segregated from all detained adults.

Sections 60L and 60M of the Drugs, Poisons and Controlled Substances Act 1981, which are part of the scheme in division 2 of part IV, engage this right because they provide for the detention of children under the age of 18. However, the relevant provisions specifically state that a detained child must not be detained in a police gaol, cell, or lock up, which means that they will be segregated from detained adults. It is the usual practice for people under the age of 18 to be detained by the police at the location where they were apprehended (for example a park or a private residence) until they can be released.

Therefore, sections 60L and 60M are compatible with the human rights protected by section 23 of the charter.

Conclusion

I consider that the provisions of the Drugs, Poisons and Controlled Substances Act 1981 which will remain in force by virtue of this bill are compatible with the charter because to the extent that some provisions may limit rights, those limitations are reasonable and demonstrably justified in a free and democratic society.

Lisa Neville, MP
Minister for Mental Health

Second reading

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

That this bill be now read a second time.

The Brumby government is committed to protecting the health and welfare of Victoria’s children and young people, who are among the most vulnerable members of our community.

Victoria is a national leader in initiatives that minimise harm caused by the inhaling of volatile substances, or ‘chroming’, as it is known.

To help protect children and young people under 18 from the harms of ‘chroming’ the Victorian government introduced the Drugs, Poisons and Controlled Substances (Volatile Substances) Act in 2003. The powers granted to police under that and subsequent amendments are due to sunset on 30 June 2008.

Following the introduction of that legislation, a range of other strategies have also been employed, including the introduction of the responsible sale of solvents — retailers kit, funding of a Koori inhalant abuse kit for the Victorian Koori community, and the development of management guidelines for staff working with young people in alcohol and drug services and out of home care services.

The Department of Education and Training has developed and distributed an information package for schools entitled Volatile Solvents — A Resource for Schools. This is accompanied by a comprehensive training kit.

The Victorian government has also provided leadership on the National Inhalant Abuse Taskforce, and the funding and establishment of youth-specific drug and alcohol services. These include:

- a Koori youth residential rehabilitation service,
- five specialist alcohol and drug treatment worker positions to support young people with drug problems, including inhalant abuse, in residential care, and
- youth outreach, withdrawal and rehabilitation services.
Last year, the government went further, taking action to ban the sale of spray paint to young people aged under 18.

The primary purpose of the bill now before the house is to make the provisions of the Drugs, Poisons and Controlled Substances (Volatile Substances) Act 2003 permanent. By repealing the Drugs, Poisons and Controlled Substances (Volatile Substances) Act 2003, the volatile substances provisions in division 2 of part IV of the Drugs, Poisons and Controlled Substances Act 1981 will remain permanently in force.

Under the volatile substances provisions in division 2 of part IV of the act, police are granted limited civil powers under which they can apprehend and detain young people whom they reasonably suspect of abusing volatile substances or at risk of doing so. Under the legislation, police are empowered to search persons and seize volatile substances and items used to inhale, and to link the young person with an appropriate adult, such as a parent or a health service worker.

The legislation’s sole purpose is to protect the health and welfare of children and young people. In exercising these powers, police officers take into account the best interests of the young person who is subject to those powers.

The act does not make it an offence to possess or inhale a volatile substance and it is not the intention of the legislation to bring young people into the criminal justice system.

Inhaling volatile substances is dangerous and harmful behaviour. Health and welfare agencies are an important part of the response to young people abusing inhalants. These agencies have a key role in supporting the police response to volatile substance abuse by young people. There are a range of options for police to access when exercising their powers under the legislation. These include the capacity to connect young people to their families or a residential care service, to a hospital emergency department if required, or to an appropriate drug and alcohol service for immediate recovery and care.

Since the legislation does not criminalise volatile substance abuse, any detention of the person does not occur in a jail or police cell.

The legislation also explicitly provides that police must not interview a person being detained in relation to known or alleged offences.

As soon as practicable after a young person is apprehended, police officers must release them into the care of a person whom the officer reasonably believes is capable of taking care of the person and who consents to taking care of the person. This would include a parent or guardian.

In evaluating the success of the 2003 legislation, the government used the Protocols Advisory Committee, who reviewed the data collected since 2004 from Metropolitan Ambulance Service (MAS); public hospital accident and emergency departments; Victoria Police; and alcohol and drug treatment services.

The reviewed data shows that the majority of chroming incidents occur in the age group of people up to the age of 18. In 2004–05 the MAS attended 123 incidents of inhalant abuse in the under-18 age group. This equates to 51 per cent of all attendances by MAS staff being to young people aged under 18.

Public hospital accident and emergency departments show a similar trend, reporting that where inhalant abuse was the primary concern, 62 per cent of presentations in 2004–05 and 53 per cent in 2005–06 occurred in the under-18 age group.

The Protocols Advisory Committee found that police are using their powers as prescribed, in the best interests of young people, and that police interventions under the act are a positive means of keeping young people safe.

This bill therefore allows Victoria Police to continue to remove potentially dangerous substances and materials from the hands of young people who abuse them and to connect young people with appropriate services.

The government believes we need to continue this legislation in order to protect young people from the risks associated with inhalant use.

This bill is a positive initiative in protecting the health and wellbeing of young people in the state of Victoria. It focuses on substance abuse prevention and on providing supportive interventions to redirect vulnerable young people away from such harmful activities.

I commend the bill to the house.

Debate adjourned on motion of
Ms WOOLDRIDGE (Doncaster).

Debate adjourned until Thursday, 22 May.
PUBLIC HEALTH AND WELLBEING BILL

Statement of compatibility

Mr ANDREWS (Minister for Health) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:

In my opinion, the Public Health and Wellbeing 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 bill is to enact a new legislative scheme which promotes and protects public health and wellbeing in Victoria. It provides a modern and flexible legal framework that strengthens Victoria’s ability to respond quickly and decisively to existing and emerging risks to public health, while at the same time safeguarding the rights of individuals who may be affected by measures taken to improve public health.

The right of everyone to enjoy the highest attainable standard of health is recognised by international human rights law, including article 12 of the International Covenant on Economic, Social and Cultural Rights (ICESCR). Article 12 requires parties to the ICESCR to take steps to achieve the full realisation of this right, including measures necessary for the prevention, treatment and control of epidemic diseases, the improvement of all aspects of environmental hygiene, and the healthy development of children. Health is a fundamental human right that is essential for the enjoyment of many of the individual rights protected by the charter, and in particular the right to life.

International human rights law recognises that a state may have to limit certain rights of individuals in order to address serious threats to the health of the population or individual members of the population. Such measures must be specifically aimed at preventing disease or injury and must not be arbitrary or unreasonable. In addition, the law must provide adequate safeguards and effective remedies against the illegal or abusive imposition or application of limitations on human rights. The bill clearly defines the circumstances in which coercive measures may be taken against individuals who, for a range of reasons, are unwilling to accept constraints voluntarily and who, by their actions, may pose a serious risk to public health. The bill also provides a range of mechanisms that enable decisions to be reviewed.

The bill is in 12 parts which are each directed at achieving discrete public health outcomes.

Part 1 sets out the purpose of the bill and defines key terms used in the bill. It does not engage any of the rights protected by the charter.

Part 2 sets out the objective of the bill and the principles that are intended to guide its administration. Clause 9 of the bill is particularly relevant to any assessment of the bill’s compatibility with the charter because it specifically requires that decisions made and actions taken in the administration of the act should be proportionate to the public health risk sought to be prevented, minimised or controlled and should not be made or taken in an arbitrary manner.

Part 3 sets out the roles and functions of the Secretary to the Department of Human Services, the chief health officer (CHO) and municipal councils for the purposes of the act.

Part 4 makes provision for consultative councils.

Part 5 requires the Minister for Health to ensure a state public health and wellbeing plan is prepared, enables a public inquiry to be conducted with respect to serious public health matters; and makes provision for the collection and disclosure of information.

Part 6 confers specific responsibilities on councils in relation to investigating and remediying nuisances and the regulation of certain businesses that may pose a risk to public health.

Parts 3–6 engage but do not limit any of the rights protected by the charter.

Part 7 sets out the regulatory scheme that will apply to cooling towers and pest control and which will be administered by the Secretary to the Department of Human Services. Part 7 limits the right to equal protection of the law without discrimination but this limitation is reasonable in the circumstances.

Part 8 of the bill creates the legal framework for the management and control of infectious diseases and notifiable conditions. Part 8 limits a number of rights but in each case the limitation is reasonable and compatible with the charter.

Part 9 sets out the powers and responsibilities of authorised officers. This part engages but does not limit any of the rights protected by the charter.

Part 10 confers various powers that are needed to investigate, eliminate or reduce public health risks and the powers available if the minister declares a state of emergency arising out of any circumstances that are causing a serious risk to public health. Part 10 contains some limitations on rights protected by the charter, but these are reasonable in the circumstances.

Part 11 sets out various mechanisms that enable people to challenge various decisions made under the bill. Several of the clauses in part 11 that engage rights protected by the charter are identical to clauses in part 12 of the bill that will amend the Food Act 1984. The compatibility of these clauses is considered together.

Part 12 makes provision for various matters to enable the bill to be implemented smoothly.

Parts 11 and 12 engage but do not limit any of the rights protected by the charter.

Human rights issues

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

The bill engages a number of rights which are specifically protected and promoted by the charter. This statement provides an overview of the nature of each of the rights protected by the charter and the parts of the bill that engage each of these rights. The statement then discusses each part in turn. It examines the particular clauses which engage rights, and, to the extent that certain rights may be limited by the bill,
whether such limitations are reasonable and can be demonstrably justified in a free and democratic society.

Section 8 — right to recognition and equality before the law

Section 8(2) of the charter establishes the right of every person to enjoy his or her human rights without discrimination. In this context, ‘discrimination’ refers to both direct and indirect discrimination within the meaning of the Equal Opportunity Act 1995 on the basis of an attribute set out in section 6 of that act. The attributes listed in section 6 of the Equal Opportunity Act include age, impairment and religious belief.

Section 8(3) of the charter recognises that every person is entitled to the equal protection of the law without discrimination. As a result, legislation should not have a discriminatory effect on people.

The rights protected by section 8 of the charter are engaged by some clauses in parts 7 and 8 of the bill.

The right to freedom of religion and belief (including the right to demonstrate one’s religion or belief in worship, observance, either individually or as part of a community) is protected by section 13 of the charter.

The right to freedom of movement is engaged by various clauses in parts 9 and 10 of the bill.

Section 11(2) of the charter recognises that people must not be made to perform forced or compulsory labour. Section 11(3) of the charter clarifies that ‘forced or compulsory labour’ does not include work or service that forms part of normal civil obligations. The Human Rights Committee (HRC) has considered the meaning of ‘normal civil obligations’ in the context of article 8 of the International Covenant on Civil and Political Rights (ICCPR). The HRC has expressed the view that to qualify as a normal civil obligation, the labour in question must, at a minimum, not be an exceptional measure; must not possess a punitive purpose or effect; and must be provided for by law in order to serve a legitimate purpose under the covenant (see Faure v. Australia, communication no. 1036/2001, UN Doc, CCPR/C/85, D/1036/2001 (2005)).

The right to freedom from forced work is engaged by clauses in parts 9 and 10 of the bill.

Section 12 — freedom of movement

Section 12 of the charter protects various rights in relation to freedom of movement. These rights include the right to move freely within Victoria; the right to choose where to live in Victoria; and the right to be free to enter and leave Victoria.

The right to freedom of movement is not an absolute right at international law. Article 12 of the ICCPR (which provided the model for section 12 of the charter) expressly recognises that this right may be subject to restrictions that are necessary to protect public order, public health or morals or the rights and freedoms of others.

The right to freedom of movement is engaged by various clauses in parts 8, 10 and 11 of the bill.

Several clauses in the bill permit individuals to be detained. While the detention of a person will limit his or her freedom of movement, lawful detention affects more specifically the right to liberty and security of persons (see general comment 27 by the HRC). As a result, where this statement considers the compatibility of clauses with section 21 of the charter, it does not separately consider whether such clauses are compatible with section 12.

Section 13 — privacy and reputation

Section 13(a) of the charter recognises a person’s right not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with. The explanatory memorandum to the charter explained that ‘the right to privacy is to be interpreted consistently with the existing information and health records framework to the extent that it protects against arbitrary interferences’. The right to privacy recognised by section 13 of the charter goes beyond the right to information privacy, and embraces a right to bodily privacy and territorial privacy. Provisions that enable people to be required to undergo a medical examination, test or treatment without consent will therefore engage section 13 of the charter as well as section 10(1)(c) of the charter.

The requirement that any interference with a person’s privacy must not be ‘unlawful’ imports a requirement that the scope of any legislative provision that allows an interference with privacy must specify the precise circumstances in which an interference may be permitted. The requirement that an interference with privacy must not be arbitrary requires that any limitation on a person’s privacy must be reasonable in the circumstances and should be in accordance with the provisions, aims and objectives of the charter.

Various clauses in parts 3 to 12 of the bill engage the rights protected by section 13 of the charter.

Section 14 — freedom of thought, conscience, religion and belief

The right to freedom of religion and belief (including the freedom to demonstrate one’s religion or belief in worship, observance, either individually or as part of a community) is protected by section 14 of the charter.

The application of some clauses in parts 8 and 10 of the bill could temporarily limit an individual’s freedom to demonstrate his or her religion in community with others.
Section 15 — freedom of expression

Section 15 of the charter recognises a qualified right to freedom of expression. It embraces an individual’s right to express information and ideas, as well as the right of the community as a whole to receive all types of information and opinions.

Section 15(2) of the charter provides that the right may be subject to lawful restrictions reasonably necessary to respect the rights and reputation of others; or for the protection of national security, public health or public morality.

A number of clauses in parts 4–9 and 11 of the bill engage the right to freedom of expression.

Section 16 — peaceful assembly and freedom of association

Section 16(1) of the charter protects the right to peaceful assembly, which encompasses the rights of individuals and groups to meet in order to exchange ideas and information and express their views publicly. The recognition of this right in the charter may give rise to a positive obligation on public authorities to take reasonable and appropriate steps to ensure that the right can be exercised.

The right to freedom of assembly is not an absolute right at international law. Article 21 of the ICCPR (which provided the model for section 16(1) of the charter) is subject to a number of permissible limitations, including those which are necessary in a democratic society in the interests of public health.

Part 11 of the bill engages the right to freedom of assembly.

Section 17 — protection of families and children

Section 17(1) of the charter provides that families are entitled to be protected by society and the state. Decisions made under a number of clauses in parts 8 and 10 of the bill have the potential to engage the right to protection of families and children.

Section 19 — cultural rights

Section 19(1) of the charter protects the rights of people from a particular religious background to declare or practise their religion. The clauses in parts 8 and 10 of the bill that may engage the rights protected by section 14 of the charter may also engage cultural rights.

Section 20 — property rights

Section 20 of the charter recognises a person’s right not to be deprived of his or her property other than in accordance with law. The requirement that a permissible deprivation can only be carried out ‘in accordance with law’ imports a requirement that the law not be arbitrary. A provision that confers a discretionary power to deprive a person of their property will be consistent with the charter if the limits of the power are defined and the criteria that govern the exercise of the discretion are specified.

Parts 9 and 11–12 of the bill contain provisions that engage property rights.

Section 21 — right to liberty and security of person

Section 21 of the charter establishes an individual’s right to liberty and sets out certain minimum rights of individuals who are detained to minimise the risk of arbitrary or unlawful detention. More specifically, section 21 of the charter recognises the following rights:

- the right not to be subjected to arbitrary arrest or detention;
- the right not to be deprived of his or her liberty except on grounds, and in accordance with the procedures, established by law; and
- the right to be informed at the time of arrest or detention of the reason for the arrest or detention and to be promptly informed about any proceedings to be brought against him or her.

Several clauses in parts 8 and 10 of the bill engage the right to liberty.

Section 24 — fair hearing

Section 24(1) recognises an individual’s right to a fair and public hearing. However, section 24(2) of the charter recognises that a court or tribunal may exclude members of media organisations or other persons or the general public from all or part of a hearing if permitted to do so by a law other than the charter.

Several clauses in parts 8 and 12 allow courts and tribunals to determine proceedings in private in specified circumstances.

Section 25 — rights in criminal proceedings

Section 25 of the charter protects a number of rights that apply to a person who has been charged with a criminal offence.

Section 25(1) protects the right of a person charged with a criminal offence to be presumed innocent until proved guilty according to law. It requires the prosecution to prove the guilt of an accused beyond reasonable doubt. Provisions that merely place an evidential burden on the defendant (that is, the burden of showing that there is sufficient evidence to raise an issue) with respect to any available exception or defence are consistent with section 25(1) of the charter because the prosecution still bears the legal burden of disproving that matter beyond reasonable doubt.

When assessing whether a clause which creates a summary offence is compatible with section 25(1) of the charter, it is necessary to consider whether section 130 of the Magistrates’ Court Act 1989 will apply. Section 130 of the Magistrates’ Court Act applies to summary offences that provide exceptions, exemptions, provisos, excuses or qualifications, and only requires the defendant to point to evidence that suggests a reasonable possibility of the existence of facts that, if they existed, would establish the exception, exemption, proviso, excuse or qualification. The burden remains on the prosecution to disprove those facts beyond reasonable doubt. As a result, if section 130 applies to a clause it will be consistent with section 25(1) of the charter. Clauses 61, 69, 176, 183, 188, 193 and 203 of the bill are consistent with section 130 of the Magistrates’ Court Act and are therefore compatible with section 25 of the charter. The compatibility of these clauses with section 25(1) of the charter is therefore not discussed further in this statement.

Section 25(2)(k) of the charter recognises that a person charged with a criminal offence is entitled not to be
compelled to testify against himself or herself or to confess guilt. The right against self-incrimination is an important aspect of the right to a fair trial. However, international case law suggests that obtaining evidence compulsorily from a person where the evidence has an existence independent of the will of the person does not limit this right (see the decision of the European Court of Human Rights in Saunders v. United Kingdom, 43/1994/490/572 at [69]). This right is engaged by clause 212 in part 11 of the bill.

ANALYSIS OF PARTS 3–12

Part 3 — administration

One of the key purposes of part 3 of the bill is to set out the statutory functions and powers of the Secretary to the Department of Human Services (the secretary).

Clause 17(2)(e) of the bill engages the right to privacy because it enables the secretary to establish and maintain a comprehensive information system with respect to the health status of persons and classes of persons in Victoria (including information about the extent and effects of disease, illness and disability); the determinants of individual health and public health and wellbeing; and the effectiveness of interventions to improve public health in Victoria. As the explanatory memorandum to the bill notes, this clause will continue a function already performed under section 9 of the Health Act 1958. Information collected by the secretary is used in the preparation of publications and reports such as the population health survey, epidemiological studies and infectious disease surveillance reports such as the Surveillance of Notifiable Infectious Diseases in Victoria. These reports and findings assist the secretary to adjust policy and resources as required. As the information is collected and used for legitimate purposes and the Information Privacy Act 2000 and the Health Records Act 2001 will govern how personal and health information is handled, the clause does not authorise an unlawful or arbitrary interference with a person’s privacy. The clause is therefore consistent with section 13 of the charter.

Part 4 — consultative councils

The purpose of part 4 of the bill is to enable a consultative council to be established; to confer functions, powers and obligations on consultative councils that are created under this part; and to set out the functions, powers and obligations of the Consultative Council on Obstetric and Paediatric Mortality and Morbidity (CCOPMM).

There are three consultative councils in addition to CCOPMM that have been established under the Health Act:

Consultative Council on Anaesthetic Mortality and Morbidity;

Surgical Consultative Council; and

Quality Assurance Committee (QAC).

One of the most important functions performed by consultative councils is the review and analysis of cases of morbidity and mortality in the health system and the dissemination of the results of this research as widely as possible. The research conducted by consultative councils assists health service providers to make systemic changes to the treatment and care they provide.

Section 13 — privacy and reputation

Exchange of information

Clause 37 engages the right to privacy because it enables the chairperson of a consultative council to disclose information it has collected in the course of performing its functions to another consultative council. The council chairperson may only disclose information if he or she considers that the information is relevant to the functions of the other consultative council. The purpose of allowing a consultative council to disclose information in these circumstances is to enhance the ability of consultative councils to perform their functions as efficiently as possible using the most reliable information available. As clause 37 would not authorise an unlawful or arbitrary interference with a person’s privacy, the provision is consistent with section 13 of the charter.

Provision of information to prescribed consultative councils

Clauses 38–40 and 47 engage the right to privacy because they allow the chairperson of a prescribed consultative council to request or require a health service provider to provide information the chairperson believes is necessary to enable the council to perform its functions (clause 264 of the bill will insert a clause into the Health Act that is identical to clause 47). These clauses will enable or require health service providers to provide information about their patients regardless of whether the patient has consented to the disclosure of this information.

These clauses authorise the collection of information for a legitimate public health purpose — to enable prescribed consultative councils to perform their statutory functions. The clauses also adequately specify the circumstances in which information may be collected — that is, where the chairperson of the council considers it necessary to perform the council’s functions. This establishes an effective precondition to the collection of information. Clauses 41 and 42 impose appropriate restrictions on the ability of consultative councils to disclose information collected under these provisions. For these reasons these provisions do not limit the right to privacy because they are neither unlawful nor arbitrary.

Requirement to provide birth reports

Clause 48 of the bill engages the right to privacy because it requires a report of every birth of a live or stillborn child to be submitted to CCOPMM in the form approved by CCOPMM within the prescribed period. The form will be designed to collect information on, and in relation to, the health of mothers and babies which will be stored in the Victorian perinatal data collection unit. The information collected includes identifying information.

This information has been collected by CCOPMM since 1982. The collection of this information enables CCOPMM to identify and monitor trends in respect of perinatal health (including congenital abnormalities) over time; provide information to the Secretary to the Department of Human Services on issues relating to the planning of neonatal care units; and undertake research on the causes of infant and maternal mortality and morbidity. CCOPMM’s review and analysis of this information promotes both public health and the right to life. As the collection of this data is neither arbitrary nor unlawful, and given that clauses 41–43 constrain the circumstances in which identifying information may be...
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disclosed, clause 48 is consistent with section 13 of the charter.

Restrictions on right to access information held about oneself

Clauses 42 and 43 engage the right to privacy because they provide that the Freedom of Information Act 1982 and part 5 and health privacy principle 6 of the Health Records Act do not apply to documents referred to in clause 42(4) and clause 43(1)–(2) respectively. More specifically, the clauses significantly restrict a person’s right to request access to information held about them by an organisation and to seek that the information be corrected. The clauses do not, however, alter a person’s right to obtain documents relating to their health care from the person or organisation who provided that care, unless those documents were created solely for the purpose of providing information to a consultative council.

The purpose of this limitation is to enable consultative councils to continue performing their important quality assurance functions, which in turn promote and protect public health. For example, the function of the Victorian Consultative Council on Anaesthetic Mortality and Morbidity (VCCAMM) is to identify avoidable causes of morbidity or mortality related to anaesthesia and to identify means to improve the safety and quality of anaesthesia practice. The ability of the VCCAMM to perform this task depends on the continued willingness of anaesthetists and other medical practitioners to provide relevant information. Given that information provided may be relevant to potential civil or criminal proceedings, it is unlikely that practitioners would continue to provide information to councils if that information could be readily disclosed. This would significantly impair the capacity of the councils to perform their functions. These clauses are therefore reasonable in the circumstances and do not permit unlawful or arbitrary interference with an individual’s privacy.

Power to disclose information to specified persons and bodies if it is in the public interest to do so

A prescribed consultative council may disclose information to any of the persons or bodies specified in clause 41(1) of the bill if it considers it is in the ‘public interest’ to do so. Clause 265 of the bill will amend section 162FB of the Health Act by adding the secretary to the persons and bodies a consultative council may provide information. The disclosure of information would interfere with the privacy of any identifiable individual who is the subject of the information disclosed.

The use of the expression ‘in the public interest’ in this clause would enable a consultative council to disclose information in a range of circumstances. For example, a consultative council might determine that it is in the public interest to disclose information to the relevant professional registration board if information provided to it indicated that a registered health practitioner had engaged in professional misconduct within the meaning of the Health Professions Registration Act 2005. The Report into the System for Dealing with Multiple Child Deaths prepared in 2003 at the request of the then Premier, the Hon. Steve Bracks, MP, specifically recommended that CCOPMM members and staff should be able to provide information to the coroner and the Victorian Child Death Review Committee to assist their inquiries into child deaths and to notify the Child Protection Service if they form the reasonable belief a child is in need of protection. Permitting a prescribed consultative council to disclose information to the individuals and bodies specified by the clause is therefore reasonable in all the circumstances, and is not an arbitrary interference with a person’s right to privacy. Moreover, even though the discretion conferred by this clause is cast in broad terms, the circumstances in which the discretion could be lawfully exercised are sufficiently clear from the context of the division and the bill as a whole to enable a person to regulate his or her conduct by it. For these reasons, clause 41 is consistent with section 13 of the charter.

Disclosure of information to facilitate medical research

The provision of information for research into the epidemiology of perinatal health including births defects and disabilities is one of CCOPMM’s functions (clause 46(1)(c)). Clause 233(h) enables regulations to be made with respect to the conditions under which access to information held by a consultative council for the purpose of medical research and studies is to be permitted. The effect of clause 42(7) of the bill is that personal information within the meaning of the Information Privacy Act 2000 (personal information) or health information within the meaning of the Health Records Act 2001 (health information) could only be disclosed to a person who is not referred to in clause 42(1) if this were permitted by regulations made under the bill. The disclosure of information about identified or identifiable individuals in order to facilitate medical research may be legitimate. If regulations are made under clause 233(h) it will be necessary at that time to consider whether the conditions under which access is given to the information adequately protect the privacy of the individuals to whom the information relates.

Section 15 — freedom of expression

Clause 42 of the bill engages the right to freedom of expression because it prohibits members and employees of prescribed councils from disclosing information about an identifiable person and restricts access to information under the Freedom of Information Act and part 5 and HPP 6 of the Health Records Act.

These restrictions on an individual’s right to freedom of expression are necessary to create an environment that enables the reporting of adverse medical events without fear of repercussions or inappropriate exposure of individuals’ confidential information. If health service providers are not candid when they provide information to consultative councils the ability of the councils to perform their statutory functions effectively would be severely compromised. These restrictions are therefore reasonably necessary for the protection of public health and are compatible with the charter because they fall within the scope of section 15(3) of the charter.

Part 5 — general powers

Part 5 of the bill will assist the government to fulfil its obligations to protect and promote the health of all Victorians and to cooperate with other jurisdictions in protecting public health from risks that may arise on a state, national and international scale.

Section 13 — privacy and reputation

Clause 52 engages the right to privacy because it imposes an obligation on the secretary to publish the report of a public inquiry. The report could only disclose ‘personal information’ or ‘health information’ if the disclosure would be consistent
with the Information Privacy Act or the Health Records Act. Given that the clause must be exercised compatibly with both these acts, it does not unlawfully or arbitrarily interfere with a person’s right to privacy.

Clause 55 authorises, but does not compel, a person to disclose information to those responsible for dealing with risks to public health. The chief health officer could request, for example, that he or she be provided with the names of persons who were present at a place, such as a medical clinic or a university lecture room, at the same time as a person who is later diagnosed as having a communicable disease. The chief health officer may wish to identify and contact those concerned to advise them to have a medical check in the interest of preventing further spread of the disease. This provision will allow people to disclose that information in response to the request. The provisions do not limit the right to privacy because such disclosures will be neither arbitrary nor unlawful. The clause establishes an appropriate balance between the privacy of the individual and the protection of public health by only authorising a person to disclose information if he or she reasonably believes that the disclosure is necessary for the administration of the act or regulations made under the act.

Clause 56 allows the secretary to disclose information to a range of government and international bodies where this is for the purpose of promoting or protecting public health and disclosure is in accordance with a formal agreement. For example, it will enable the secretary to disclose information to the commonwealth in accordance with a National Health Security Agreement made for one or more of the purposes specified in section 7 of the National Health Security Act 2007 (cth). This commonwealth legislation includes rigorous privacy protections for all information provided to it and provided by it to bodies such as the World Health Organisation. Such arrangements may include the sharing of information in relation to communicable diseases to enhance the ability within Australia to identify and respond quickly to public health events of national significance, and the sharing of information to protect against the international spread of disease.

Given the dual requirements that there be a formal agreement and that the purpose of the agreement must be to promote or protect public health, any potential interference with a person’s privacy is neither arbitrary nor unlawful.

Clause 57 engages the right to privacy because it allows administrators to share information with each other in defined circumstances. Subclause (1) allows the secretary or the CHO to disclose information held by the secretary or the CHO to a council for the purposes of the bill if the secretary or CHO considers that the disclosure would assist the council to perform its duties or functions under the bill or any regulations made under it. Subclause (2) confers a similar power on councils to disclose information to the CHO and the secretary. These would not allow an individual’s privacy to be arbitrarily interfered with because it limits the purposes for which information may be disclosed. These powers will allow councils and the secretary to share information to enable them to respond more effectively to complaints about nuisances, prescribed accommodation and prescribed businesses.

Subclause (3) enables the secretary or the CHO to disclose information they hold under or for the purposes of parts 6 and 7 of the bill or any regulations made under the bill for the purposes of those parts to a government department, statutory body or other person responsible for administering another act or regulations, if the secretary or the CHO consider that the disclosure would assist that person to perform their functions or exercise their powers under that act or the regulations made under that act. Subclause (4) confers a similar power on councils.

The discretion conferred by these subclauses is likely to be exercised in a range of circumstances. For example, the subclauses would allow:

- information relating to the use of pesticides (including information about a person who holds a pest control licence under the bill) to be disclosed to the Department of Primary Industry (DPI) where this would assist DPI to administer the Agricultural and Veterinary Chemicals (Control of Use) Act 1992. The disclosure of this information would assist DPI to protect and promote public health as well as to protect the environment;
- information regarding cooling tower systems to be disclosed to the Environment Protection Authority (EPA) for the purpose of enabling the EPA to take steps to ensure that cooling tower systems are connected to the sewer rather than the stormwater system. EPA performs this task to ensure the biocides in cooling tower system water are not released into the stormwater system;
- the secretary to disclose information to the Department of Sustainability and Environment so that it can take steps to encourage people who manage cooling tower systems to take various measures that would conserve water; and
- the secretary or a local council to disclose information about a nuisance to the EPA.

The secretary and councils will be required to comply with information privacy principle 1.3 when information is collected from individuals under or for the purposes of part 6 or 7 of the act. Individuals will therefore be aware of the kinds of organisations to whom DHS may disclose their personal information, and the circumstances in which this may happen. Clause 57 does not authorise unlawful or arbitrary interferences with a person’s privacy and is therefore compatible with section 13 of the charter.

Section 15 — freedom of expression

Clause 51 provides that in the conduct of a public inquiry, certain provisions of the Evidence Act 1958 apply. The effect of this is that the convenor of that inquiry may compel a person to give evidence before the inquiry or to produce documents or materials the subject of the inquiry. Compelling a person to give evidence engages the right to freedom of expression. Clause 51 also engages the right to freedom of expression because it prohibits a person from giving information which he or she knows is false or misleading to the convenor.

The purpose of these restrictions on the right to freedom of expression is to ensure that the secretary can adequately investigate serious public health matters. It may be necessary to conduct an inquiry into a broad range of public health matters, such as the most effective way to respond to an emerging infectious disease or the contamination of a public water supply. The ability of the inquiry to achieve its objectives would be compromised however if it did not have
the power to require people to give evidence and produce documents. A person required to give evidence to such an inquiry would retain their privilege against self-incrimination and would have the right to legal representation if they were affected by a public inquiry.

These lawful restrictions on the right to freedom of expression are reasonably necessary for the protection of public health and therefore come within the scope of section 15(3) of the charter.

Section 25 — rights in criminal proceedings

Clause 51 is compatible with the rights contained in section 25 of the charter. It does not abrogate the right to protection from self-incrimination. It also provides that a person whose interests are affected by a public inquiry is allowed legal representation, and that others may be represented.

Part 6 — regulatory provisions administered by councils

Part 6 of the bill sets out the regulatory provisions administered by local governments. These provisions give councils the ability to address specific matters within their municipality for the protection of public health.

Section 13 — Privacy and reputation

Clauses 58 and 61 engage the right to privacy because they impose limits on the way a person uses their home. They regulate the activities that a person may engage in on their land by making it an offence for a person to cause a nuisance or knowingly allow or suffer a nuisance to exist on, or emanate from, any land owned or occupied by that person. For example, it would be an offence to keep chickens in a way that attracts rats. The ordinary use of residential premises does not constitute a nuisance. In imposing these restrictions the provisions protect the right to privacy of other property owners by ensuring they are not subject to unreasonable interferences that are dangerous to health (such as discharges of poisonous gases) or offensive (such as odours that are so unpleasant people are unable to enjoy spending time in their gardens).

Clauses 60, 62, 65 and 66 engage the right to privacy because they require that councils must investigate any notice of a nuisance and give councils the power to enter unoccupied or occupied land in limited situations if a nuisance exists on the land.

The provisions do not limit the right to privacy because they are neither unlawful nor arbitrary. The scheme ensures that there is an appropriate balance between an individual’s right to use and enjoy his or her property with the rights of others to have use and enjoyment of their property, including their homes, without undue interference. The restrictions are also ‘lawful’ in the sense that the bill adequately specifies the circumstances in which interferences with a person’s right to privacy will be permissible and decisions about whether to interfere with that right will be made by councils and the Magistrates Court on a case-by-case basis.

Clauses 67, 69 and 71 engage the right to privacy because they require the proprietors of prescribed accommodation and certain businesses to apply to the relevant council for a registration to be issued, renewed or transferred using a form approved by the council. Where the proprietor is a natural person, he or she will be required to provide the council with personal information.

The requirement to provide this information engages but does not unlawfully or arbitrarily interfere with a person’s right to privacy. The proprietors of prescribed accommodation and the businesses specified in clause 68 are required to register with the relevant council because these businesses have the potential to pose a risk to public health. The maintenance of a register of these businesses assists local councils to monitor that they are complying with their obligations under the bill and any regulations made under the bill. Clause 71 of the bill limits the types of information that must be included in the application to that which is prescribed by regulations under the act and any information in respect of the prescribed accommodation or the premises required by the council. Councils are required to handle personal information in accordance with the Information Privacy Act. As a result, these clauses are compatible with section 13 of the charter.

Section 15 — freedom of expression

Clause 71 requires proprietors to provide certain information in order to be registered and therefore engages the right to freedom of expression. In this case, however, proprietors are required to provide the information for the purpose of protecting public health, and this falls within the exception contained in section 15(3) of the charter.

Part 7 — regulatory provisions administered by the secretary

Part 7 of the bill sets out the regulatory provisions administered by the secretary.

Section 8 — right to equal protection of the law without discrimination

Clause 101 engages the right to equal and effective protection against discrimination because it restricts a person’s right to obtain a pest control licence on the basis of the person’s age. More specifically, a person must be at least 16 years of age in order to be eligible for a pest control licence issued under clause 101(3) of the bill. The holder of a licence issued under clause 101(3) of the bill can only use the pesticides entered on his or her licence under the supervision of a person who holds a pest control licence issued under clause 101(2) of the bill (see clause 103(1)(d)). A person must be at least 18 years of age to be eligible for an unrestricted licence (see clause 101(2)).

Reasonableness of the limitation

Nature of the right

The nature of this right is considered above in the general overview of the nature of the rights engaged by the bill. There are many circumstances in our society where it is necessary to treat children differently from adults in order to provide them with the protection they need in accordance with section 17(2) of the charter.

The importance and purpose of the limitation

The pesticides that are used by pest control operators are dangerous to public health and the health of the operator if they are applied incorrectly or the operator fails to take adequate precautions. It is therefore important that licences are only given to individuals who have successfully
completed appropriate training and are sufficiently mature to understand the risks that are associated with applying pesticides, and the importance of taking adequate precautions. Adolescents, as a class, have repeatedly been shown to be more likely to engage in risk-taking behaviour than adults and to be less concerned about the immediate or long-term consequences of risky behaviour. The purpose of the limitation is to prevent young people from undertaking this work until they have reached an age where they are likely to be sufficiently mature to perform the work safely. This purpose is consistent with section 17(2) of the charter.

The nature and extent of the limitation

As individuals are required by law to attend school until they are 16 years of age, the selection of this age as the minimum age requirement for obtaining a restricted pest control licence does not significantly limit a young person’s ability to engage in paid work. As individuals are required to attend school until they are 16 years of age, it would be very unusual for a person who is under 16 years of age to be enrolled in a prescribed course of training or to be undertaking training in the prescribed units of competency. This minimum age requirement for a restricted pest control licence would therefore rarely result in a person who is less than 16 years of age being treated less favourably because of their age.

An individual who is at least 16 years of age may be given a restricted pest control licence provided the secretary is satisfied that the person is enrolled in a prescribed course of training or to be undertaking training in the prescribed units of competency. In practice, it is unlikely that individuals who are less than 18 years of age would be working as a pest control operator without supervision because they would be ineligible for a probationary drivers licence.

The relationship between the limitation and its purpose

While individuals mature at different rates, the age of 18 is frequently used as a minimum age requirement for positions that require a person to exercise sound judgement or to make decisions independently. It is therefore appropriate to select the age of 18 as the minimum age requirement for a licence that enables a person to lawfully engage in activities that may potentially pose a risk to public health as well as their own health.

It is appropriate to allow individuals to commence their training as a pest control operator at the age of 16 because this is the age that some people commence vocational training.

Any less restrictive means reasonably available to achieve the purpose that the limitation seeks to achieve

A less restrictive option would be to assess whether each applicant for a pest control licence between the ages of 16 and 18 is sufficiently mature to hold an unrestricted pest control licence. While this would have less impact on those adolescents who may be sufficiently mature to safely perform the tasks of a pest control operator, it would be administratively burdensome. It would also be difficult to develop or adapt a test that assessed the relevant components of a person’s maturity. Given these difficulties, it is reasonable for the Parliament to use age as a proxy for maturity.

Other relevant factors

The national standard for licensing pest management technicians, which was developed by the National Environmental Health Forum in 1999, provided that an applicant for a licence must be at least 18 years of age (although individuals may begin training at an earlier age). However, it should be noted that the current Health Act does not provide that a person must be a particular age in order to be eligible for a licence.

Conclusion

This limitation on the right to equal protection of the law without discrimination is reasonable because it seeks to protect children and does not unduly restrict the participation of children in the paid workforce.

Section 13 — privacy and reputation

Clause 81 allows a person in one of the specified classes to apply to the secretary for registration of a cooling tower system in the approved form. Clause 101 allows a person to apply to the secretary for the issue or renewal of a pest control licence in the approved form.

If the applicant in either of these cases is a natural person, he or she will be required to provide the secretary with limited personal information relevant to the application.

The requirement to provide this information engages but does not unlawfully or arbitrarily interfere with a person’s right to privacy. The secretary is required to handle personal information in accordance with the Information Privacy Act and the information is being collected for a specific purpose.

Section 15 — freedom of expression

Clause 81 requires owners of cooling tower systems to provide information to the secretary in order for the system to be registered. Clauses 87 and 88 require the owner to notify the secretary of further information during the registration period. Clause 108 obliges a pest control operator to maintain records.

In these cases, although the clauses engage the right of freedom of expression, owners and operators are required to provide the information for the purpose of protecting public health, and this falls within the exception contained in section 15(3)(b) of the charter.

Part 8 — Management and control of infectious diseases, micro-organisms and medical conditions

Part 8 of the bill provides for the management and control of infectious diseases, micro-organisms and medical conditions. Each division regulates a discrete aspect. This part of the bill engages a number of human rights and for this purpose each division is discussed in turn.

Division 1 — principles applying to the management and control of infectious diseases

The objective of this division is to set out the principles that should be taken into account when interpreting and applying the provisions in part 8 of the bill insofar as they relate to infectious diseases. The division does not limit any of the rights specifically protected by the charter.
Division 2 — examination and testing orders and public health orders

In broad terms, the purpose of division 2 is to ensure that people who have an infectious disease, or who have been exposed to an infectious disease in circumstances where they are likely to contract the disease, take steps to reduce the risk of transmitting the disease to others. The division gives the CHO the power to make two different kinds of orders — examination and testing orders and public health orders.

Clause 113 enables the CHO to make an examination and testing order that requires a person to undergo one or more tests or examinations. The CHO may only make such an order with respect to a person if the CHO believes that specified criteria are satisfied, including that the person has an infectious disease or has been exposed to an infectious disease in circumstances where a person is likely to contract the disease; if infected with the disease the person constitutes a serious risk to public health; and the making of the order is necessary to ascertain whether the person has the infectious disease.

Clause 117 of the bill enables the CHO to make a public health order that requires a person to comply with conditions that are designed to minimise the person’s risk to public health. These conditions range from being required to participate in counselling to undergoing specified pharmacological treatment and submitting to detention.

Clause 112 of the bill specifically requires that where alternative measures are available which are equally effective in minimising the risk to public health, the measure which is the least restrictive of the rights of the person should be chosen.

The powers in this division have been conferred on the CHO because the CHO must be a registered medical practitioner (see clause 20). This ensures that decisions are only made by people who are skilled at assessing whether a particular person poses a serious risk to public health, and the measures that need to be taken to reduce that risk.

The division includes a number of mechanisms that will safeguard the rights of individuals who are subject to an examination and testing order or a public health order.

The following rights protected by the charter are engaged by this division:

- the right of every person to enjoy his or her human rights without discrimination is engaged by clauses 113, 117 and 123 of the bill.

Section 8 — right of every person to enjoy his or her human rights without discrimination

The powers available in this division can only be exercised in relation to a person who has an infectious disease or has been exposed to an infectious disease in circumstances where a person is reasonably likely to contract that disease. The availability of these powers therefore directly discriminates against people who have, or have been exposed to, an infectious disease on the basis of impairment or personal association with a person who has an impairment.

Reasonableness of the limitation

Nature of the right

The nature of this right is considered above.

Importance of the purpose of the limitation

Taking measures to minimise the spread of infectious diseases that pose a serious risk to public health is one of the government’s most important responsibilities in relation to public health.

Nature and extent of the limitation

The way in which the clauses in this division could affect a person who has or may have an infectious disease is outlined above. However, discrimination against a person on the basis that they have an infectious disease is lawful under both the Equal Opportunity Act (see section 80) and the Disability Discrimination Act 1992 (cth) (see section 38).

It is also important to note that the equivalent powers conferred by the current Health Act have only been exercised in relation to people who have refused to voluntarily take steps in order to minimise the risk of transmitting an infectious disease to others. In practice, the overwhelming majority of people who have or may have an infectious disease are anxious to take steps to minimise the risk they pose to others. As a result, most people who have or may have an infectious disease that may pose a serious risk to public health will not be subject to the exercise of the powers conferred by this division.

The relationship between the limitation and its purpose

The ability to require people who have or may have an infectious disease to take measures that would reduce their risk to public health is directly and rationally connected to the purpose of protecting the community from individuals who may pose a serious risk to public health.

Any less restrictive means reasonably available to achieve the purpose that the limitation seeks to achieve

There is no less restrictive alternative available that would achieve the purpose the limitation seeks to achieve.

Conclusion

The limitations on the rights protected by section 10(2) of the charter are reasonably and demonstrably justified in a free and democratic society.
Section 10(c) — right not to be subjected to medical treatment without his or her full, free and informed consent

Clauses 113 and 116 limit a person’s right not to be subjected to medical treatment without his or her full, free and informed consent because they enable the chief health officer (CHO) to make an order that requires a person to undergo an examination and/or test, and make it an offence to fail to comply with such an order.

Clauses 117 and 120 also limit this right because they enable the CHO to require a person to:
- undergo an assessment by a specified psychiatrist or specified neurologist;
- receive specified prophylaxis, including a specified vaccination, within a specified period; and
- undergo specified pharmacological treatment for the infectious disease.

Reasonableness of the limitation

Nature of the right

The nature of this right is considered above in the context of the overview of the rights engaged by the bill.

Importance and purpose of the limitation

The purpose of requiring a person to undergo a test or examination is to ascertain whether a person has an infectious disease that may constitute a serious risk to public health. Ascertaining whether a person is infected with a particular infectious disease will assist the CHO to make an informed decision about whether a public health order should be made with respect to the person.

The purpose of requiring a person to undergo an assessment by a psychiatrist or neurologist is to ascertain whether a person is suffering co-morbidities that affect the person’s ability or willingness to take steps to reduce the risk their infectious disease poses to others. Access to this information will enable the CHO to make an informed decision about the most appropriate way to control the risk that person poses to others.

The purpose of requiring a person to undergo specified pharmacological treatment or receive specified prophylaxis for the infectious disease is to reduce the risk that the person would otherwise pose to public health. It is anticipated that the power to require a person to undergo pharmacological treatment will be predominantly exercised to require people with tuberculosis (TB) to take antituberculosis medication. Individuals with TB who do not adhere to prescribed treatment pose a particularly serious risk to public health, because they are more likely to develop multiple drug resistant TB (MDR-TB) or extensively drug-resistant TB (XDR-TB).

Nature and extent of the limitation

The circumstances in which the CHO can make an examination and testing order or a public health order are clearly specified in the bill. Moreover, when making either order, the CHO will be required to have regard to the principles set out in clauses 111 and 112 as well as part 2 of the bill.

A person who fails to comply with an examination and testing order will be guilty of an offence against the bill and may be fined up to 60 penalty units. Such a person could also be detained for 72 hours at a specified place for the purpose of undergoing the specified examination or test. However, the person could not be physically forced to undergo a test or examination. Similarly, while a person who fails to comply with a public health order will be guilty of an offence and may be fined up to 120 penalty units, that person could not be physically forced to undergo an assessment, or receive prophylaxis or pharmacological treatment.

The relationship between the limitation and its purpose

There is a direct and rational relationship between these limitations on the right not to be subjected to medical treatment without one’s full, free and informed consent and the purposes these limitations seek to achieve.

Any less restrictive means reasonably available to achieve the purpose that the limitation seeks to achieve

The Health Act does not enable a person to be required to accept pharmacological treatment for the purpose of reducing the person’s risk to public health. The current scheme is therefore less restrictive of a person’s right not to be subjected to medical treatment without one’s full, free and informed consent. The disadvantage of not having the power to compel a person to receive medical treatment is that in some circumstances it may be necessary to indefinitely detain a person who could be completely cured of the infectious disease.

Other relevant factors

A number of other jurisdictions in Australia authorise a person to be required to accept pharmacological treatment for the purpose of reducing the person’s risk to public health (see section 23 of the Public Health Act 1991 (NSW); section 130 of the Public Health Act 2005 (Qld) and section 42 of the Public Health Act 1997 (Tas)).

Conclusion

These clauses limit a person’s right not to be subject to medical treatment without his or her full, free and informed consent. Nevertheless, these limitations are reasonable and demonstrably justified in a free and democratic society because of the importance of protecting the community from the spread of infectious diseases; a person cannot be physically forced to receive medical treatment (broadly defined); and the maximum penalty that may be imposed on a person who fails to comply with an examination and testing order or a public health order is a fine rather than a term of imprisonment.

Section 12 — freedom of movement

The making of a public health order may also limit the right to freedom of movement because an individual subject to a public health order may be required to refrain from visiting a specified place or a specified class of place or reside at a specified place of residence at all times or during specified times.
Section 13 — privacy and reputation

The nature of this right is considered above in the general overview of the rights engaged by the bill.

Importance and purpose of the limitation

The purpose of limiting the freedom of movement of a person subject to a public health order is to contain the spread of an infectious disease in the community.

Nature and extent of the limitation

While a public health order could potentially significantly restrict a person’s freedom of movement, the bill provides that the least restrictive measure that would be effective in minimising the risk to public health should be preferred. A public health order should therefore only limit a person’s freedom of movement to the degree necessary to protect public health.

The relationship between the limitation and its purpose

There is a direct and rational relationship between the limitation and the purpose it seeks to achieve.

Any less restrictive means reasonably available to achieve the purpose that the limitation seeks to achieve

As the CHO may only require a person to submit to restrictions on his or her freedom of movement if less restrictive options would not be as effective in minimising the risk that the person poses to public health, there is no less restrictive means reasonably available to achieve the purpose that the limitation seeks to achieve.

Any other relevant factor

The right of a person subject to a public health order to seek review of that order at any time by the CHO or VCAT will assist to safeguard the rights of a person whose freedom of movement is restricted by a public health order.

Conclusion

While clause 117 limits a person’s right to freedom of movement, this is reasonable and demonstrably justified in a democratic society because of the importance of containing the spread of infectious diseases and the fact that the bill does not authorise a person’s freedom of movement to be restricted if there are less restrictive ways of minimising the person’s risk to public health.

Section 13 — privacy and reputation

Clause 117(5) of the bill engages section 13 of the charter because it enables the CHO to require a person who is subject to a public health order to take a range of measures that would interfere with a person’s privacy or home. In particular, the CHO may:

- require such a person to inform the CHO or the CHO’s nominee if the person changes his or her name or address
- reside at a specified place of residence at all times or during specified times

require a person to accept supervision from a person nominated by the CHO. This may include receiving visits from that person at home and providing that person with information relating to any action, occurrence or plan that is relevant to the health risk that the person poses.

Second, registered medical practitioners are required to provide information to the CHO in some limited circumstances regardless of whether their patient consents to the disclosure of this information. Clause 115 requires a registered medical practitioner to provide the results of an examination or test conducted by him or her in accordance with an examination and testing order as soon as reasonably practicable. Clause 119 requires a registered medical practitioner to provide information on request to the CHO for the purposes of deciding whether to make, revoke, vary or extend a public health order. This lawful interference with a person’s privacy is reasonable in all the circumstances because it will assist the CHO to make informed decisions.

Clauses 113 and 117 of the bill engage the right not to have one’s family unlawfully or arbitrarily interfered with under section 13 of the charter because they enable a person to be detained. However, the circumstances in which a person may be detained are clearly defined and therefore a lawful interference with this right. Moreover, these limitations are reasonable in all the circumstances for the same reasons (which are outlined below) that limitations on the rights protected by section 17 of the charter are demonstrably justified in a free and democratic society.

The power to require a person to undergo a medical examination, test, assessment etc. in clauses 113 and 117 of the bill will interfere with a person’s bodily integrity and therefore engage the right to privacy. However, as this interference is authorised by law and is reasonable for the same reasons that the limitation on the right protected by section 10(1)(c) of the charter is reasonable, these powers are considered to be consistent with the rights protected by section 13 of the charter.

Section 15 — freedom of expression

Clause 115 of the bill engages the right to freedom of expression because it requires a registered medical practitioner who conducts an examination or test pursuant to an examination and testing order to provide the results to the CHO and the person subject to the order. The CHO requires this information to assess whether the person poses a risk to public health. This lawful restriction of a medical practitioner’s right to freedom of expression is therefore reasonably necessary for the protection of public health. The clause does not limit the rights protected by section 15 of the charter.

Clause 119 of the bill also engages the right to freedom of expression because it requires a registered medical practitioner to provide information requested by the CHO. This information will be used by the CHO for the purpose of deciding whether to make, revoke, vary or extend a public health order. As this information is reasonably necessary for the protection of public health, this clause is also consistent with the rights protected by section 15 of the charter.
Sections 14 and 19 — freedom of thought, conscience, religion and belief and cultural rights

The making of a public health order could restrict an individual’s ability to worship in community with others, or to participate in cultural practices and thereby limit the rights protected by sections 14(2) of the charter and 19 of the charter. However, these limitations are reasonable and demonstrably justified in a free and democratic society for the same reasons that the limitation of the right to freedom of movement under a public health order is demonstrably justified.

Section 17 — protection of families

The detention of a person under an examination and testing order or a public health order may interfere with family relationships, particularly if the person is subject to isolation and detention under a public health order for a significant period. Clauses 113 and 117 therefore limit the rights protected by section 17 of the charter.

Reasonableness of the limitation

Nature of the right

The nature of this right is considered above.

The importance of the purpose of the limitation

The purpose of detaining a person or detaining a person in isolation is to protect others from the risk that person poses to public health and thereby contain the spread of infectious diseases in Victoria. The detention of a family member protects others, including other members of the family, from the infectious disease.

The nature and extent of the limitation

A person may not be detained for more than 72 hours under an examination and testing order at the place he or she is to be medically examined or tested. Under clause 114(5) of the bill, the CHO could only detain a person under a further examination and testing order if the CHO believed that since the earlier examination and testing order ceased to have effect, there has been a change in the person’s health which presents a new serious risk to public health.

A person could be detained under a public health order for a maximum period of six months, although this period could be repeatedly extended.

Clause 125 of the bill, which requires the CHO to facilitate any reasonable request for communication made by a person subject to detention under an examination and testing order or a public health order, will assist a person detained under this division to maintain his or her relationships with family members during the period he or she is detained.

Relationship between the limitation and its purpose

There is a direct and rational connection between the limitation and its purpose.

Is there a less restrictive means reasonably available to achieve the purpose that the limitation seeks to achieve?

There is no less restrictive means reasonably available to achieve the purpose that the limitation seeks to achieve.

Conclusion

The limitations on the rights protected by section 17 of the charter are reasonably necessary and demonstrably justified because of the importance of containing the spread of infectious diseases and the fact that the bill requires the CHO to facilitate any reasonable request for communication made by a person detained under this division.

Section 21 — right to liberty and security of person

Clausules 113, 117 and 123 of the bill engage the rights protected by section 21 of the charter because they specify the circumstances in which a person may be detained or arrested.

Clause 113 enables the CHO to detain a person who fails to undergo a required examination or test. The maximum period a person could be detained at the place he or she is to be tested is 72 hours. Clause 117 of the bill enables a person to be detained under a public health order for a maximum period of six months, although this period could be repeatedly extended.

Clause 123 of the bill sets out how an examination and testing order or a public health order may be enforced. The clause permits police officers to use reasonable force to detain the person subject to an examination and testing order or a public health order and take the person to the place where he or she is required to be under the order. Under clause 123 an authorised officer can apply to the Magistrates Court for a warrant to arrest a person subject to an examination and testing order or a public health order if the authorised officer considers it necessary to enforce the order. A warrant may be issued subject to conditions imposed by the magistrate.

These clauses are consistent with the rights protected by section 21(3) of the charter because they specifically define the circumstances and the procedures by which a person may be arrested or detained.

Clause 113(2) provides that an examination and testing order must be in writing and specify: the purpose of the order; the infectious disease the CHO believes the person has or has been exposed to; and explain why the CHO believes that the person is infected with the infectious disease or has been exposed to the infectious disease in circumstances where a person is likely to contract the infectious disease. Clause 117(3) of the bill is cast in similar terms. Moreover, clause 123 provides that a person who is arrested or detained under clause 123 must be informed why they have been informed or arrested. These clauses are therefore consistent with the rights protected by section 21(4) of the charter.

The bill includes a number of procedural safeguards that will assist in protecting individuals from their continued detention becoming arbitrary. Clauses 114(4) and 118(3) of the bill require the CHO to revoke an examination and testing order and a public health order if the CHO ceases to believe that all of the preconditions for the making of the order apply.

In addition, for people who are detained under a public health order, clause 121 enables a person subject to the order to apply to the CHO for the order to be reviewed at any time it is in force. Clause 122 enables a person subject to a public health order to apply to the Victorian Civil and Administrative Tribunal for a review of the order at any time the order is in force. It is also worth noting that section 148 of the Victorian Civil and Administrative Tribunal Act 1998 enables a party to any proceeding to appeal, on a question of
Division 3 — notifiable conditions and micro-organisms

The purpose of division 3 of part 8 is to establish a scheme that requires medical practitioners and people in charge of pathology services to provide information to the secretary about notifiable conditions. The collection of this information will enable the department to continue performing a number of important functions that promote and protect public health, including understanding the prevalence of notifiable diseases within Victoria; identifying and addressing outbreaks of notifiable diseases; and ensuring that people who contract certain infectious diseases are provided with information on ways they can manage their disease and minimise the likelihood of transmitting the disease to others.

Section 13 — privacy and reputation

Clauses 127 and 128 engage the right to privacy because they require registered medical practitioners and people in charge of pathology services to notify the secretary of the ‘notification details’ in accordance with the regulations or, where applicable, the order in council. The notification details will include ‘health information’ within the meaning of the Health Records Act.

While these clauses interfere with a person’s right to privacy, they do so in a manner that is neither unlawful nor arbitrary. This is because the clauses specify the circumstances in which registered medical practitioners and people in charge of laboratories will have to disclose identifying information about their patients to the secretary. It is also because the department needs this information to perform the functions referred to above, which are directly relevant to promoting and protecting public health in Victoria. As the collection of this information is reasonable in all the circumstances, these clauses do not permit arbitrary interferences with a person’s right to privacy.

Section 15 — freedom of expression

Clauses 127, 128 and 130 engage the right to freedom of expression because they impose obligations on registered medical practitioners, people in charge of pathology services, and the proprietors of food premises or food-vending machines to notify the secretary of certain information in the circumstances specified by these clauses.

For the reasons discussed above, these minor restrictions on the right to freedom of expression are reasonably necessary for the protection of public health, and therefore fall within the scope of section 15(3) of the charter. As a result, these clauses are consistent with the rights protected by section 15 of the charter.

Division 4 — HIV and other prescribed diseases

This division has two key purposes — to ensure that people who are tested for HIV or a prescribed disease receive pre and post-test counselling, and to enable courts and tribunals to take measures to protect people from the economic and social consequences of the disclosure during court or tribunal proceedings of any matter relating to HIV or any other prescribed disease.

Section 15 — freedom of expression

Clause 131 engages the right to freedom of expression because it compels expression by imposing an obligation on registered medical practitioners not to carry out a test or authorise the carrying out of a test for HIV or a prescribed disease unless the registered medical practitioner is satisfied that prescribed information has been given to a person. It is anticipated that regulations will be made that require that people who are to be tested are provided with information about the medical and social consequences of being tested.

Clause 132 of the bill also engages the right to freedom of expression because it imposes an obligation on registered medical practitioners or persons of a prescribed class to ensure a person has been given prescribed information before telling that person the results of their test. It is anticipated that the regulations will be made that require the person to be given information about the medical and social consequences of being infected with HIV or a disease prescribed for the purposes of this division, and steps that the patient can take to minimise the risk of transmitting the disease to others.

These clauses are minor restrictions of the right to freedom of expression. They are also reasonably necessary for the protection of public health and are therefore consistent with the rights protected by section 15 of the charter.

Section 24 — fair hearing

Clause 133 of the bill engages the right to a public hearing and the right to public pronouncement of judgements and decisions because it enables a court or tribunal to order that:

- the whole or any part of the proceedings be heard in closed session;
- only specified persons be present during the whole or part of the proceedings; or
- the publication of a report of the whole or any part of the proceedings, or of any information derived from the proceedings, is prohibited.

A court or tribunal may make such an order if evidence is proposed to be given of any matter relating to HIV or any other prescribed disease and the court or tribunal considers that, because of the social or economic consequences to a person if the information is disclosed, an order should be made.

To the extent that clause 133 limits the right to a public hearing and to the public pronouncement of all courts and tribunals, the limitations fall within the scope of the exceptions to these rights set out in section 24(2) and (3) of the charter. Clause 133 is therefore consistent with section 24 of the charter.
Division 5 — orders for tests

The purpose of this division is to promote the occupational health and safety of certain ‘caregivers’ (such as medical practitioners and nurses) and ‘custodians’ (such as police officers) who are exposed to blood or other body fluids during the course of their work and may therefore have contracted a specified infectious disease. In this context, ‘specified infectious disease’ means HIV, any form of hepatitis which may be transmitted by blood or body fluids, and any infectious disease that has been prescribed to be a specified infectious disease (see clause 3).

While the risk of acquiring HIV or hepatitis following occupational exposure to contaminated blood is low, such an incident may cause significant distress to the relevant person and his or her family. Knowing whether the person who was the source of the exposure (the source) has a specified infectious disease can minimise the anxiety of the exposed person as well as inform decisions about the person’s medical treatment (see post-exposure prophylaxis to prevent HIV infection joint WHO/ILO guidelines on post-exposure prophylaxis to prevent HIV infection, World Health Organisation, 2007). For these reasons, the source of an occupational exposure is routinely asked to provide their informed consent to be tested for HIV and various types of hepatitis. Consent to be tested is usually provided in these circumstances.

The purpose of this division is to provide a framework for obtaining information about whether the source has a specified infectious disease in those rare circumstances where that person is unable or refuses to consent to be tested for a specified infectious disease.

Section 10 — right not to be subjected to medical treatment without consent

Clauses 134 and 137 limit the right protected by section 10(1)(c) of the charter because they enable the CHO and a senior medical officer (SMO) to require a person to be tested for a particular infectious disease without that person’s consent.

Clauses 135 and 137 also limit the right protected by section 10(1)(c) of the charter because they enable the CHO or an SMO respectively to authorise the testing of a sample from a person that has been taken for any purpose without that person’s consent.

Reasonableness of the limitation

Nature of the right

The nature of this right is considered above in the general overview of the nature of the rights protected by the charter.

Importance of the purpose of the limitation

Knowledge of whether the source is infected with a specified infectious disease is valuable for three reasons. First, it helps the exposed person and their medical practitioner to accurately assess the risk of the exposed person contracting a specified infectious disease. If the test results show that the source is not infected with a specified infectious disease this will significantly alleviate the exposed person’s anxiety.

Second, knowledge of the source’s HIV status will help the exposed person to make an informed decision about whether he or she should commence or continue taking post-exposure prophylaxis to minimise the risk of contracting HIV (HIV-PEP). A study conducted by the US Centres for Disease Control (CDC) found that the administration of zidovudine to health care workers occupationally exposed to HIV was associated with an 80 per cent reduction in the risk for occupationally acquired HIV infection (see HIV post-exposure prophylaxis guidance from the UK Chief Medical Officers Expert Advisory Group on AIDS, Department of Health, 2004 at 5). Unfortunately, HIV-PEP causes a number of unpleasant side-effects and must usually be taken for 28 days. If the source of the exposure is not infected, it would usually be unnecessary for the exposed person to continue the course of HIV-PEP.

Third, if the source is infected with HIV, information about the virus present in the person (such as information about antiretroviral drug resistance) will be relevant to the decision of which HIV-PEP drugs are most likely to prevent the exposed person from contracting HIV.

Nature and extent of the limitation

Clause 134 enables the CHO to make an order that requires a person to be tested for a particular disease and to provide a sample of blood or urine for that purpose. This power may only be exercised if the making of the order is necessary in the interest of rapid diagnosis and clinical management and, where appropriate, treatment for any of those involved in the incident. If a magistrate is satisfied that the circumstances are exceptional, a Magistrate may make an order that authorises a member of the police force to use reasonable force to enforce the order.

Clause 137 enables an SMO to make a similar order with respect to an incident relating to the health service where the SMO works. However, an order made under clause 137 of the bill cannot be enforced by a member of the police force.

The powers conferred on the CHO and SMOs to test a sample of a person that has been taken for another purpose is less of a restriction on the rights protected by section 10(1)(c) of the charter but are nevertheless inconsistent with the right not to be subjected to medical treatment without having provided one’s full, free and informed consent.

Relationship between the limitation and its purpose

There is a direct and rational relationship between the limitations and their purpose.

Any less restrictive means reasonably available to achieve the purpose that the limitation seeks to achieve

A less restrictive means available to achieve the purpose of the limitation in clause 134 would be to make it an offence for a person to fail to comply with an order made under the clause, but not enable the order to be enforced by use of reasonable force. However, this measure is considered inadequate because there may occasionally be people who refuse to comply with the order.

There are no less restrictive means reasonably available to achieve the purpose of the limitations in clauses 134 and 137 of the bill.
Other relevant factors

People who are the source of an occupational exposure are usually willing to consent to being tested for HIV and other blood-borne diseases. As a result, it is anticipated that this power will be rarely exercised.

Conclusion

The limitations of this right are considered reasonable in all the circumstances because of the importance of promoting and protecting the occupational health and safety of those who are at increased risk of contracting a specified infectious disease during the course of their work.

Section 13 — privacy and reputation

In broad terms, clauses 134–137 interfere with a person’s right to information privacy because they enable information about the health status of the source to be collected, used and disclosed without that person’s consent. Clause 134 also interferes with a person’s bodily privacy because it enables the chief health officer to make an order that requires a person to submit to a blood or urine test and permits a magistrate to authorise a member of the police force to use reasonable force to enable a registered medical practitioner to take a sample.

Clauses 135 and 137 of the bill engage the right to privacy because they enable the CHO or an SMO to make an order that authorises the testing of a sample provided by a person for any purpose for a specified infectious disease without the person’s consent. These powers are only available if the CHO could have made an order with respect to the same person under clause 134 of the bill and obviate the need for the person to provide a further sample.

Clause 136 engages the right to privacy because it enables the CHO to examine any relevant health information held by the Department of Human Services that relates to the person as well as require a health service provider to give the CHO any relevant health information held by the health service provider relating to that person. The clause creates a means by which the CHO may be able to obtain information about the source that is less intrusive than requiring the person to provide a sample. The clause includes several safeguards that are designed to reduce the risk of this information being used for unrelated secondary purposes. First, the CHO may only use relevant health information obtained under subclause (1) for the purposes of this division. Second, subclause (3) limits the circumstances in which information collected under subclause (1) may be disclosed. Importantly, information collected under subclause (1) is not admissible in any action or proceedings before a court, tribunal, board, agency or other person.

Clause 140 of the bill minimises the extent of these interferences with a person’s right to privacy in two ways. First, the clause prohibits any of the persons to whom the disease could have been transmitted and who have received notice of the test results from disclosing, communicating or recording anything in those results that would identify that other person. The penalty for this offence is 60 penalty units. Second, the clause prohibits the CHO or a senior medical officer including information that would identify the person tested when informing a relevant person of the results of a test performed under this division.

While these clauses interfere with a person’s right to information privacy, they would not authorised an interference that is unlawful or arbitrary. This is because any interference would be reasonable in the particular circumstances and the clauses adequately specify the circumstances in which these interferences may occur.

Clause 134 also engages a person’s right to bodily privacy because it enables a magistrate to authorise a member of the police force to use reasonable force to enforce the order made by the chief health officer. Clause 134 provides that a magistrate may only make an order that authorises the use of force if the magistrate is satisfied by evidence that the circumstances are so exceptional that the making of the order is justified. The clause is consistent with section 13 of the charter because the use of force is authorised by law and is reasonable in the circumstances for the same reasons that the limitation on a person’s right not to be subjected to medical treatment without one’s consent is a reasonable limitation of that right.

Section 15 — freedom of expression

Clause 136(1)(b) of the bill engages the right to freedom of expression because it enables the CHO to require a health service provider to give the CHO any relevant health information held by the service provider with respect to a person in the circumstances specified by the bill. The CHO may only exercise this power if the CHO believes that the circumstances exist for the making of an order under clause 134 of the bill. The purpose of requiring a health service provider to disclose this information to the CHO is to ensure that people are not unnecessarily required to undergo tests pursuant to orders made under clause 134 of the bill.

Clause 139 of the bill also engages the right to freedom of expression because it requires a pathologist or registered medical practitioner who conducts a test under an order or authorisation to give the results to either the CHO or SMO. The clause also requires the CHO or SMO to give notice of the results to the person tested and the ‘appropriate person’. These requirements are necessary in order to achieve the objectives of the division.

As these restrictions are reasonably necessary for the protection of public health, clauses 137 and 139 are consistent with the rights protected by section 15 of the charter.

Clause 140(1) restricts the right to freedom of expression because it prohibits a person who receives a notice of the results of the test on another person from disclosing anything in those results that would identify that other person. Clause 140(2) also restricts the right to freedom of expression because it imposes an obligation on the CHO and an SMO not to include information that would identify the person tested when advising a person of the test results for the source. These restrictions on the right to freedom of expression are reasonably necessary to protect the privacy of the source, and therefore come within the exception to the right to freedom of expression contained in section 15(3)(b) of the charter. The clause is therefore consistent with the rights protected by section 15 of the charter.

Section 21 — right to liberty and security of person

Clause 134 engages section 21 of the charter because it enables a magistrate to authorise a member of the police force to take the person named in the order to a specified place. A magistrate may also authorise a member of the police force to use reasonable force to restrain that person so as to enable a
registered medical practitioner to take a sample if the person fails to cooperatively submit to the test.

The clause specifically defines the circumstances in which an order may be made and provides that an order does not have effect until it is served on the person who is subject to it. The clause does not limit the Supreme Court’s jurisdiction under order 57 of the Supreme Court (General Civil Procedure) Rules 2005. The clause is therefore consistent with the rights protected by section 21 of the charter.

**Division 7 — immunisation**

The purpose of this division is to require parents of children who attend primary schools to give an immunisation status certificate (ISC) in respect of each vaccine-preventable disease to the person in charge of the relevant primary school. Clause 238(1)(z) of the bill will enable the Governor in Council to make regulations that prevent a child who has not been vaccinated against a particular vaccine-preventable disease from attending school during an outbreak of that infectious disease.

**Section 13 — privacy and reputation**

Clause 145 engages the right to privacy because it requires the parents of a primary school child to give to the person in charge of the primary school their child attends. The information may be used by the person in charge of a primary school when making decisions about whether a child should be temporarily excluded from school during the outbreak of an infectious disease in order to minimise the risk of the child becoming infected. This lawful interference with a child’s privacy is necessary to protect children who have not been immunised against vaccine-preventable diseases, and is therefore consistent with section 13 of the charter.

**Section 15 — freedom of expression**

Clause 155 of the bill engages the right to freedom of expression because it prohibits relevant persons from making a statement that is false in a material particular.

The purpose of this restriction on a person’s freedom of expression is to minimise the risk of a person contracting an infectious disease as a result of receiving contaminated blood, blood products or tissue. This lawful restriction on a person’s right to freedom of expression is therefore reasonably necessary for the protection of public health and falls within the scope of section 15(3) of the charter.

**Division 8 — blood and tissue donations**

This division extends a scheme of statutory defences to actions brought on or on behalf of a person who claims to have been infected with HIV, hepatitis C or a prescribed disease because he or she was given blood, blood products or tissue donated by another person. The purpose of the division is to help maintain the viability of the Australian Red Cross Society and to encourage those who regularly donate or are infected. This lawful restriction on a person’s freedom of expression because it prohibits relevant persons from making a statement that is false in a material particular.

The division engages an individual’s right to privacy because the society or a health society must ensure that potential donors complete a statement in the approved form in order to have the benefit of a statutory defence against legal action (see clauses 151 and 152 and schedule 1 to the bill). The approved form will ask potential donors to answer various questions directed at assessing the risk of the person’s blood being contaminated with an infectious disease.

The statement is the first step in a two-step screening process of blood donors (the second step is the testing of a sample of the donor’s blood). It is not sufficient to rely on testing alone because:

- infection with some contaminants involves a window period. In the window period, the virus may be present in the blood, but not detectable by available tests;
- of the possibility of new variants of known viruses developing which may not currently be detectable;
- of the possibility of human error in carrying out the tests which cannot be entirely eliminated; and
- tests are not always 100 per cent effective, especially when first developed in response to an emerging disease (see Review of the Human Tissue Act 1983 Report — Blood Donation and the Supply of Blood and Blood Products, April 2002, NSW Health at 30).

Requiring people who wish to donate blood or tissue to provide the information that is needed to assess the risk of their blood or tissue being contaminated is reasonable in all the circumstances and therefore does not arbitrarily interfere with a person’s right to privacy. Moreover, the approved form will specify the information that is to be collected about potential donors, and therefore provides a lawful basis for the handling of this information about the donor. The clauses in this division are therefore considered to be consistent with section 13 of the charter.

The conduct of an autopsy may interfere with a person’s right to exercise his or her religious beliefs (see the Human Rights and Equal Opportunity Commission’s report entitled Article 18 — Freedom of Religion and Belief, 1998 at pp 45–46). Clause 156 could therefore be considered to limit the rights protected by sections 8, 14 and 19 of the charter. The clause may also discriminate against a person on the basis of religious belief, one of the attributes in respect of which discrimination is unlawful under section 6 of the Equal Opportunity Act and therefore limits the right protected by section 8 of the charter.
Reasonableness of the limitation

Nature of the right

The nature of these rights is discussed above in the context of the general overview of the rights protected by the charter.

Importance and purpose of the limitation

It may very occasionally be necessary to conduct an autopsy on a body for the purpose of verifying whether the person’s death was caused by an infectious disease that may pose a serious risk to public health. This information would assist the CHO to decide whether it is necessary to take other measures to minimise or prevent the spread of an infectious disease. It may also be necessary to require an autopsy to be conducted on the body of a person who is suspected to have died from an emerging infectious disease to enable medical practitioners to learn more about the nature of the disease.

The nature and extent of the limitation

The conduct of an autopsy may cause significant distress to the family members of the deceased person because it is contrary to their religious beliefs. However, the bill only permits an autopsy to be conducted in very limited circumstances which are specified by the bill.

The relationship between the limitation and its purpose

There is a direct and rational connection between the need for an autopsy in certain cases and the purpose of minimising or preventing the spread of an infectious disease. If the deceased’s family strongly objects to the conduct of an autopsy on the body the senior next of kin may apply for an order from the Supreme Court that the autopsy not be performed in the circumstances. In the context of autopsies performed under the Coroners Act 1985, the Supreme Court has attached considerable weight to the religious and cultural beliefs of the deceased person’s family (see Green v. Johnstone [1995] 2 VR 176 at 179).

Any less restrictive means reasonably available to achieve the purpose that the limitation seeks to achieve

There is no less restrictive means available to achieve the purpose the limitation seeks to achieve because in some circumstances the conduct of an autopsy will be the only way to ascertain whether the person died from a particular infectious disease that may pose a serious risk to public health.

Conclusion

Given that the bill would only enable the CHO to require an autopsy to be conducted in very limited circumstances, and that the deceased’s senior next of kin may challenge the CHO’s decision to require an autopsy to be conducted, the manner in which clause 156 limits the rights protected by sections 8, 14 and 19 of the charter can be demonstrably justified in a free and democratic society.

Division 10 — brothels and escort agencies

The purpose of division 10 is to require brothels and escort agencies to take a range of measures designed to minimise the risk to sex workers and their clients of contracting infectious diseases.

Section 15 — freedom of expression

Clause 162 engages the right to freedom of expression because it requires brothel proprietors to provide medically accurate information about the transmission of sexually transmitted infections in a range of languages to clients and sex workers. Where a sex worker has difficulty in communicating in English, the clause requires proprietors of brothels and escort agencies to provide information in a language with which the sex worker is familiar.

Clause 159 also engages the right to freedom of expression because it prohibits proprietors from expressly or implicitly discouraging the use of condoms in the brothel or in any encounter arranged through the escort agency. The purpose of this clause is to minimise the spread of sexually transmitted diseases in the community.

The bill makes it an offence for an escort agency proprietor or a brothel proprietor not to comply with these obligations. The maximum penalty that may be imposed for one of these offences is a modest fine ranging between 10 and 60 penalty units.

As each of the minor restrictions on the right to freedom of expression referred to above is designed to contain the spread of sexually transmitted diseases in the community, they are considered to be reasonably necessary for the protection of public health within the meaning of section 15(3) of the charter. As a result, each of these clauses is consistent with section 15 of the charter.

Part 9 — authorised officers

Part 9 sets out the powers and obligations of authorised officers with respect to investigating and managing risks to public health, as well as monitoring compliance with the bill and regulations made under it.

Section 11 — freedom from forced work

Consideration was given to whether clause 176 engages the right to freedom from forced work because it enables authorised officers to require a person to operate equipment to access information from that equipment. Requiring a person to operate equipment would form part of that person’s normal civil obligations and would not be considered to amount to ‘forced or compulsory labour’. The clause therefore does not engage section 11 of the charter.

Section 13 — privacy and reputation

Clauses 166–170 and 175–176 engage the rights protected by section 13(a) of the charter.

Obligation to provide information

Clause 166 engages the right to privacy because it requires authorised officers to produce their identity cards for inspection when exercising their statutory powers. The card will display the name, photograph and signature of the authorised officer (see clauses 29–30). This requirement does not arbitrarily interfere with the privacy of authorised officers because the requirement is designed to ensure authorised officers are accountable for the way they exercise their powers and functions, and is therefore reasonable in the circumstances.
Clause 167 engages the right to privacy because it enables an authorised officer to request a person to provide information (including information about an identifiable person) that the authorised officer believes is necessary to investigate, manage or control a risk to public health. The clause requires authorised officers to inform the person at the time of making the request that he or she may refuse to provide the information requested.

**Entry of premises**

Clauses 168–170 engage the right not to have one’s privacy or home unlawfully or arbitrarily interfered with because they permit authorised officers to enter premises, including residential premises, in specified circumstances.

Clause 168 permits an authorised officer to enter residential premises with the consent of the occupier for the purpose of investigating whether there is a risk to public health or to manage or control a risk to public health.

Clause 169 allows authorised officers to enter premises without the occupier’s consent in three circumstances. First, an authorised officer can enter any premises that he or she believes is being used for one of the purposes specified by the clause (such as the provision of prescribed accommodation) provided that it is a reasonable hour during the daytime or the premises is open to the public. Second, an authorised officer may enter premises at any time if it is necessary to investigate, eliminate or reduce an immediate risk to public health. Third, an authorised officer may enter any premises at any time if a warrant has been issued. Clause 170 specifies the circumstances in which a warrant could be issued.

Division 3 of part 9 requires authorised officers to comply with various procedures (such as announcing who they are) when entering premises that are designed to ameliorate the intrusiveness of these powers. Where an authorised officer enters a residential premises without a warrant, the authorised officer must comply with clause 187 of the bill.

Clause 175 sets out the powers authorised officers may exercise where they have entered premises under the powers conferred by the bill. They include the power to inspect, examine, seize, photograph or do any other thing that is reasonably necessary for the purpose of exercising a function or power under the act or the regulations. An authorised officer who enters any premises under clause 169 can also direct a person at the premises to do certain things, including answering questions or producing documents (clause 176).

As these powers might be exercised with respect to residential premises they engage section 13 of the charter.

Clause 185 provides an important safeguard against the misuse of the powers conferred upon authorised officers because it allows anyone to complain about the exercise of these powers to the secretary (if the authorised officer was appointed by the secretary) or the relevant council (if the authorised officer was appointed by the council). The secretary or the council is required to investigate any such complaint, and to provide a written report to the complainant on the results of the investigation.

Clauses 166–170 and 175–176 enable authorised officers to investigate risks to public health, take measures to alleviate those risks and monitor whether businesses conducted at certain premises are being conducted in accordance with requirements imposed by the bill and the regulations made under it. The conferral of these powers on authorised officers is reasonable in the circumstances and does not arbitrarily interfere with an individual’s rights protected by section 13(1) of the charter. Moreover, the clauses adequately specify the circumstances in which interferences with these rights may be permissible. The above clauses are therefore consistent with section 13 of the charter.

**Section 15 — freedom of expression**

Clause 176 engages the right to freedom of expression because it enables authorised officers who have entered premises for the purpose of monitoring compliance with the bill or investigating a possible contravention of the bill to require a person to answer questions and to produce documents located at the premises that are in the person’s possession or control. Before directing a person to produce such a document or to answer questions, an authorised officer must warn the person that failure to comply with the direction without reasonable excuse is an offence, and inform the person that he or she may refuse to answer any question if answering would tend to incriminate him or her. The maximum penalty that may be imposed on an individual who fails to comply with the direction is 60 penalty units.

Clause 184 could also be considered to engage the right to freedom of expression because it prohibits a person who is not an authorised officer from holding himself or herself out to be an authorised officer. The maximum penalty that may be imposed for this offence is 60 penalty units.

It is reasonably necessary for the protection of public health that authorised officers have the power to require people at regulated premises to assist them when they are monitoring compliance with the bill or possible contraventions of the bill. It is also reasonably necessary for the protection of public health that people who are not authorised officers are deterred from misrepresenting their status. As these restrictions on the right to freedom of expression come within the scope of section 15(3) of the charter, these clauses are consistent with the rights protected by section 15(1) of the charter.

**Section 20 — property rights**

The charter provides that a person must not be deprived of his or her property other than in accordance with law. Clauses 175, 178, 179, 181 and 182 variously authorise the seizure, forfeiture and disposal of things in circumstances where owners cannot be found, where there is a risk to public health or the things are required as evidence or to prevent the commission of an offence. Deprivation of property in these circumstances would be in accordance with a lawful exercise of statutory power and for a specified purpose and is compatible with section 20 of the charter.

**Part 10 — protection and enforcement provisions**

The purpose of division 1 is to enable the chief health officer with the assistance of authorised officers to swiftly and effectively respond to a wide range of risks to public health. Division 2 enables improvement and prohibition notices to be issued and thereby provides a means of remediating risks to public health. Division 3 creates a legal framework that will enable Victoria to rapidly and effectively respond to a public health emergency such as an influenza pandemic.
Section 13 — privacy and reputation

Clause 188 engages the right to privacy because it enables the CHO to require a person to provide information which the CHO believes is necessary to investigate whether there is a risk to public health or to manage or control a risk to public health. The clause safeguards the rights of an individual by requiring the CHO to warn the person that a refusal or failure to comply with the direction without reasonable excuse is an offence and advise the person that they can refuse to provide the information if it would tend to incriminate him or her.

Clause 190 engages the right not to have one’s privacy or home unlawfully or arbitrarily interfered with because it enables an authorised officer, in very limited circumstances specified by the bill, to require a person to:

- provide their name and address;
- provide information needed to investigate, eliminate or reduce the risk to public health; and
- enter and inspect any premises (including parts of residential premises) without a warrant if the authorised officer reasonably believes there may be an immediate risk to public health and that entry is necessary to enable the authorised officer to investigate, eliminate or reduce the risk.

These clauses do not allow a person’s privacy to be unlawfully interfered with because they specify the circumstances in which the powers may be exercised. Moreover, to the extent that these clauses permit an interference with a person’s rights under section 13 of the charter, the interference is reasonable in the circumstances because they enable the CHO and authorised officers to investigate risks to public health. These clauses are therefore compatible with section 13 of the charter.

Section 12 — freedom of movement

Clause 190(1)(b) engages the right to freedom of movement because it enables an authorised officer to direct a person or group of persons not to enter or to leave any particular premises.

Clause 200(1) of the bill also engages the right to freedom of movement because it enables an authorised officer, in narrowly defined circumstances, to restrict the movement of any person or group of persons within the emergency area and to prevent any person or group of persons from entering the emergency area.

Reasonableness of the limitation

Nature of the right being limited

The nature of this right is considered in the overview of the rights protected by the charter that are engaged by the bill.

Importance of the purpose of the limitation

It may be necessary to exercise the power conferred by clause 190(1)(b) of the bill in two circumstances. First, it may be necessary for an authorised officer to direct people not to enter particular premises to prevent them from hindering efforts to eliminate or reduce the risk the premises poses to public health. Second, it may be necessary to exercise the power to restrict people’s exposure to a substance that may pose a risk to public health.

The purpose of the limitation in clause 200 is to control the movement of persons during a state of emergency which may help to contain the emergency. It may be necessary to exercise this power, for example, if there were an outbreak in a geographically confined area of a highly infectious disease that caused unusually severe illness in order to slow the spread of that disease.

Nature and extent of the limitation

The making of a direction under clause 190(1)(b) is likely to only temporarily interfere with a person’s freedom of movement. Clause 190(5) provides that a person may be directed to remain at a particular premises for a period no longer than 4 hours. Such a direction may be extended as many times as is reasonably necessary for the purposes of investigating, eliminating or reducing the risk to public health, but not so as to exceed a continuous period of 12 hours (see clause 190(6)). The maximum penalty that could be imposed on a natural person who failed to comply with a direction given under clause 190(1)(b) is 120 penalty units (see clause 193).

Clause 200 of the bill limits the right more significantly because it permits a person’s or group of person’s freedom of movement to be constrained for a maximum period of six months. The maximum penalty that could be imposed on a person who failed to comply with a direction given under clause 200 of the bill is 120 penalty units (see clause 203).

Relationship between the limitation and its purpose

There is a direct and rational relationship between the limitation and the purpose it seeks to achieve.

Any less restrictive means reasonably available to achieve the purpose that the limitation seeks to achieve

There may not be a less restrictive means reasonably available in a particular circumstance to achieve the purpose the limitation seeks to achieve.

Conclusion

The limitations contained in clauses 190 and 200 of the bill are compatible with the charter even though they limit the right to freedom of movement because the limitations are reasonable and proportionate in the circumstances.

Sections 14 and 19 — freedom of thought, conscience, religion and belief and cultural rights

The exercise of the emergency powers conferred by clause 200 of the bill could restrict an individual’s ability to worship in community with others, and thereby limit the rights protected by sections 14(2) and 19 of the charter. However, these limitations are reasonable and demonstrably justified in a free and democratic society for the same reasons that the limitation of the right to freedom of movement during a state of emergency is demonstrably justified.

Section 15 — freedom of expression

Clause 188 of the bill engages the right to freedom of expression because it requires a person to provide information that the chief health officer believes is necessary to investigate
whether there is a risk to public health. Clause 190 also engages the right to freedom of expression because it permits authorised officers exercising public health risk powers to require people to provide information.

These lawful restrictions on the right to freedom of expression are reasonably necessary for the protection of public health, and therefore come within the scope of section 15(3) of the charter.

Section 16 — freedom of assembly and freedom of association

Clause 200(1) limits the right to freedom of assembly because a person or group of people could be prevented from entering or leaving an emergency area as well as moving within the emergency area. These restrictions on the right to freedom of assembly are demonstrably justified in a free and democratic society for the same reasons that these limitations on the right to freedom of movement are demonstrably justified.

Section 20 — property rights

Clause 190 engages the right to property because authorised officers are permitted to close premises for the period of time reasonably necessary to investigate, eliminate or reduce the risk to public health. The clause also permits authorised officers to require the destruction or disposal of things if this is necessary to eliminate or reduce the risk to public health.

Clause 190 specifies the circumstances in which interferences with a person’s property will be permissible. The provision is not arbitrary because the power may only be exercised by authorised officers acting in circumstances where the chief health officer believes that is necessary to investigate, eliminate or reduce a risk to public health. Deprivation of property in these circumstances would be in accordance with a lawful exercise of statutory power and is compatible with section 20 of the charter.

Section 21 — right to liberty and security of person

Clause 190 engages the right to liberty because it enables a person to be directed to remain at particular premises for up to 4 hours (although this direction could be repeatedly extended for up to 12 hours if this were reasonably necessary for the purpose of investigating, eliminating or reducing the risk to public health). Clause 200 also engages the right to liberty because it allows a person or group of persons to be detained in the emergency area for a period no longer than is reasonably necessary to eliminate or reduce a serious risk to public health. Both clauses are consistent with the rights protected by section 21(3) of the charter because they specifically define the circumstances in which a person may be detained.

Clause 200 minimises the risk of a person’s detention becoming arbitrary by requiring an authorised officer to review whether the continued detention of the person is necessary to eliminate or reduce a serious risk to public health at least once every 24 hours. An authorised officer who decides to detain a person or continue that person’s detention must notify the CHO of that fact. The notification must include the name of the person detained and briefly explain why the person has, or continues to be, subject to detention. The CHO must then inform the Minister for Health of any notice he or she has received.

Neither clause limits the Supreme Court’s jurisdiction to review the lawfulness of a person’s detention under order 57 of the Supreme Court (General Civil Procedure) Rules 2005.

Both clauses require a person who is detained to be informed of the reason for their detention (see clauses 190(2) and (3) and 200(3)) unless it is not practicable to do so in the particular circumstances. These clauses are therefore consistent with section 21(4) of the charter.

Section 25 — rights in criminal proceedings

Clause 197(7) engages the right to be presumed innocent until proved guilty according to law. This offence arises after proceedings in the Magistrates Court in relation to improvement or prohibition notices to address a nuisance, where there has been a failure to comply or where the nuisance is likely to recur. If the Magistrates Court has made an order, clause 197(7) makes it an offence for a person to fail to comply with the order unless in seeking to comply with the order they have exercised due diligence. This places a legal burden on the defendant with respect to the exception to the offence.

Reasonableness of the limitation

Nature of the right

The nature of this right is discussed above in the general overview of the nature of the rights engaged by the bill.

Importance of the purpose of the limitation

The purpose of the limitation is to protect public health by providing a mechanism for ensuring compliance with an order made by the Magistrates Court. The offence only arises where less coercive measures have failed to achieve the desired outcome of abating a nuisance.

Nature and extent of the limitation

As knowledge of the measures the defendant has taken to comply with the order will be peculiarly within the defendant’s knowledge, it would be relatively easy for the defendant to prove, on the balance of probabilities, that he or she has exercised due diligence in seeking to comply with the order. It should also be noted that the clause places the legal burden with respect to the elements of the offence on the prosecution, and that the maximum penalty for this offence is a fine rather than a term of imprisonment.

Relationship between the limitation and its purpose

The imposition of a legal burden with respect to the defence of exercising due diligence in seeking to comply with the order is intended to secure compliance with the order made by the Magistrates Court. There is a direct relationship between the limitation and its purpose.

Any less restrictive means reasonably available to achieve the purpose the limitation seeks to achieve

It is necessary to structure the offence in this way because evidence of the steps the defendant has taken to comply with the order will be in the possession of the defendant rather than the prosecution (see R v. Wholesale Travel Group [1991] 3 SCR 154). There is therefore no less restrictive means reasonably available of achieving the purpose the limitation seeks to achieve.
Conclusion

The limitation is compatible with the charter because, even though it limits the right to the presumption of innocence, the limitation is reasonable and proportionate.

Part 11 — general provisions

Part 11 of the bill deals with a range of matters that affect how the bill is to be interpreted and implemented. It includes several mechanisms that will assist to safeguard the rights of individuals who are affected by the exercise of certain powers conferred by the bill.

Section 13 — privacy and reputation

Clause 229 engages the right not to have one’s privacy or home unlawfully or arbitrarily interfered with because it permits specified people to enter onto any land, including residential premises, to take actions necessary to ensure compliance with a direction, requirement, or notice. This interference with a person’s rights protected by section 13 of the charter is reasonable because the power is only available in circumstances where less intrusive interventions have not resulted in the person complying with the direction, requirement or notice. It should also be noted that the general restriction on entry to residential premises set out in clause 187 applies to the exercise of these powers. The circumstances in which the powers may be exercised are defined in detail by the clause. For these reasons clause 229 of the bill does not authorise unlawful or arbitrary interferences with a person’s right to privacy or home, and is therefore consistent with section 13 of the charter.

Section 15 — freedom of expression

Clauses 210 and 261 (which will insert a provision in the Food Act that is almost identical to clause 210) engages the right to freedom of expression by prohibiting a person from:

- giving false or misleading information to the secretary, a council, the chief health officer or an authorised officer;
- making a false or misleading entry in a document required to be kept; or
- under the act or regulations.

For example, a person must not intentionally or negligently produce a document under the bill that is false or misleading in a material particular, without indicating the respect in which it is false or misleading and if practicable providing the correct information.

Clauses 211 and 261 (which will insert a provision in the Food Act that is identical to clause 211) provide that a person must not, without lawful authority, destroy or damage any record required to be kept in accordance with the bill or regulations made under the bill.

The purpose of these clauses is to maximise the effectiveness of the regulatory regime provided by the bill and thereby contribute to the protection of public health. The clauses lawfully restrict the right to freedom of expression to a degree reasonably necessary to protect public health, and are therefore consistent with section 15 of the charter.

Section 20 — property rights

Clauses 228 and 229 could be considered to engage the right not to be deprived of property other than in accordance with law. The clauses enable action to be taken to ensure compliance with a direction, requirement or notice issued in relation to a public health risk power (clause 190) or emergency power (clause 200), and for reasonable costs incurred to be recovered. For example, this might include entry onto land to decontaminate an area and recovering the expenses, such as removing lead-contaminated soil that is posing a risk to public health.

The clauses enable risks to public health (to which the relevant direction, requirement or notice related) to be remedied, following failure of a person to do so. The clauses specify the circumstances in which non-compliance with directions, requirements or notices may be remedied. The clauses provide that certain costs related to recovering the cost of work are to be paid to the appropriate person. An example of a cost is the cost of removing lead-contaminated soil that is posing a risk to public health.

It is noted that the directions or requirements to which the clauses apply are made under part 10, following an authorisation of the chief health officer. Such an authorisation can only be made where the chief health officer believes that the authorisation was necessary to address a public health risk (see clauses 189 and 199). If a direction or requirement made in relation to a state of emergency (either under an emergency power or public health risk power) was authorised on insufficient grounds, a person who suffers loss may seek compensation (clause 204).

As the engagement with property rights is neither unlawful nor arbitrary, the clauses do not limit section 20 of the charter.

Section 24 — fair hearing

Division 1 of part 10 promotes the right to fair hearing in relation to the creation of specified review and appeal rights arising under part 6, part 7 and part 10 of the bill.

Section 25 — rights in criminal proceedings

Clauses 210 and 261 engage the right to be presumed innocent until proved guilty according to law because they place a legal burden on the accused with respect to the only available defence. The clauses, which are cast in identical terms, prohibit a person from giving information, making a statement, or producing a document that is false or misleading in a material particular. It is a defence for the accused to prove that at the time the offence was committed he or she believed on reasonable grounds that the information was either true or not misleading.

Reasonableness of the limitation

Nature of the right

The nature of this right is discussed above in the general overview of the nature of the rights engaged by the bill.

Importance of the purpose of the limitation

The purpose of the limitation is to protect public health by deterring people who might otherwise be tempted to provide false or misleading information, statements or documents under either the bill or regulations made under it or the Food Act. The provision of false or misleading information to the
CHO or an authorised officer could make it more difficult for the CHO and authorised officers to promptly determine the cause of risks to public health and delay the taking of steps that would eliminate or ameliorate the risk to public health.

**Nature and extent of the limitation**

The onus only applies where the accused seeks to rely upon the defence — it does not apply to any of the elements of the offence. Further, the onus relates to matters that are peculiarly within the knowledge of the accused.

**Relationship between the limitation and its purpose**

There is a direct relationship between the limitation and its purpose.

Any less restrictive means reasonably available to achieve the purpose the limitation seeks to achieve

It is necessary to structure the offence in this way because knowledge of the circumstances that led to the accused believing on reasonable grounds that the false information was true or that the misleading information was not misleading are matters that are solely within the knowledge of the accused. Merely placing an evidential burden on the accused with respect to the defence would not adequately address this problem because the prosecution would still have to disprove the matter beyond reasonable doubt.

**Conclusion**

The limitation is compatible with the charter because, even though it limits the right to the presumption of innocence, the limitation is reasonable and proportionate in the particular circumstances.

**Section 25 — rights in criminal proceedings — right not to be compelled to confess guilt**

Clause 212 provides for a qualified privilege against self-incrimination. The privilege against self-incrimination is relevant to the right in section 25(1)(k) which protects a person from being compelled to testify against himself or herself, or to confess guilt, in criminal proceedings. However, the qualification of the privilege in the bill only applies to requirements made under the act or the regulations to produce a document, or a requirement of a person to give their name or address (which is similar to the Occupational Health and Safety Act 2004). Under international law, obtaining evidence compulsorily from a person where the evidence has an existence independent of the will of the person (such as documents) would not limit the right in section 25(1)(k).

It is noted that the bill requires the chief health officer or authorised officer, when exercising a relevant power (to require documents, information or a person’s name or address), to inform the person of the privilege against self-incrimination (see clauses 176 and 188).

**Part 12 — miscellaneous**

Part 12 of the bill sets out savings and transitional provisions and provides for amendments (including consequential amendments) to other acts.
identification of, parties is prohibited unless the tribunal considers it is in the public interest to order otherwise; and

a person subject to a public health order may have restricted access to relevant evidence, submissions or documents if the tribunal is of the opinion that it is necessary to do so to prevent serious harm to the health or wellbeing of that person or any other person.

As the prohibition on publishing or broadcasting is authorised by law, it does not limit any rights protected by section 24 of the charter. It is noted that the tribunal may order that the prohibition on publishing or broadcasting a report does not apply if it considers that it would be in the public interest to make such an order, and the clause is similar to other provisions in schedule 1 to the Victorian Civil and Administrative Tribunal Act (see part 9 (Guardianship and Administration Act 1986), part 12 (Instruments Act 1958) and part 14 (Medical Treatment Act 1988)).

The potential restriction on access to information by the person subject to a public health order is limited to circumstances to protect a vulnerable person’s health or wellbeing from serious harm. The right of the person’s representative to access information is not limited. The restriction does not, therefore, limit the person’s right to a fair hearing.

Conclusion

I consider that the bill is compatible with the charter because to the extent that some provisions may limit rights, those limitations are reasonable and demonstrably justified in a free and democratic society.

HON. DANIEL ANDREWS, MP
MINISTER FOR HEALTH

Second reading

Mr ANDREWS (Minister for Health) — I move:

That this bill be now read a second time.

The introduction of this bill is part of the Victorian government’s commitment to promoting and protecting the health and wellbeing of all Victorians. By repealing the Health Act 1958 and introducing this new bill, we are updating and modernising Victoria’s public health framework.

Progress in health is most often measured in terms of access to hospital and medical services. These are important signposts for government and contribute enormously to public confidence about how their health system is travelling.

But there is another dimension to the operation of Victoria’s health system which relates to the ways in which the health of the population as a whole is protected and nurtured — the investments which governments make in what is broadly called ‘public health’ through the systematic protection of communities from infectious disease and other mass hazards to health, through the regulation of water and food supplies, through the promotion of safe and healthy behaviours and environments and through preparations made to enable health services to respond effectively to disasters and other mass casualty events.

The Brumby government is strongly focused on prevention.

The 2008 statement of government intentions noted that the government has invested heavily in Victoria’s health system and pursued the case for comprehensive national health reform around three key areas:

- shifting the focus to prevention;
- placing people and their needs at the centre of the health care system; and
- restoring effective funding of the public hospital system.

The new Public Health and Wellbeing Bill is a key initiative in the government’s overall strategy of promoting prevention wherever possible.

It is designed to provide a modern legislative population health framework that is focused on prevention and is sufficiently flexible to enable swift and effective responses to emerging new threats to public health, as well as well-known risks to public health.

The bill recognises that the state has a significant role to play in protecting ‘public health and wellbeing’, which is defined to include the absence of disease, illness, disability or premature death, and the collective state of public health and wellbeing.

The bill signifies that the state has a role to play in reducing health inequalities, as well as aiming to improve health status overall. This throws out a major challenge to government. Research indicates that people’s health outcomes are highly influenced by the whole environment that they experience, as well as by genetic factors and their general capacity for resilience. People suffering from social disadvantage generally have poorer health outcomes than the rest of the community.

We as a government have an important role in addressing these important areas of social policy. But we also need the tools to demonstrate the need for action to tackle these social conditions that directly influence health outcomes. The bill provides the government with key tools to enable data collection, to
support evidence-based policy and effective agenda setting.

Public health delivery impacts directly on public confidence in the health system when the risks of failure are palpable — for example when there is an outbreak of Legionnaires’ disease or when water supplies are contaminated by E. coli, or when the response to disasters is slow or ill-planned.

The bill provides for responses to risks to health and enables the Department of Human Services to investigate and manage these risks, through a graduated scheme that enables a proportionate response to matters ranging from small incidents to emergencies, such as an influenza pandemic. The emergency powers in the bill will complement Victoria’s detailed emergency planning system.

In 2007 a review process was commissioned to provide critical commentary of the responses by the Department of Human Services to people living with HIV who place others at risk, in the context of past failings in these processes. These reviews and the report of an international expert provided a body of work that gives overall support for the current approach undertaken by the Department of Human Services in the management of people living with HIV who put others at risk, namely a public health approach. These reviews have been taken into account in drafting this legislation.

Unlike these immediate risks and their control, the performance of public health programs in reducing the ‘slow burning’ risks which undermine the community’s health in the longer term — the risky behaviours such as smoking, the diseases preventable by immunisation in childhood, or detectable at early stages by good screening services — contribute less to immediate public confidence in the system but have far-reaching consequences for life expectancy, the burden of disease and the sustainability of the health system itself.

At the same time, public health must be involved in working beyond even the ‘slow burning’ risks. The determinants of health precede risk, and risk may in fact be an outcome of failure in the areas where the determinants are at work — education, employment and healthy workplaces, good housing and livable communities, good social networks and social inclusion.

The bill contains a number of specific new initiatives which will enable a strategic and planned strategy to tackle these broader public health problems in a proactive way and reduce health inequalities:

- It requires preparation of a state public health and wellbeing plan every four years, with the first plan to be produced by 1 September 2011 at the latest. This initiative is part of the Brumby government’s wider commitment to accountability and public engagement — other examples include the recent statement of government intentions;
- It enables the secretary to conduct a public inquiry in respect of any serious public health matter. The minister may also direct the secretary to conduct such an inquiry; and
- It enables the minister to direct that a health impact assessment be carried out of the public health and wellbeing impact of a matter specified in the direction.

Improving the health of Victorians is also an important part of national economic reform. Victoria launched the Third Wave of National Reform, which sets out the path to securing Australian prosperity for future generations. The Third Wave notes that ‘the most effective way to boost productivity and participation is to develop our human capital’. Improving health is identified as a key component to building a healthy, skilled and motivated society, and a high-income economy that is among the world’s best.

The bill deals with a broad range of matters and has been developed following thorough consultation. In 2004, the government released a discussion paper regarding the review of the Health Act and in 2005 it released a draft policy paper.

The government greatly appreciates the submissions that it received in relation to both of these papers from a wide variety of sources, including local government, professional associations, academics, peak health bodies, health workers, industry representatives and members of the public.

I turn now to the parts of the bill.

Parts 1 and 2

Part 1 of the bill contains the purpose of the bill, the definitions and the commencement provisions. The stated purpose of the bill is to enact a new legislative scheme which promotes and protects public health and wellbeing in Victoria.

The commencement provision allows the bill to be implemented over a period of time, with the possibility of some sections being proclaimed before the default commencement date of 1 January 2010. The default commencement date will allow adequate time for the
remaking of eight existing sets of regulations and provides for the development of new regulations, should these be required. Allowance must also be made for the development of protocols and guidelines with agencies involved in enforcement of the new legislation, including Victoria Police and municipal councils.

Part 2 of the bill contains the objectives and principles of the bill. For the first time in Victorian health legislation we are enshrining in the objectives the state’s role in protecting public health and wellbeing. These principles provide an important guide to the officers who exercise a broad range of powers under the bill. The principles support informed and transparent decision making that involves a proportionate response to risks to public health. The principles also note the importance of collaboration and prevention. The precautionary principle is included and provides that if a public health risk poses a serious threat, lack of full scientific certainty should not be used as a reason for postponing measures to prevent or control the public health risk.

Part 3

Part 3 sets out the functions of the secretary, the chief health officer and local councils in administering the act. The chief health officer is being recognised for the first time as a statutory position that exercises a range of powers, particularly with regard to the control of infectious diseases. The chief health officer is also required to develop and implement strategies to promote and protect public health and wellbeing.

Part 3 outlines the public health functions of municipal councils. These will not change the major role of local councils in enforcing public health standards within their community.

The bill clarifies that councils have the role of coordinating and providing immunisation services to children living and being educated in their municipal districts. I applaud the outstanding efforts of councils throughout Victoria in performing this statutory duty to protect residents from vaccine-preventable diseases. Victoria’s state government is a strong supporter of councils’ immunisation work.

As a result of the hard work of Victorian councils and general practitioners, by the final quarter of 2006 Victoria achieved greater than 90 per cent coverage for full vaccination in children aged one, two and six. This is the first time a state or territory in Australia has achieved this level of coverage.

Part 3 provides that councils must prepare public health and wellbeing plans. These provisions are similar to those in the Health Act, but have been revised to allow public health planning to be better integrated into other council planning.

Part 4

Part 4 provides for consultative councils, which promote public health and improvements in clinical practice by inquiring into specific areas of medical specialisation with a view to monitoring services and improving prevailing systems and standards. One such council is the Consultative Council on Obstetric and Paediatric Mortality and Morbidity, the functions of which are set out in part 4. These functions remain as they are in the Health Act, having been reviewed and updated in 2004.

Part 4 includes tight confidentiality provisions, which enable the consultative councils to gather all relevant information and make well-informed recommendations on improved practice.

Part 5

Part 5 provides for a state public health and wellbeing plan, which will establish the framework for promotion and protection of public health in Victoria. The state public health and wellbeing plan will be a public document that establishes Victoria’s objectives and policy priorities over a four-year period to meet the public health and wellbeing needs of the people of the state of Victoria. The state plan will complement public health and wellbeing planning, which is undertaken by all municipal councils and will specify the collaborative measures to be taken by the state in achieving these objectives and priorities.

Part 5 also provides for the conduct of public inquiries to investigate any serious public health matter. These provisions are similar to those in other jurisdictions with modern public health legislation.

The health impact assessment provision will enable the minister to be informed of the impact that a specified matter may have on public health and wellbeing.

Part 6

Part 6 sets out provisions relating to nuisances. Municipal councils must investigate and address nuisances within their municipal districts.

The part also continues the requirement for hairdressers, beauty parlours and tattooists, businesses that perform skin penetrations and prescribed
accommodation to be registered with their local council. Businesses conducting colonic irrigation will also now be required to register.

The government recognises the infection control risks that may be posed by such businesses and requires registration as a means of enabling those risks to be managed.

It is not the intention of the bill to establish a regulatory framework governing these businesses that relates to matters other than public health. This is a continuation of the current regulatory requirements in the Heath Act and regulations.

**Part 7**

Part 7 provides for the registration of cooling tower systems and the development and auditing of risk management plans. These legislative provisions were originally introduced into the Building Act in 2001 and have lead to a significant decrease of Legionella in cooling tower systems in Victoria. Given the public health focus of these provisions, it is more appropriate for the provisions to be in this bill.

Part 7 also regulates the use of pesticides in specified areas, where the pesticide use is not for the purposes of horticulture or agriculture, and specifies the licensing requirements for pest controllers. These provisions are complemented by the regulation of pesticides under the Agricultural and Veterinary Chemicals (Control of Use) Act 1992.

**Part 8**

Part 8 relates to the management and control of infectious diseases and micro-organisms.

A critical aspect of appropriate public health interventions is a good disease surveillance system. The part provides for notifications of certain infectious diseases and micro-organisms by doctors and pathology services. It also allows for the prompt addition by the Governor in Council of an infectious disease to the list of notifiable diseases, to allow for a rapid response to any new threat to public health.

The principles under which this part is to be administered are set out in the bill. This is important as this part provides powers that may interfere with an individual’s behaviour and movements. The bill states that in those circumstances the measure that is the least restrictive of the rights of the person should be chosen.

Clause 113 of the bill empowers the chief health officer to make orders requiring a person to be examined or tested by a registered medical practitioner for an infectious disease. The chief health officer may make such an order if there is reason to believe that a person may have an infectious disease, and may pose a risk to public health, and the chief health officer is unable to assess the level of that risk posed by that person’s infectious status due to a lack of information. An examination and testing order is designed to make that information available.

The purpose of public health testing and examination orders made under clause 113 is to confirm the infectious status of a person who may have an infectious disease, so that the behaviour and conduct of that person with the potential to pose a risk to others can be managed, either cooperatively or if necessary with further orders. The threshold for the making of the order is that there is reason to believe the person has an infectious disease in circumstances where the disease will pose a serious risk to public health.

In this, these orders can be distinguished from the compulsory testing orders that may be made by the chief health officer under clause 134 of the bill, which will be discussed later.

In addition to examination and testing orders, the bill empowers the chief health officer to make public health orders in relation to a person who has an infectious disease and who needs to take particular action to prevent posing a serious risk to public health. It should be noted that the vast majority of persons who are diagnosed with an infectious disease behave appropriately to avoid posing a risk to others. There are a small minority who, for a number of reasons, may not be capable of taking that action, and a smaller number who may not be willing to do so.

The chief health officer is empowered to make a range of orders to deal with the various circumstances of these persons. These provisions have been revised as a result of a number of recent reviews of the administration of public health order powers both nationally and in Victoria. The bill contains a right of internal review, and a right of appeal to the Victorian Civil and Administrative Tribunal against a public health order as a result of the recommendations of those reviews. The maximum period of a public health order is six months, although there is provision to extend an order. The bill provides that it must be varied or revoked if the circumstances that justified it being made should change. The person subject to the order may apply at any time to the chief health officer for a review of the order and the chief health officer must within seven days of receiving such an application revoke, vary or confirm the order.
The person subject to the order may also at any time apply to the Victorian Civil and Administrative Tribunal for a review of the order.

Although it remains an offence not to comply with an order, the offence of knowingly or recklessly infecting another person with an infectious disease previously found in section 120 of the Health Act has not been included in the bill. Since that offence was enacted in 1988, there has been no successful prosecution of the offence. The offence of knowingly infecting another, apart from being very difficult to prove, has been superseded by the inclusion in section 19A of the Crimes Act of an offence to intentionally infect another person with HIV. The Crimes Act also contains a hierarchy of offences that can be used to prosecute conduct that recklessly puts others at risk of their life or of serious harm, and this includes the reckless transmission of an infectious disease.

Other factors are that the Crimes Act makes provision for charges of attempting to commit the offence, and that a criminal penalty is more appropriate than the existing civil penalty. The prosecution of these offences under the criminal law, rather than health legislation, is also in keeping with the recommendations of the reviews of the administration of public health orders mentioned earlier. It is appropriate that conduct by a person with an infectious disease that amounts to criminal behaviour be referred to the police and be dealt with by the criminal justice system.

Part 8 re-enacts provisions for the making of compulsory testing orders when an incident involving a caregiver (such as a doctor or nurse) or custodian (such as a police officer) could have resulted in a person involved in the incident contracting a blood-borne infectious disease, such as HIV or hepatitis C. The most common example of such an incident is a needle-stick injury involving a health worker at a hospital. After such an incident, it is necessary for both people involved to be tested so the risk of infection having been transmitted can be established.

Most people involved in these incidents consent to being tested and no orders are necessary. The bill continues the current system by which in those cases where it does prove necessary a senior medical officer at a health service can order a test to be conducted on a person involved.

These provisions were amended as recently as 2005, remain substantially the same, and are working well. However, the definition of ‘caregiver or custodian’ has been expanded and made more explicit in the bill. It includes a wider range of health workers, and any police officer while acting in the course of their duties as a police officer.

There is now explicit provision made in the bill for the chief health officer to obtain existing health information about a person involved in one of these incidents, either from departmental records or from records held by a health service, and to disclose that information to the person who may be at risk. This will eliminate the necessity for testing of a person previously diagnosed as having one of these infectious diseases.

In cases where no health records are available, the chief health officer may make an order for testing.

Compulsory testing orders are not intended to control the conduct of persons who have an infectious disease. Rather they are aimed at obtaining information in order to give a person who may have been exposed to infection a better understanding of their risk of contracting the disease, and what may be required for clinical management or treatment of the risk.

Compulsory testing orders are subject to a much lower threshold and are only made if there is a possibility that if a person had an infectious disease, then that disease may have been transmitted to a caregiver or custodian, depending on the nature of the incident. These orders are primarily made in the interests of the caregiver and custodian, and not the person being tested, who may not in fact have any disease, or who may have a disease but not pose any risk to the public at large. These compulsory testing orders are of more restricted scope than other examination and testing orders. They are serving a narrower purpose in recognition of the risks that those such as health professionals and police officers may be exposed to when performing their everyday work.

The vast majority of incidents involving caregivers and custodians do not result in the transmission of a blood-borne virus, and preventative therapy can be taken to further reduce the risks of acquisition of hepatitis B and HIV. For example the risk of transmission from needle-stick injury to a caregiver or custodian from someone who is hepatitis B positive and infectious is estimated to be around 33 per cent, for a hepatitis C positive person the risk is around 3 per cent and from an HIV positive person the risk is around 0.3 per cent. Caregivers and custodians should be routinely protected against hepatitis B as a vaccine is available and, if they are not, a course of vaccination can be commenced after the injury. With hepatitis C there is presently no vaccine or post-exposure prophylaxis available, and with HIV the risk assessment will take into account the risk of
transmission according to the nature of the injury. A post-exposure prophylaxis is available for HIV and would be used if the risk was considered high.

If the chief health officer is satisfied that it is necessary and orders a person to undergo a blood test, and that person refuses to comply with the order, there is provision in the bill for the chief health officer to make application to the Magistrates Court to allow Victoria Police to use reasonable force to enforce the order. This may involve using reasonable force both to take a person to a place to be tested, and to undergo the test.

What can be considered reasonable will depend on the circumstances of each case. The use of unreasonable force would expose those using it to civil liability. It is envisaged that force will be used very rarely, and its use would be appropriate and only to the extent necessary in those rare cases.

In order to increase the transparency of the chief health officer’s decisions relating to both compulsory testing orders and public health orders, de-identified information regarding these orders must be included in the Department of Human Services annual report.

Part 8 also provides for immunisation status certificates, which must be provided by a parent to their child’s primary school. These certificates are a means of encouraging parents to know whether their child is fully immunised. A certificate recording whether or not a child is immunised assists the school in responding to outbreaks of vaccine-preventable diseases. This provision is not intended to prevent parents from objecting to their children being immunised.

The part re-enacts the provisions regarding blood and tissue donations. These provisions provide a statutory defence for blood donors against claims that a recipient has contracted an infectious disease from a donation, if specified facts and matters can be proven.

The part also makes provision for autopsies to be conducted where the coroner does not have jurisdiction and the chief health officer believes that an infectious disease caused or contributed to the person’s death.

The part also regulates brothels and escort agencies in order to reduce the likelihood of the transmission of sexually transmissible infections. These provisions will not affect the regulation of brothels and escort agencies that currently occurs under the Prostitution Control Act, but will enhance safe sex practice.

**Part 9**

Part 9 provides for powers to be exercised by authorised officers. The powers of entry to be exercised are consistent with current government policy, but make allowance for response to risks to public health, as well as the investigation of offences.

For the purposes of investigating risks to public health, authorised officers may enter public places, and any other premises, including residential premises, with the consent of the occupier.

For the purposes of monitoring compliance with the act and regulations, or to investigate a possible contravention of the act or regulations, authorised officers can enter any regulated premises at any reasonable hour during the daytime, or when the premises is open to the public. The categories of regulated premises are specified in the bill. If a business premises is part of a residential address, the officers may only enter that part of the premises that is registered for the business.

Entry to any premises, including residential premises, is with consent or with a warrant.

However, in relation to any contravention of the act or regulations, an authorised officer may, without a warrant, enter any premises at any time if they believe on reasonable grounds that there may be an immediate risk to public health that must be dealt with.

The rules regarding announcement of entry, identification cards, and the powers of search and seizure under warrant reflect current government policy and are consistent with like provisions in recent statutes dealing with such matters.

**Part 10**

Part 10 provides for powers for the chief health officer to respond to risks to public health. These are the powers used to deal with the investigation and management of the most common risks to public health, such as outbreaks of salmonella and gastroenteritis. However, they have been made flexible enough to deal with other less common risks as they arise.

Part 10 also provides for the declaration of a public health emergency by the Minister for Health. An emergency will only be declared after consultation with the relevant authorities under the Emergency Management Act. Should that consultation determine that action is more appropriately taken under the
Emergency Management Act, the minister would not declare an emergency under these provisions.

Whilst it is hoped that such an emergency will not often arise, it is essential that Victoria has the appropriate planning and legal framework to address these risks.

The powers would allow the chief health officer to order persons or groups of persons to remain at a place, or not to enter particular areas. An order to detain people will be subject to a requirement that it be reviewed every 24 hours. Decisions to detain people for more than 24 hours will be supervised by the chief health officer, and reportable to the minister. The vast majority of people are cooperative with authorities in such circumstances, through both self interest and civil duty. Those who are not could be made subject to more specific public health orders if necessary to protect public health.

The bill provides mechanisms for the chief health officer to obtain the assistance of council officers and the police in the course of an emergency. It is envisaged that council officers will be authorised to perform specified roles, and that the police would carry out normal policing duties, in accordance with agreed protocols.

Part 11

Part 11 has general regulation-making provisions, general powers of authorised officers, provisions regarding review and appeals and matters regarding offences and legal proceedings. The part also enables the secretary or a municipal council to issue an improvement or prohibition notice in relation to a contravention or likely contravention of the act.

Part 12

Part 12 contains saving and transitional provisions and amendments to other acts, including the repeal of the Health Act 1958.

I make the following statement under section 85(5) of the Constitution Act 1975 of the reasons why it is the intention of clause 240 of the bill to alter or vary section 85 of the Constitution Act 1985.

Clause 240 states that it is the intention of this section to alter or vary section 85 of the Constitution Act 1975 to the extent necessary to prevent the bringing before the Supreme Court of an action of a kind referred to in sections 124 and 142.

The actions referred to in sections 124 and 142 are actions against a registered medical practitioner.

Section 124 provides that no action will lie against a registered medical practitioner who in good faith and with reasonable care conducts a test, examination and assessment, or provides counselling, pharmacological treatment or prophylaxis, in relation to an examination and testing order or a public health order made under division 2 of part 8 of the act. Division 2 deals with the management and control of infectious diseases, and empowers the chief health officer to order a person to undergo any of a range of measures to reduce the risk they may pose to public health. Often these measures, such as an examination or counselling about the nature of the disease, will be undertaken by a registered medical practitioner.

Similarly, section 142 provides that no action lies against a registered medical practitioner who in good faith and with reasonable care takes a blood or urine sample, conducts a test or provides test results or counselling in relation to a test on a person who has been involved in an incident with a caregiver or custodian. In relation to these incidents, the chief health officer may order that a test be conducted on a person who has refused to be tested, and a registered medical practitioner will be asked to perform the test and provide results.

The aim of sections 124 and 142 is to protect registered medical practitioners who implement measures ordered by the chief health officer as part of the response to a threat to the health and wellbeing of the community. It is appropriate that registered medical practitioners be protected from legal liability for their actions in these circumstances. If registered medical practitioners were not provided with this protection, the regulatory framework for the protection of the public from infectious disease would not be effective.

I commend the bill to the house.

Debate adjourned on motion of Mrs SHARDEY (Caulfield).

Mr ANDREWS (Minister for Health) — I move:

That the debate be adjourned for two weeks.

Mrs SHARDEY (Caulfield) — On the question of time, this is a very large piece of legislation. It is a contemporary piece of legislation which will address some very important issues, particularly in relation to pandemics, HIV and other infectious diseases. It amends some 31 other acts of Parliament. I would ask the minister to give some assurance that it will not come before the house for one month, which would mean there would be one sitting week — —
Mr Andrews interjected.

Mrs SHARDEY — If the minister can give me that assurance it will mean we will not debate it in the next sitting week, but we could debate it in the following sitting period if the minister will give me an assurance that it will not come before the house in the next sitting week but on 10 June.

Mr ANDREWS (Minister for Health) — On the question of time, I acknowledge that this is a substantial bill which comes to the house after a long process of consultation going back some four years. The great disadvantage that I am placed under at the moment is that there is a request for more time, and I have learnt about it here in the chamber in the middle of — —

An honourable member interjected.

The DEPUTY SPEAKER — Order! We are debating the question of time, and I will hear the minister on it.

Mr ANDREWS — Further to the proposition put forward by the member for Caulfield, I can give her a commitment to do all that I can to ensure the bill does not come before the house in the next sitting week, but I am not in a position to commit to the debate coming on on 10 June as she suggests — —

Mrs Shardey interjected.

Mr ANDREWS — Sorry. Let’s not confuse this with dates. I am not in a position to agree to the detailed request made by the member for Caulfield. What I can do is to give her a commitment to do all that I can to ensure the bill does not come before the house in the next sitting week, but I am not in a position to commit to the debate coming on on 10 June as she suggests — —

Mrs SHARDEY (Caulfield) — I think — —

The DEPUTY SPEAKER — Order! The member for Caulfield cannot speak again. There can be six speakers or 30 minutes of debate with members speaking for 5 minutes each, although I am told the member could speak by leave.

Mrs SHARDEY (Caulfield) (By leave) — I appreciate the offer made by the minister. I assume he has the power to exercise it. This is his legislation.

Mr Andrews — The Leader of the House — —

Mrs SHARDEY — I understand that, but I think even he appreciates that on such a substantive piece of legislation we will be looking to consult very broadly. I appreciate that some work has been done but we have not seen a draft piece of legislation as we often have on rewrites of legislation. For instance, we saw draft legislation on the Disability Bill and the children’s bill. We have not seen draft legislation, and this is why I think my request is further supported.

Mr ANDREWS (Minister for Health) (By leave) — Let me make it abundantly clear that on the time line we are talking about — and as I understand it we will not sit for another three weeks — —

An honourable member interjected.

Mr ANDREWS — In any event officers of the Department of Human Services and other relevant people will brief the member for Caulfield on the full provisions of the bill as often as she needs to be briefed. I would have hoped to debate the bill sooner, but again we will do all we can to ensure the honourable member is well briefed and across the details. We will get to a position where everyone is able to debate the bill.

Motion agreed to and debate adjourned until Thursday, 22 May.

Remaining business postponed on motion of Mr WYNNE (Minister for Housing).

ADJOURNMENT

The DEPUTY SPEAKER — Order! The question is:

That the house do now adjourn.

Road safety: wandering stock

Mr MULDER (Polwarth) — The matter I wish to raise is for the Minister for Roads and Ports and concerns the problem of wandering stock on rural roads being compounded by confusing arrangements and what would appear to be a duplication of resources. I ask that the minister direct his department to alter the arrangements that are currently in place to deal with this problem and in consultation with VicRoads and the rural shires to put in place a uniform system across country Victoria. This should entail a return of control of stray stock to the municipality and should allow the reporting of stray animals directly to the shire ranger, with that report to be followed by prompt action to remove the animals from the roadway and have them impounded. If the current arrangements, which require two agencies to manage the problem, were
implemented by some rural councils in response to cost considerations, an appropriate funding mechanism should be examined as part of the review.

There is confusion amongst many rural communities with the current system, which differentiates between roads under VicRoads management and roads which are managed by the shires. In the Colac Otway shire, for example, a person reporting wandering stock initially phones the shire and the category of road has to be identified. If the stock is on a VicRoads road, the shire then notifies VicRoads, which in turn contacts its contractor, who is despatched to remove the stock. This would be much more simply handled if the shire were the sole responsible agency. I understand that in the past the response time provided by local rangers has been more prompt than under the current arrangement — and it is imperative that animals be removed from the roads as quickly as possible.

As one example of the extent of the problem, a constituent of mine who travels regularly on the Colac-Lavers Hill Road, a VicRoads road, encountered 12 instances of cattle on the road over the period 8 to 23 April. This is indeed a very dangerous section of road, and the federal government has committed $7.5 million to an upgrade of the road. I was somewhat disappointed not to see matching funding in this year’s budget funded a purpose-built school for these special students and the staff who work with them.

The action I seek from the minister is to fund urgent works to address the occupational health and safety concerns of the students, staff and parents linked to the Horsham Special School. These people and the wider community I represent are very disappointed, in fact angry, that this city-centric government has not in this year’s budget funded a purpose-built school for these special students and the staff who work with them.

To highlight these concerns I have with me an assessment of these facilities. It says: The current facilities at the Horsham Special School are not fit for purpose.
There have been considerable concerns expressed by staff, parents, carers and the wider school community regarding our present school facilities in light of steadily increasing student numbers.

Twelve points are raised, including continued accommodation of students in relocatable buildings; occupational health and safety concerns, specifically in bathroom areas; lack of appropriate therapy facilities for profoundly disabled students; inadequate space and facilities to cater for the needs of students with behavioural issues, including autistic students; and safety and security issues with regard to the play area.

In May 2007 I attended the school. I commend the students and families for their patience and for the outstanding work they are doing in such poor conditions. When I went there I saw water dripping down the walls where electrical power points, equipment and wiring were located. This disturbed me greatly. Just after that visit the Horsham City Council also visited the facility. A newspaper article of that time in the Wimmera-Mail Times is headed ‘School “a disgrace”’. It says:

Outraged municipal leaders have described conditions at a Horsham school for children with disabilities as ‘Third World’.

…

They used words such as ‘appalling’, ‘horrendous’ and ‘disgraceful’…

The article continues, saying that Cr Pam Clark said of conditions at the school, particularly on the junior campus:

When it rains, water pours into work areas. There are no staffrooms and conditions in general are just awful …

…

Cr Alan Pignataro said, ‘You call it substandard. I think disgraceful would be more appropriate … Truthfully, the best solution would be to bulldoze it and start again.

…

Cr Michael Ryan said he struggled to believe what he saw and considered conditions an insult to students, parents and teachers.

That sums up the feeling of the community that I represent. For those reasons I have been lobbying the government hard to try to get funding in the budget, but unfortunately the school has not been listed in the budget. I again call on the minister to take urgent action to find some funds to address the occupational health and safety concerns of the students, staff and parents linked to this very special school in Horsham.

Housing: Cranbourne electorate

Mr PERERA (Cranbourne) — I wish to raise a matter with the Minister for Housing; the action I seek is to have the minister allocate funding for housing in my electorate of Cranbourne, which includes the upgrade of older public housing and the acquisition of new social housing.

My office regularly deals with a number of constituents from Cranbourne who are public housing tenants, but who are suffering in older housing, particularly in villas, which are in need of renovation. The fact is that the previous Kennett government really ran down public housing not only in my electorate but across the state. It stood idly by while the Howard government slashed funding to public housing, and it did not put anything extra in to try to turn it around. This legacy of neglect has had dire consequences for public housing in Victoria. It means the government held onto houses that were getting quite old. In fact, as I understand it, over 40 per cent of the Office of Housing’s asset base is over 30 years old.

Since we came to government in 1999, the Labor government has been turning that around by making big allocations not only to renovation but also to building new homes. As I understand it, the Bracks and Brumby governments have increased the spending on physical improvements by around 75 per cent in the seven years to June 2007. We have also tipped in dramatic extra funding above our obligations under the commonwealth state/territory housing agreement, including the record $510 million in the last state budget. I am hoping the minister can work to make an allocation to my electorate of Cranbourne from these funds.

Ambulance services: dispatch system

Mrs SHARDEY (Caulfield) — The issue I raise is for the Minister for Health. It relates to concerns expressed to me by paramedics forced to use the ProQA triaging system that runs the CAD (computer-aided dispatch) program for our ambulance services. This program consists of what is described as a very long-winded series of questions that have to be asked by dispatchers and answered by callers, probably people who are often frantic to get an ambulance to their assistance or to the assistance of a relative.

ProQA and CAD now prioritise all jobs for paramedics, which means that the vast majority of calls, it is claimed, are coded as code 1, including MICA (mobile intensive care ambulance) backups. In the past dispatchers were able to appropriately downgrade many
of these cases in line with accepted dispatch guidelines. However, dispatchers have been told that this is to cease and the CAD codes are to be strictly adhered to without dispatcher interference. As a result paramedics are concerned that MICA units are now being sent to unnecessary jobs while real emergencies are being left unattended because the MICA teams are at what appear to be minor incidents. This concern has already been expressed publicly.

Another concern raised in relation to the ProQA system is the inclusion of what is regarded as excessive information in the details section of the case card which is sent to paramedics on their pagers to help them go to the person in need. This means that vital information relating to the safety or otherwise of a location is often omitted, because there is simply insufficient room on the pager, thus putting paramedics at risk in some cases. These are very serious issues in relation to the dispatch system for our ambulance services which can affect the timeliness of care offered to patients.

I ask the minister to investigate these concerns and address them immediately, particularly if it is one of the reasons why there has been a failure yet again to reach the code 1 response time target, as is the case this year, which is shown in the budget. The house will recall that the budget last year changed the code 1 response time target from 13 minutes to 15 minutes. Yet again, unfortunately, this target has not been met. I think it is an indication to the community that our ambulance services are finding it very difficult to reach even those people who are in dire need of their service. I believe the minister should address this issue immediately.

**Albert Park electorate: Victoria Rocks program**

Mr Foley (Albert Park) — I rise to seek to bring a matter to the attention of the Minister for Sport, Recreation and Youth Affairs. The specific action I seek from the minister is to support an application by the City of Port Phillip to the Victoria Rocks music equipment grants program to assist the young people of the Albert Park district to deliver creative outlets in music through the purchase of music equipment. Assistance from the minister would be widely appreciated in my electorate as this innovative program hits the right note locally. In fact the program is seen to be in tune with the mood and tempo of the young members of my community, who look to music as an artistic, recreational and creative outlet.

I am aware that claims for support by the highly successful Victoria Rocks program are widespread across the state — and why would they not be? This program meets the needs from local government and communities, and in my electorate from churches, youth agencies and those engaged in working with young people. I particularly note the work locally of groups such as the Kombiz Youth Network, the combined churches in South Melbourne and Port Melbourne, the St Kilda Youth Service, the Inner South Community Health Service, local schools and others in bringing the young people of my community together for this project.

Should the state be able to lend a hand, the program will see aspiring musicians of the area perform in venues such as the St Kilda Town Hall, Sol Green Reserve and the St Kilda Youth Services hub, and also in partnership with venues such as Luna Park, Gasworks Arts Park and Theatreworks, all of which will become part of the local place-to-rock network. The key to the success of these programs is bringing together the interests and passions of young musicians, the necessary equipment and expertise and venues to allow them their creative expression. Support from the state government is therefore the critical ingredient in bringing these elements together through this program.

I can personally recount how successful these programs are through an event late last year by the Kombiz combined churches network at the Sol Green Reserve, South Melbourne. Here the school bands from local, state and private schools exceeded the amount of time the organisers could arrange to put them on stage. They displayed their prowess to the audience of mostly young people.

The program also launched the combined CD of these bands which, even though it lacked something in the area of technical proficiency, certainly made up for it in raw passion. Perhaps my favourite band was the St Kilda Primary School grade 5 band of young rockers. They certainly belted out a few classics that their ageing rocker parents could surely appreciate. It is a pity that the member for Caulfield has departed, because the school is in her electorate.

The investment returns from this program multiply themselves many times in the community. Youth engagement, the development of a sense of community achievement and pride amongst young people and the provision of a creative outlet in a safe environment are all direct products of the program. It is a program I urge the minister to support not only for the young rockers of St Kilda Primary School but for that broader network of youth bands operating across the artistic and music capital of Victoria — the district of Albert Park.
Rail: Malvern electorate level crossings

Mr O'BRIEN (Malvern) — I wish to raise a matter for the attention of the Minister for Roads and Ports. The action I seek is for the minister to develop and fund a program for implementing grade separation on five railway crossings that are causing traffic congestion in my electorate but affect many other residents besides. The level crossings are on the Glen Waverley line at Kooyong, Glen Iris, Gardiner and Tooronga rail stations and at Toorak Road near the Monash Freeway. These rail crossings all cross major arterial roads, being respectively Glenferrie Road, High Street, Burke Road, Tooronga Road and Toorak Road. These roads are essential to traffic flow in Melbourne. They are used not just by my constituents but by many others as well.

Fixing these level crossings will benefit traffic flow, reduce congestion and lead to better environmental outcomes as movement times for public transport are improved and the emissions from cars sitting at level crossings are reduced. Fixing these level crossings will also provide an opportunity to upgrade the track on the Glen Waverley line, which is in such a poor state of repair that trains move at snail's pace near these level crossings, adding to the delays and frustrations of both road and rail users. The High Street, Burke Road and Toorak Road level crossings also impede access to and from the Monash Freeway. There is little point in this government upgrading the M1 if its entrance and exit points are a morass. It is in the morning and evening peaks that the greatest level of traffic is on the roads and that is when the greatest delays occur. I encourage the minister to drive down to these level crossings during the morning or evening peaks and see for himself the traffic snarls, the congestion, the waste of time, the waste of resources and the frustration that these level crossings impose.

In making this request, I state very clearly that funding for any grade separation must not come from the high-rise, high-density, over-development fantasy that some would propose as a trade-off. A government that can overspend on the M1 upgrade by $400 million with nothing to show for it must be able to fund these overdue capital works that will provide environmental benefits, promote better economic efficiency and improve the quality of life of many people.

The DEPUTY SPEAKER — Order! I am aware that the Minister for Public Transport has responsibility for grade separation or road crossings where they cross railway lines. It would be helpful if the member were to redirect the matter to the attention of the Minister for Public Transport.

Mr O'BRIEN — Thank you, Deputy Speaker. I ask that my contribution be directed to the attention of the Minister for Public Transport.

Forest Hill electorate: sporting facilities

Ms MARSHALL (Forest Hill) — The matter I wish to raise is for the attention of the Minister for Sport, Recreation and Youth Affairs. The action I seek is for the minister to come out to my electorate of Forest Hill and meet with various sports club representatives who would like to have a discussion with him regarding the improvement of both on-field and off-field facilities. There are many fantastic sporting clubs in the electorate of Forest Hill, and as I have a history with, passion for and intimate knowledge of all the different aspects of various sports, I visit them on a very regular basis.

Recently, through my attendance at some of those meetings and subsequent discussions, I have seen the variety of pressures the clubs are facing as they deal with environmental, financial and demographical issues. The Nunawading City Football Club, of which I am proud to be the no. 1 ticket-holder, is located at Mahoneys Reserve in Forest Hill. Given the commitment and effort that the club president, Ivan Glavan, and everyone else involved in the club have made to ensure their players are in the best position possible to win each and every game, it is vital that the grounds and clubrooms reflect that high standard and commitment.

Injuries can be devastating to any team, so we know that every effort needs to be made to ensure that risks are minimised when playing any type of sport, regardless of how old you are. The Whitehorse United Soccer Club, which is based at Terrara Park in Vermont South, is another club in my electorate that is seeking assistance. Recently I spoke with the club president, David Argyle, who has concerns about managing more than 400 registered players in 26 teams, given the fact that currently some of their playing fields are closed, again due to a variety of circumstances. The closure of the pitches has put enormous pressure on the remaining fields, as they are now used for training and competition, and the heavy workload has resulted in some of the grounds being devoid of grass altogether.

As is the case with many sporting grounds in Forest Hill, the clubrooms at some grounds are struggling to cope with increased patronage as a sport’s popularity has soared and it may not even be possible to cater for both genders if they are playing sport on a field at the same time. There may be access difficulties or parking difficulties or they may simply not be able to be utilised in a way that is profitable for the club.
I would like the minister to meet specifically with Murray McCormack, the president of the Bennettswood Tennis Club, and Vic Wood, the president of the Blackburn South Tennis Club, who are looking to merge their clubs. They want to co-locate on the current site of the Blackburn South Tennis Club at Eley Park as well as improve their facilities, and they are looking for any way to lower the maintenance costs of their courts. Sport and recreation is a major priority of mine. In these days of increased obesity, especially among our youth, it is so important that we have sporting facilities that are in the best condition possible.

**W. J. Smith Linen Service: future**

Mr JASPER (Murray Valley) — I raise a matter for the attention of the Minister for Health, and in his absence with the Minister for Housing, who is at the table. I request urgent action from the minister to support the continued operations of the W. J. Smith Linen Service, which is part of the operations of the Wangaratta hospital, which is run by Northeast Health Wangaratta. The history of this is that the W. J. Smith Linen Service has been operating for decades at the Wangaratta hospital, and it has made an important contribution to the successful operations of the hospital by being profitable and providing funding support to the hospital. In recent years it has faced increasing competition and has come under pressure from operations based in Shepparton and Albury-Wodonga.

I met with representatives of the staff about 12 months ago, when they brought to my attention concerns for the continued satisfactory and profitable operations of the service. I wrote to the former Minister for Health, bringing to her attention the need for action to support the linen service, which needed major funding support for the ageing equipment. The minister agreed that consultants should be appointed to look at the future of the service and decide what could be done.

Since that time I have met with the staff of the linen service on a number of occasions, and I have spoken with the chief executive officer of Northeast Health Wangaratta and with members of the board. Some few months ago the current Minister for Health visited Wangaratta, where he discussed the issues. Subsequently there has been a hold-up because of the consultation report which has been provided to the hospital and now is with the regional office of the Department of Human Services. A number of options have been looked at.

This week I have had further discussions with the minister on the basis that we need his support for appropriate action to be taken, particularly for funding to be provided to upgrade the equipment. A large amount of funding would be required to upgrade the linen service’s equipment so that it can provide the most efficient and effective service.

What I require is that the minister undertake discussions with the regional office of the Department of Human Services and the hospital again. The minister may be able to look at what we can do to make sure that the service continues, because it employs approximately 40 people within the rural city of Wangaratta. It is critical that the service continue to provide a service not only to the Wangaratta hospital but to hospitality operators in north-eastern Victoria.

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**Planning: Plenty Road corridor**

Mr BROOKS (Bundoora) — I wish to raise a matter for the attention of the Minister for Planning in the other place. The specific action I seek is that the minister establish a forum for three local planning authorities along the Plenty Road corridor through Bundoora. The corridor that I refer to runs essentially from La Trobe University in the south along Plenty Road through to the north to RMIT, which is actually located in the electorate of my colleague the member for Mill Park. The three councils that have planning authority over that corridor are Banyule City Council, Darebin City Council and Whittlesea City Council. All these councils do a very good job in terms of strategic planning for their municipalities, but because this corridor is fragmented in terms of its strategic planning I think there is an opportunity to provide for better planning outcomes through that section of Bundoora.

We have seen this government inject a massive $180 million into a new national bioscience centre at La Trobe University. While I am not sure exactly where that centre will ultimately be located on the university site, one can be assured that people will be working to leverage further investment and economic opportunities from that in the local area, so there will certainly be, at least in that instance, further need for planning around La Trobe University. To the north of this corridor is the very successful University Hill development where we have seen large corporations like Siemens VDO locate their offices and facilities, and there are a whole range of other important precincts from retail at Bundoora shops to education — I have mentioned two higher educational facilities, and there is also Parade College at Bundoora — to a range of health providers along this major transport corridor with a major tramline running down the middle of a six-lane road.

In conclusion, to better plan development outcomes along this corridor, to drive jobs growth for economic development and to ensure that the corridor is well planned for the future, I request that the minister establish a forum for the local planning authorities along the Plenty Road corridor.
development and protect residential areas. I seek the minister’s action to bring these three councils together on this important strategic issue.

Responses

Mr WYNNE (Minister for Housing) — The member for Cranbourne raised a matter with me regarding housing in his electorate and in particular the suburb of Cranbourne. My chief of staff was out there with him last week and got a fuller appreciation of the issues and pressures confronting families in the member’s area. As the member is aware, this year’s budget is a very good result for housing more generally in Victoria. It builds on the government’s announcement last year of $510 million for assistance in public and social housing. As the house is well aware, that is a record investment, the biggest ever investment by any state government to public and social housing outcomes.

The budget figures reflect the huge impact of this record commitment, and I want to indicate to the house that in 2006–07, 839 social housing units were required. In the current financial year we have increased that to 1150, and in 2008–09 we are projecting to exceed a further 1000 acquisitions. Last year’s massive commitment has been boosted even further this year with $37.9 million to be delivered in housing demand areas such as Ringwood, Werribee, Frankston, Dandenong and Footscray and a very significant commitment to Aboriginal housing.

I should indicate to the member for Lowan that, as he is well aware, I will have the pleasure of visiting him tomorrow in Horsham, where we will be making an announcement of a significant commitment to his community. He intends to be at that announcement, as does my colleague Jaala Pulford, a member for Western Victoria Region in the upper house. She has also been a tremendous advocate for urban regeneration in the Horsham area. I look forward to meeting up with the member for Lowan at about midday tomorrow.

The DEPUTY SPEAKER — Order! I bring the minister back to Cranbourne.

Mr WYNNE — The member for Cranbourne’s continuing interest in homelessness is very well known, and the house should be well aware of the groundbreaking announcement the government made in relation to supported housing, which we are going to be doing in partnership with Grocon. Daniel Grollo has come forward with an extraordinary philanthropic gesture from his organisation, one of the biggest contributions that I think has ever been made in the area of homelessness. Grocon will be building at cost a $50 million supported housing facility in Elizabeth Street, Melbourne. That will mean a budgetary impact to his organisation of somewhere between $7 million and $10 million forgone. That is a magnificent philanthropic gesture. In discussion he has indicated that his organisation is interested in not only the physical footprint it leaves on Melbourne, but the social footprint as well. It is a truly wonderful gesture, and we look forward to that building being constructed over the next couple of years.

I can advise the member for Cranbourne that there is excellent news for him. The extra funding in the budget allows us to undertake significant work in his area. We will be commencing the upgrade of 15 houses in Cranbourne in 2008–09, spending in the order of $20 000 per house in terms of upgrade and renovation, with a total spend in the order of $300 000. I am also pleased to commit a further $3 million in the 2008–09 year for acquisitions in that suburb. These funds will be used to start construction of two new units in Cranbourne, one new four-bedroom home and nine spot-purchase units of social housing. We intend to use the $500 million right across regional and rural Victoria and across the Melbourne metropolitan area as well, and I very much look forward to being with the member for Lowan tomorrow in Horsham, where we will make a significant announcement.

The member for Polwarth raised a matter for the Minister for Roads and Ports in relation to wandering stock on roads, and I will refer that matter to the minister.

The member for Preston raised a matter for the Minister for Sport, Recreation and Youth Affairs in relation to a funding grant for the West Preston Cricket Club, and I will ensure that matter is brought to his attention.

The member for Lowan raised a matter for the Minister for Education, seeking capital support for the Horsham Special School, and I will ensure that the minister is made aware of that.

The member for Caulfield raised a matter for the Minister for Health in relation to issues pertaining to the computer-aided dispatch units for the ambulance service, and I will ensure that the minister is made aware of that matter.

The member for Albert Park raised a matter for the Minister for Sport, Recreation and Youth Affairs in relation to the funding of a City of Port Phillip initiative in relation to music grants for a number of
organisations in his electorate. I will ensure that that matter is brought to the minister’s attention.

The member for Malvern raised a matter for the Minister for Public Transport in relation to grade separation at five level crossings on the Glen Waverley line in his electorate. I will ensure that the minister is aware of those issues.

The member for Forest Hill raised a matter for the Minister for Sport, Recreation and Youth Affairs, asking whether the minister would be able to visit her electorate to facilitate meetings occurring with a number of key sporting clubs in her area, and I will ensure that that is brought to his attention.

The member for Murray Valley raised a matter for the Minister for Health in relation to the W. J. Smith Linen Service in Wangaratta, seeking support for an equipment upgrade program in that area, and I will ensure that the minister is made aware of that.

Finally, the member for Bundoora raised a matter for the Minister for Planning in the other place in relation to supporting a forum for the three municipal authorities in his area — Banyule, Darebin and Whittlesea — seeking a more coherent planning approach up that growth corridor, and I will ensure that the minister is made aware of that initiative.

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

House adjourned 5.24 p.m.
Thursday, 8 May 2008

JOINT SITTING OF PARLIAMENT

Senate vacancy

Honourable members of both houses met in Assembly chamber at 12.45 p.m.

The SPEAKER — Order! The joint sitting of the Legislative Council and the Legislative Assembly is being held to choose a person to hold the place in the Senate rendered vacant by the resignation of Senator the Honourable Robert Francis Ray. Under joint standing order 19.2 the Chair of the joint sitting alternates between the President and the Speaker. The Chair for this joint sitting will be the Speaker. The general procedure is set out in joint standing orders 22 and 23.

I invite proposals from members for the appointment of a person to hold the place in the Senate rendered vacant by the resignation of Senator the Honourable Robert Francis Ray.

Mr BRUMBY (Premier) — I propose:

That Ms Jacinta Mary Ann Collins hold the place in the Senate rendered vacant by the resignation of Senator Ray.

Ms Collins is willing to hold the vacant place, if chosen. In order to satisfy the joint sitting as to the requirements of section 15 of the commonwealth constitution, I also declare that Ms Collins is the selection of the Australian Labor Party, the party previously represented in the Senate by Senator Ray.

Mr BAILIEU (Leader of the Opposition) — In the tradition of the house I second the proposal, and I look forward to meeting Ms Collins.

The SPEAKER — Order! Are there any further proposals?

As only one person has been proposed, I therefore declare that Ms Jacinta Mary Ann Collins has been chosen to hold the place in the Senate rendered vacant by the resignation of Senator the Honourable Robert Francis Ray. I will advise the Governor accordingly.

Mr Ingram — On a point of order, Speaker, due to my objection to the process of filling casual vacancies, I would like my dissent recorded.

The SPEAKER — Order! There is no point of order. I now declare the joint sitting closed.

Proceedings terminated 12.50 p.m.
Source: Victorian State Budget Papers
Graph 4: RECORD TAX SURGE IN JUST 12 MONTHS
(Estimated Increase in Budget Revenues Since 2007-08 Budget; $ Million)

Source: Victorian State Budget Papers
Graph 6: VICTORIA SPENDS LESS ON INFRASTRUCTURE THAN ANY OTHER STATE (2006-07, $ construction work done per capita)
Graph 7: Congestion Slowing Traffic, Incrasing Commuting Time

Source: Australian and NZ Road System and Road Authorities National Performance Indicators

Morning Peak

Evening Peak

(Melbourne Road Traffic Average Peak Travel Speed, Kph)
State Investment per Capita in Water Infrastructure, 2006-07

Graph 1: Victoria Underinvests in Water

Source: ABS Cat. # 8762.0 and 3101.0
Graph 12: MELBOURNE 2030 - A KEY DRIVER OF VICTORIA’S HOUSING AFFORDABILITY CRISIS

Source: Urban Development Institute of Australia; ABS Cat # 3101.0
Regional Infrastructure Development Fund Expenditure
2000/01 to 2007/08 ($ million)

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Total 2007/08 92.2 88.4
Total 2007/08 41.4

Source: Budget Paper No 3 except actual expenditure 2006/07 which is taken from DIIRD 2006/07 Annual Report
QUESTIONS ON NOTICE

Tuesday, 8 April 2008

PUBLIC TRANSPORT: TRAIN DRIVERS

321. **Mr MULDER** to ask the Minister for Public Transport with reference to each of Connex and V/Line train drivers —

(1) As at 30 June 2007 —
   (a) how many drivers were employed —
      (i) full time;
      (ii) part time;
      (iii) casual.
   (b) how many drivers were in training;
   (c) how many drivers, employed or in training, were on —
      (i) sick leave;
      (ii) WorkCover.

(2) Between 1 May 2007 and 30 June 2007 —
   (a) how many drivers were paid a bonus to postpone retirement;
   (b) how much in total was paid for driver bonus payments;
   (c) how many trains were cancelled due to drivers being unavailable;
   (d) how many trains were late due to drivers being unavailable.

(3) How many train drivers retired due to age in —
   (a) 2003–04;
   (b) 2004–05;
   (c) 2005–06;
   (d) 2006–07.

(4) How many train drivers retired due to ill health in —
   (a) 2003–04;
   (b) 2004–05;
   (c) 2005–06;
   (d) 2006–07.

(5) How many train drivers resigned in —
   (a) 2003–04;
   (b) 2004–05;
   (c) 2005–06;
   (d) 2006–07.
QUESTIONS ON NOTICE

1762 ASSEMBLY Tuesday, 8 April 2008

(6) Did any train drivers who were paid a bonus to postpone retirement in 2005–06 go on —
   (a) WorkCover; if so, how many drivers and for what period;
   (b) long service leave; if so, how many drivers and for what period;
   (c) sick leave; if so, how many drivers and for what period.

(7) Did any train drivers who were paid a bonus to postpone retirement in 2006–07 go on —
   (a) WorkCover; if so, how many train drivers and for what period;
   (b) long service leave; if so, how many train drivers and for what period;
   (c) sick leave; if so, how many train drivers and for what period.

(8) At 30 June 2007 how many train drivers were aged —
   (a) 18–21;
   (b) 21–30;
   (c) 31–40;
   (d) 40–49;
   (e) 50–59;
   (f) 60–65;
   (g) 66 or above.

(9) What was the month and year of birth of the oldest driver employed at 30 June 2007 by —
   (a) V/Line;
   (b) Connex.

(10) How many train drivers, during each quarter of 2007–08, are —
    (a) expected to retire;
    (b) forecast to transfer from Connex to V/Line;
    (c) forecast to transfer from V/Line to Connex.

(11) How many full time train driver positions were required to operate a normal weekly roster at each company as at 30 June 2007.

(12) Did each company have sufficient train drivers to operate their normal weekly rosters as at 30 June 2007; if not —
    (a) what was the shortage as at 30 June 2007;
    (b) what will the projected shortage be at —
        (i) 30 September 2007;
        (ii) 31 December 2007;
        (iii) 31 March 2008;
        (iv) 30 June 2008.

ANSWER:

As at the date the question was raised, the answer is:

(1-12) In relation to the 49 requests that you have made for information, Connex and V/Line have advised that much of the requested information is not readily available and to manually extract the data would require an unnecessary diversion of resources.
Roads and ports: Nepean Highway–Bay Road–Karen Street, Cheltenham — red light cameras

373(b). Mr THOMPSON (Sandringham) to ask the Minister for Roads and Ports with reference to the red light camera monitoring west bound traffic turning right from Karen Street in a northerly direction into the Nepean Highway —

(1) When was the camera first installed.
(2) For each month since the installation of the camera how many infringement notices have been issued to motorists completing the turn.
(3) Due to the angle and width of the turn, have the additional time and slower speed required been taken into account when issuing infringement notices.
(4) Due to the physical characteristics of the intersection is there any plan to adjust the time allowance at which a fine is imposed.
(5) How does the number of fines issued compare with comparable intersections.

ANSWER:

As at the date the question was raised, the answer is:

The Department of Justice is responsible for installing and operating red light cameras and issuing related infringement notices. As such, this question would be more appropriately answered by the Minister for Police and Emergency Services.

Roads and ports: Nepean Highway–Bay Road–Karen Street, Cheltenham — red light cameras

374(b). Mr THOMPSON (Sandringham) to ask the Minister for Roads and Ports with reference to the red light camera monitoring south bound traffic turning right from the Nepean Highway in an easterly direction into Bay Road —

(1) When was the camera first installed.
(2) For each month since the installation of the camera how many infringement notices have been issued to motorists completing the turn.
(3) Due to the angle and width of the turn, have the additional time and slower speed required been taken into account when issuing infringement notices.
(4) Due to the physical characteristics of the intersection is there any plan to adjust the time allowance at which a fine is imposed.
(5) How does the number of fines issued compare with comparable intersections.

ANSWER:

As at the date the question was raised, the answer is:

The Department of Justice is responsible for installing and operating red light cameras and issuing related infringement notices. As such, this question would be more appropriately answered by the Minister for Police and Emergency Services.

Roads and ports: Nepean Highway–Bay Road–Karen Street, Cheltenham — red light cameras

376(b). Mr THOMPSON (Sandringham) to ask the Minister for Roads and Ports with reference to red light cameras monitoring right hand turns at intersections in Melbourne —

(1) Which intersections have cameras monitoring right hand turns.
(2) What is the monthly number of infringement notices issued for each intersection.
(3) How does the number of monthly infringement notices issued for each intersection compare to the Nepean Highway, Bay Road and Karen Street intersection.

ANSWER:

As at the date the question was raised, the answer is:

The Department of Justice is responsible for installing and operating red light cameras and issuing related infringement notices. As such, this question would be more appropriately answered by the Minister for Police and Emergency Services.

Community services: Victorian aids and equipment grant

526. Mr WAKE Ling to ask the Minister for Community Services —

(1) By what percentage did the Victorian Aids and Equipment Grant increase between the —
(a) 2001–02 and 2002–03 budgets;
(b) 2002–03 and 2003–04 budgets;
(c) 2003–04 and 2004–05 budgets;
(d) 2004–05 and 2005–06 budgets;
(e) 2005–06 and 2006–07 budgets.

(2) Was the increase to the Victorian Aids and Equipment Grant less than the CPI between the —
(a) 2001–02 and 2002–03 budgets;
(b) 2002–03 and 2003–04 budgets;
(c) 2003–04 and 2004–05 budgets;
(d) 2004–05 and 2005–06 budgets;
(e) 2005–06 and 2006–07 budgets; if so, why.

(3) What is the projected percentage increase to the Victorian Aids and Equipment Grant between the 2006–07 and 2007–08 budgets.

(4) Is the projected increase to the Victorian Aids and Equipment Grant between the 2006–07 and 2007–08 budgets less than the projected CPI; if so, why.

ANSWER:

I am informed that:

(1) In relation to the percentage increase for the Victorian Aids & Equipment Grant:
(a) 6.1% increase
(b) 3.8% increase
(c) 12.0% increase
(d) 12.0% reduction
(e) 49.8% increase

(2) Information relating to the CPI is available from the Australian Bureau of Statistics.

(3) The percentage increase to the Victorian Aids and Equipment Grant between the 2006–07 and 2007–08 budgets cannot be projected at this point in the financial year.

(4) The percentage increase to the Victorian Aids and Equipment Grant between the 2006–07 and 2007–08 budgets cannot be projected at this point in the financial year.
Public transport: V/Line express services

552. Mr Mulder to ask the Minister for Public Transport with reference to the once a day weekday ‘flagship’ express services being the 7.46 am up Ballarat, 4.36 pm down Ballarat, 6.02 am or 6.05 am up Bendigo, 4.53 pm down Bendigo, 7.17 am South Geelong, 5.29 pm down Marshall, 5.38 am up Traralgon and 4.47 pm down Traralgon — between 4 March 2007 and 22 October 2007

(1) How many times has each service operated.
(2) On how many occasions was each service arriving at its terminus, according to the timetable on the relevant date, —
   (a) between one second and five minutes 59 seconds late;
   (b) between six minutes and 10 minutes 59 seconds late;
   (c) between 11 minutes and 19 minutes 59 seconds late;
   (d) 20 minutes or more late.

(3) By date, what reasons were officially recorded for each time one of the services was six minutes or more late and how many minutes was each separate cause of delay accorded.

ANSWER:
As at the date the question was raised, the answer is:

(1-3) I refer you to the detailed performance information on punctuality and reliability which is available at www.vline.com.au.

Roads and ports: Nepean Highway—Bay Road—Karen Street, Cheltenham — red light cameras

558(b). Mr Thompson (Sandringham) to ask the Minister for Roads and Ports with reference to the red light camera operating equipment which monitors right hand turns from the Nepean Highway into Bay Road and from Karen Street into the Nepean Highway — what repairs or modifications were made to the operating equipment on 24 October 2007.

ANSWER:
As at the date the question was raised, the answer is:

The repair and maintenance of red light cameras is managed by the Department of Justice. As such, this question would be more appropriately answered by the Minister for Police and Emergency Services.

Public transport: seniors concessions


(1) In metropolitan Melbourne —
   (a) how many seniors daily passes were sold;
   (b) what was the average number of trips estimated to be made per seniors daily pass.

(2) In regional and rural Victoria —
   (a) how many seniors daily passes were sold;
   (b) what was average number of trips estimated to be made per seniors daily pass.

(3) What was the total number of seniors daily passes sold.
(4) What was the average number of trips estimated to be made per seniors daily pass.
ANSWER:

As at the date the question was raised, the answer is:

(1) Sales of the Seniors Daily (formerly the 60 Plus ticket) are given in the table below along with the average number of trips made.

<table>
<thead>
<tr>
<th>Year</th>
<th>Sales</th>
<th>Avg trips</th>
</tr>
</thead>
<tbody>
<tr>
<td>2001</td>
<td>4,145,214</td>
<td>2.6</td>
</tr>
<tr>
<td>2002</td>
<td>4,334,853</td>
<td>2.7</td>
</tr>
<tr>
<td>2003</td>
<td>4,489,609</td>
<td>2.6</td>
</tr>
<tr>
<td>2004</td>
<td>4,457,131</td>
<td>2.6</td>
</tr>
<tr>
<td>2005</td>
<td>4,436,998</td>
<td>2.6</td>
</tr>
<tr>
<td>2006</td>
<td>4,335,196</td>
<td>2.6</td>
</tr>
<tr>
<td>2007*</td>
<td>3,471,725</td>
<td>2.5</td>
</tr>
</tbody>
</table>

Notes: *2007 data from 01/01/07 to 27/10/07

(2) Seniors Daily tickets are only available in metropolitan Melbourne as the price of concession fares on public transport within regional cities and towns is normally lower than the cost of the Seniors Daily ticket.

(3) Refer to response to question 1.

(4) Refer to response to question 1.

Community services: Slow to Recover program

629. Ms WOOLDRIDGE to ask the Minister for Community Services with reference to the Slow to Recover Program —

(1) How much funding was committed to the Program in —
   (a) 2000–01;
   (b) 2001–02;
   (c) 2002–03;
   (d) 2003–04;
   (e) 2004–05;
   (f) 2005–06;
   (g) 2006–07;
   (h) 2007–08.

(2) How long is the current waiting list to access the Program and how is this calculated.

(3) How many people from other Australian states and territories have accessed the Program in Victoria.

(4) What is the Government doing to expand the Program.

ANSWER:

I am informed that:

(1) The funding that was committed to the Acquired Brain Injury Slow to Recover Program (ABI:STR) was —
   (a) 2000–01; $4m
   (b) 2001–02; $5m
(c) 2002–03; $4m
(d) 2003–04; $4m
(e) 2004–05; $5.1m
(f) 2005–06; $5.5m
(g) 2006–07; $5.6m
(h) 2007–08. $6.3m

NOTE: An additional $500,000 was allocated to ABI:STR in September 2007 to bring the 2007/2008 allocated funds to $6.3M

(2) The current waiting list for access to the ABI:STR program is 75 people.
The waiting list represents the number of people who have been accepted as eligible on the program.

(3) The ABI:STR program assists Victorian residents. On one occasion, it assisted a young man who sustained an injury interstate but returned to be supported by his family in Victoria.

(4) The Government will provide $9m over four years to expand the program.

**Public transport: Flinders Street station**

632. Mr MULDER to ask the Minister for Public Transport with reference to Flinders Street Station —

(1) Do the stairs leading down to platforms 12 and 13 from the Swanston Street and St Kilda Road concourse comply with federal disability legislation and Australian standards.

(2) Will the stairs leading down to platforms 12 and 13 from the Swanston Street and St Kilda Road concourse be upgraded and partly replaced by escalators; if so, when and at what cost.

(3) Can signage from platforms 12 and 13 directing passengers to platform 10 be improved; if so, how and when will this occur.

(4) Does Connex roster at least one staff member on platforms 12 and 13 at all times when Sandringham trains are operating; if not, at what hours are staff rostered.

(5) Who decided to close off the access area between platforms 10 and 12.

(6) What date was the access area between platforms 10 and 12 fenced off and at what cost.

(7) Can the access area between platforms 10 and 12 be reopened by repairing the asphalt platform surface or through other works; if so, at what cost.

(8) Can the ventilation of platforms 12 and 13 be improved; if so —
   (a) what options have been considered;
   (b) what is the cost of the options considered;
   (c) when will improvements be funded and installed.

(9) Did the lift from the Swanston Street and St Kilda Road concourse to platforms 12 and 13 fail on 5 November 2007 at approximately 1.00 pm.

(10) Since 30 September 2007 —
   (a) how many times has the lift between the Swanston Street and St Kilda Road concourse and platforms 12 and 13 failed;
   (b) for how many hours in total has the lift between the Swanston Street and St Kilda Road concourse and platforms 12 and 13 been out of service.

(11) How many complaints about the weekday change in platforms for Sandringham trains have been received since 30 September 2007 by —
   (a) the Minister;
   (b) the Department of Infrastructure;
ANSWER:

As at the date the question was raised, the answer is:

(1) Federal disability legislation applies to new infrastructure.

(2) The Government will make announcements about future work at the appropriate time.

(3) Directional signage to platform 10, from platforms 12 and 13, is currently being reviewed.

(4) Roving platform staff are deployed across Flinders Street Station as needs determine.

(5) The decision to close off the access area between platforms 10 and 12 was jointly agreed between Connex and the Department of Infrastructure for safety reasons.

(6) The access area between platforms 10 and 12 was closed off in November 2007. The cost for supply and installation of the fence was approximately $1,900.

(7) No.

(8) The ventilation on platforms 12 and 13 is currently deemed to be adequate.

(9) No fault was reported to indicate that the lift from the Swanston Street and St Kilda Road concourse to platforms 12 and 13 failed on 5 November 2007 at approximately 1.00 pm.

(10) Since 30 September 2007, the lift between the Swanston Street and St Kilda Road concourse and platforms 12 and 13:

   (a) was reported to have failed twice, but on both occasions no fault was identified and the lift was operating when the technician arrived.

   (b) has been out of service for 1 hour and 52 minutes.

(11) (a) 11.

(b) 8.

(c) 26.

(d) Metlink is unable to provide this data as it only reports on a system / industry wide basis (it does not hold metropolitan train specific data);

(e) the Public Transport Ombudsman has not received any complaints.

Community services: disability services — shared supported accommodation

642. Ms WOOLDRIDGE to ask the Minister for Community Services with reference to Shared Supported Accommodation and people with disabilities in each of the Eastern Region, Southern Region, Northern Region, Western Region, Barwon South Western Region, Grampians Region, Hume Region, Gippsland Region and Loddon Mallee Region — in the 2006–07 financial year —

(1) What was the total funding allocated to Shared Supported Accommodation.

(2) How much funding was allocated for Department managed accommodation.

(3) How many people were residents in Department managed accommodation.

(4) How much funding was allocated for non-government managed accommodation.

(5) How many people were residents in non-government managed accommodation.
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ANSWER:

(1) The total funding allocated to Shared Supported Accommodation in 2006-07 for the following regions was:
   - Eastern–$105.1M
   - Southern–$72.9M
   - North and West (combined)–$111.2M
   - Barwon South Western–$22.2M
   - Grampians–$31.5M
   - Hume–$23.1M
   - Gippsland–$17.0M
   - Loddon Mallee - $19.6M

(2) The total funding allocated to Department managed accommodation in 2006-07 for the following regions was:
   - Eastern–$54.7M
   - Southern–$34.5M
   - North and West (combined)–$78.2M
   - Barwon South Western–$13.3M
   - Grampians–$27.0M
   - Hume–$15.8M
   - Gippsland–$10.5M
   - Loddon Mallee - $12.6M

(3) This is not a standard data set reported by Disability Services Division.

(4) The total funding allocated to non-government managed accommodation in 2006-07 for the following regions was:
   - Eastern–$50.4M
   - Southern–$38.4M
   - North and West (combined)–$33.0M
   - Barwon South Western–$8.9M
   - Grampians–$4.5M
   - Hume–$7.3M
   - Gippsland–$6.5M
   - Loddon Mallee - $7.0M

(5) This is not a standard data set reported by Disability Services Division.

Community services: disability support register

643. Ms WOOLDRIDGE to ask the Minister for Community Services — in 2006–07 —

   (1) With reference to the Disability Support Register —
      (a) How many people were registered for the first time;
      (b) How many people were moved off the register because they obtained services;
      (c) How many people were moved off the register because it was ascertained they no longer needed to obtain services.
(2) How many people with disabilities waiting for shared supported accommodation obtained a place in a community residential unit and of these —
   (a) on average, how many days had they been waiting for a place;
   (b) how many were relocated from congregate care to community based care.

(3) How many people in each of the Eastern Region, Southern Region, Northern Region, Western Region, Barwon South Western Region, Grampians Region, Hume Region, Gippsland Region and Loddon Mallee Region have moved from shared supported accommodation through the Support and Choice/Individualised Planning and Support Initiative.

ANSWER:

I am informed that:

The information requested is not a standard data set reported by the Disability Services Division.

Community services: disability services — residential care

644. Ms WOOLDRIDGE to ask the Minister for Community Services with reference to disability services residential care —

(1) What is the total capacity at any one time.
(2) What is the capacity at any one time of government managed shared supported accommodation.
(3) What is the capacity at any one time of non-government managed shared supported accommodation.
(4) What is the capacity at any one time of government managed congregate care.
(5) What is the capacity at any one time of non-government managed congregate care.

ANSWER:

I am informed that:

The capacity of disability services residential care varies over time due to a variety of circumstances, especially the decommissioning/recommissioning of facilities as they are upgraded or redeveloped.

Information on the number of clients in Shared Supported Accommodation and Training Centres (congregate care) is available in the Annual Report of the Department of Human Services.

Community services: shared supported accommodation — funding

645. Ms WOOLDRIDGE to ask the Minister for Community Services — as at 30 June 2007 —

(1) How many clients in government managed shared supported accommodation were aged —
   (a) under 25 years;
   (b) 25 to 44 years;
   (c) 45 to 55 years;
   (d) 56 to 64 years;
   (e) 65 to 74 years;
   (f) 75 years or more.

(2) How many clients in non-government managed shared supported accommodation were aged —
   (a) under 25 years;
   (b) 25 to 44 years;
(c) 45 to 55 years;
(d) 56 to 64 years;
(e) 65 to 74 years;
(f) 75 years or more.

ANSWER:

I am informed that:

The requested information is not a standard data set reported by the Disability Services Division.

Community services: Kew Residential Services

646. Ms WOOLDRIDGE to ask the Minister for Community Services with reference to people with disabilities at Kew Residential Services — as at 30 June 2007 how many were aged —

(1) Under 40 years.
(2) 40 to 44 years.
(3) 45 to 55 years.
(4) 56 to 65 years.
(5) 66 to 75 years.
(6) Over 75 years of age.

ANSWER:

I am informed that:

The requested information is not a standard data set reported by the Disability Services Division.

Community services: disability support register

648. Ms WOOLDRIDGE to ask the Minister for Community Services — how many people registered on the Disability Support Register as at 30 June 2007 —

(1) Were aged —
   (a) under 18 years;
   (b) 18 to 24 years;
   (c) 25 to 29 years;
   (d) 30 to 39 years;
   (e) 40 to 49 years;
   (f) 50 or more years.

(2) Have a carer.
(3) Do not have a carer.
(4) Have their carer’s age recorded.
(5) Do not have their carer’s age recorded.
(6) Have a carer whose age is recorded as —
   (a) under 55 years;
   (b) 55 to 64 years;
   (c) 65 to 69 years;
   (d) 70 years or more.
ANSWER:

I am informed that:

The requested information is not a standard data set reported by the Disability Services Division.

Information on the Disability Support Register for 2007 is available and published on the Disability Services Division website.

**Community services: disability services — capital expenditure**

649. **Ms WOOLDRIDGE** to ask the Minister for Community Services — what was the Disability Services Division total capital expense in 2006–07.

ANSWER:

I am informed that:

The total capital expense in 2006-07 for Disability Services was $32.2m, inclusive of capital grants.

**Community services: disability services — advocacy organisations**

650. **Ms WOOLDRIDGE** to ask the Minister for Community Services with reference to organisations funded as advocacy organisations for people with a disability — in 2006–07 —

(1) Which organisations were funded.
(2) What was the funding for each organisation.

ANSWER:

I am informed that:

In 2006-07 Disability Services Division funded the organisations below for the provision of disability advocacy support.

<table>
<thead>
<tr>
<th>ORGANISATION</th>
<th>TOTAL $</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACTION FOR COMMUNITY LIVING INC CONSORTIUM</td>
<td>$ 310,000</td>
</tr>
<tr>
<td>ACTION ON DISABILITY WITHIN ETHNIC COMMUNITIES INC</td>
<td>$ 113,200</td>
</tr>
<tr>
<td>ASSOCIATION FOR CHILDREN WITH A DISABILITY INC</td>
<td>$ 107,900</td>
</tr>
<tr>
<td>BARWON DISABILITY RESOURCE COUNCIL INC</td>
<td>$ 47,600</td>
</tr>
<tr>
<td>BEAR IN MIND INC</td>
<td>$ 27,800</td>
</tr>
<tr>
<td>BLIND CITIZENS AUSTRALIA</td>
<td>$ 45,500</td>
</tr>
<tr>
<td>CAUS INC</td>
<td>$ 90,400</td>
</tr>
<tr>
<td>COLLECTIVE OF SELF HELP GROUPS INC</td>
<td>$ 12,200</td>
</tr>
<tr>
<td>CYSTIC FIBROSIS VICTORIA INC</td>
<td>$ 45,000</td>
</tr>
<tr>
<td>DISABILITY ADVOCACY AND INFORMATION SERVICE INC</td>
<td>$ 45,500</td>
</tr>
<tr>
<td>EASTERN ACCESS COMMUNITY HEALTH INC</td>
<td>$ 10,800</td>
</tr>
<tr>
<td>GRAMPIANS DISABILITY ADVOCACY ASSOCIATION INC</td>
<td>$ 90,400</td>
</tr>
<tr>
<td>LARYNGECTOMEE ASSOCIATION OF VICTORIA INC</td>
<td>$ 2,200</td>
</tr>
<tr>
<td>LATROBE CITY COUNCIL</td>
<td>$ 1,800</td>
</tr>
<tr>
<td>MIGRANT RESOURCE CENTRE NORTH WEST REGION INC</td>
<td>$ 144,400</td>
</tr>
<tr>
<td>REGIONAL INFORMATION &amp; ADVOCACY COUNCIL INC</td>
<td>$ 89,900</td>
</tr>
</tbody>
</table>
## QUESTIONS ON NOTICE

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<table>
<thead>
<tr>
<th>ORGANISATION</th>
<th>TOTAL $</th>
</tr>
</thead>
<tbody>
<tr>
<td>REINFORCE INC THE VICTORIAN ASSOCIATION OF INTELLECTUALLY DISADVANTAGED CITIZENS</td>
<td>$ 46,300</td>
</tr>
<tr>
<td>STAR VICTORIA INC</td>
<td>$ 47,500</td>
</tr>
<tr>
<td>VALID INC</td>
<td>$ 263,300</td>
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<tr>
<td>VICTORIAN COUNCIL OF DEAF PEOPLE INC-VCOD</td>
<td>$ 50,900</td>
</tr>
<tr>
<td>VICTORIAN COUNCIL OF SOCIAL SERVICE CONSORTIUM (DISABILITY ADVOCACY RESOURCE UNIT)</td>
<td>$ 225,300</td>
</tr>
<tr>
<td>WESTERNPORT SPEAKING OUT INCCONSORTIUM (SELF ADVOCACY RESOURCE UNIT)</td>
<td>$ 221,200</td>
</tr>
<tr>
<td>WOMEN’S HEALTH VICTORIA INC (VICTORIAN WOMEN WITH DISABILITIES NETWORK ADVOCACY INFORMATION SERVICE)</td>
<td>$ 149,400</td>
</tr>
<tr>
<td>YOUTH AFFAIRS COUNCIL OF VICTORIA INC CONSORTIUM</td>
<td>$ 150,300</td>
</tr>
</tbody>
</table>

**Community services: disability services — information service providers**

**651. Ms WOOLDRIDGE** to ask the Minister for Community Services with reference to organisations funded to provide information services for people with a disability — in 2006–07 —

1. Which organisations were funded.
2. What was the funding for each organisation.

**ANSWER:**

I am informed that:

In 2006-07 Disability Services Division funded the organisations below to provide Information Services.

<table>
<thead>
<tr>
<th>ORGANISATION</th>
<th>TOTAL $</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACTION ON DISABILITY WITHIN ETHNIC COMMUNITIES INC</td>
<td>$ 112,400</td>
</tr>
<tr>
<td>ARBIAS LIMITED</td>
<td>$ 56,900</td>
</tr>
<tr>
<td>ARTS ACCESS SOCIETY INC</td>
<td>$ 187,100</td>
</tr>
<tr>
<td>ASSOCIATION FOR CHILDREN WITH A DISABILITY INC</td>
<td>$ 176,700</td>
</tr>
<tr>
<td>AUSTRALIAN HUNTINGTON’S DISEASE ASSOCIATION VIC INC</td>
<td>$ 89,900</td>
</tr>
<tr>
<td>AUTISM VICTORIA INC</td>
<td>$ 150,600</td>
</tr>
<tr>
<td>BETTER HEARING AUSTRALIA VICTORIA BRANCH INC</td>
<td>$ 89,900</td>
</tr>
<tr>
<td>BLIND CITIZENS AUSTRALIA</td>
<td>$ 45,000</td>
</tr>
<tr>
<td>BRAIN FOUNDATION VICTORIA LIMITED (MERGED WITH BRAINLINK SERVICES LTD. IN LATE 2006-07)</td>
<td>$ 45,500</td>
</tr>
<tr>
<td>BRAINLINK SERVICES LTD</td>
<td>$ 67,500</td>
</tr>
<tr>
<td>CARERS ASSOCIATIONVICTORIA INC</td>
<td>$ 15,400</td>
</tr>
<tr>
<td>CAUS INC</td>
<td>$ 89,900</td>
</tr>
<tr>
<td>CEREBRAL PALSY SUPPORT NETWORK INC</td>
<td>$ 45,000</td>
</tr>
<tr>
<td>CYSTIC FIBROSIS VICTORIA INC</td>
<td>$ 90,400</td>
</tr>
<tr>
<td>DEAF CHILDREN AUSTRALIA</td>
<td>$ 261,000</td>
</tr>
<tr>
<td>DOWN SYNDROME ASSOCIATION OF VICTORIA INC</td>
<td>$ 103,900</td>
</tr>
<tr>
<td>EPILEPSY FOUNDATION OF VICTORIA INC</td>
<td>$ 353,800</td>
</tr>
<tr>
<td>HEADWAY VICTORIA</td>
<td>$ 68,000</td>
</tr>
<tr>
<td>INFOXCHANGE AUSTRALIA INC</td>
<td>$ 8,800</td>
</tr>
</tbody>
</table>
COMMUNITY SERVICES: RESPITE SERVICES

653. Ms WOOLDRIDGE to ask the Minister for Community Services — in 2006–07 —

(1) How many individuals received respite services.
(2) What was the disability services total expenditure for respite services.
(3) What was the disability services expenditure for Government managed and non-Government managed facility-based respite.

ANSWER:

I am informed that:

Respite services data is recorded in the Department of Human Services Annual Report 2006–2007.

COMMUNITY SERVICES: DISABILITY SERVICES — AIDS AND EQUIPMENT

654. Ms WOOLDRIDGE to ask the Minister for Community Services — as at 30 June 2007 —

(1) How many people with disabilities were accessing aids and equipment.
(2) How many people with disabilities accessing aids and equipment were aged 65 years or more.
(3) What was the disability services total expenditure for aids and equipment.

ANSWER:

I am informed that:

(1) The number of people accessing aids and equipment is reported in the Annual Report of the Department of Human Services.

(2) The information requested is not a standard data set reported by the Disability Services Division.

(3) The disability services total expenditure for aids and equipment in 2006/07 was $34.4M.
Community services: disability services — support initiative

655. Ms WOOLDRIDGE to ask the Minister for Community Services with reference to the Support and Choice/Individualised Planning and Support initiative for people with disabilities — as at 30 June 2007 —

(1) How many people were assisted by the funding.
(2) How many people were allocated funding —
   (a) up to $10,000;
   (b) between $10,001 and $25,000;
   (c) between $25,001 and $55,000;
   (d) of $55,001 and above.

ANSWER:

I am informed that:

(1) The number of people accessing aids and equipment is reported in the Annual Report of the Department of Human Services.

(2) The information requested is not a standard data set reported by the Disability Services Division.

(3) The disability services total expenditure for aids and equipment in 2006/07 was $34.4M.

Community services: disability services — flexible care packages

656. Ms WOOLDRIDGE to ask the Minister for Community Services with reference to flexible care packages for people with disabilities — as at 30 June 2007 —

(1) How many people were in receipt of —
   (a) a short-term assistance package;
   (b) an on-going assistance package.

(2) What was Disability Services total expenditure for —
   (a) short-term assistance packages;
   (b) on-going assistance packages.

ANSWER:

I am informed that:

The information requested is not a standard data set reported by the Disability Services Division.

Community services: disability services — support services

658. Ms WOOLDRIDGE to ask the Minister for Community Services with reference people with disabilities — as at 30 June 2007 —

(1) How many people with disabilities were in receipt of —
   (a) accommodation outreach support;
   (b) family options support;
   (c) flexible support packages;
   (d) home first:
(e) individualised support packages;
(f) shared supported accommodation;
(g) transitional accommodation support.

(2) What was the total expenditure for —
(a) accommodation outreach support;
(b) family options support;
(c) flexible support packages;
(d) home first:
(e) individualised support packages;
(f) shared supported accommodation;
(g) transitional accommodation support.

ANSWER:

I am informed that:

(1) Information on the number of people receiving these services is reported in the Annual Report of the Department of Human Services.

(2) In the financial year ending 30 June 2007, the total expenditure for —
(a) accommodation outreach support was $11.4 million;
(b) family options support is included in the expenditure for flexible support packages;
(c) flexible support packages was $35.4 million;
(d) home first was $46.2 million;
(e) individualised support packages was $40.1 million;
(f) shared supported accommodation was $409.2 million;
(g) transitional accommodation support is included in the expenditure for shared supported accommodation.

Community services: disability services — community participation programs

660. Ms WOOLDRIDGE to ask the Minister for Community Services with reference to programs conducted by Disability Services for community participation and inclusion for people with disabilities — as at 30 June 2007 —

(1) How many people with disabilities were —
(a) clients with day activities;
(b) Futures for Young Adults clients.

(2) What was the total Disability Services expenditure for —
(a) clients with day activities;
(b) Futures for Young Adults clients.

(3) How many clients with day activities are also Disability Services residential accommodation clients.

(4) How many Futures for Young Adults clients are also Disability Services residential accommodation clients.
ANSWER:

I am informed that:

(1) The information requested is reported in the Annual Report of the Department of Human Services.

(2) The total Disability Services expenditure in 2006/07 for —
   
   (a) clients with day activities was $96.2M;
   
   (b) Futures for Young Adults clients was $70.3M.

(3) The information requested is not a standard data set reported by the Disability Services Division.

(4) The information requested is not a standard data set reported by the Disability Services Division.

Community services: disability services — respite care

661. **Ms WOOLDRIDGE** to ask the Minister for Community Services with reference to the bilateral agreement under the terms of the Commonwealth States/Territories Disability Agreement for respite for ageing parent carers —

   (1) What funds did Victoria receive in 2006–07 from the Commonwealth for the agreement.
   
   (2) What funds did Victoria contribute in 2006–07 to meet its responsibilities under the agreement.
   
   (3) How many carers aged 65 years and above benefited from the respite funding provided by the agreement as recorded by the Disability Services quarterly data collection for 2005–06.

ANSWER:

I am informed that:

(1) Victoria received $4.8M in 2006–07 from the Commonwealth for the Bilateral Agreement for respite for ageing parent carers.

(2) Victoria contributed $5.5M in 2006–07 to meet its responsibilities under the Bilateral Agreement for respite for ageing parent carers.

(3) The information requested is not a standard data set reported by Disability Services Division.

Community services: disability services — respite care

662. **Ms WOOLDRIDGE** to ask the Minister for Community Services — as at 30 June 2007, how many people with disabilities, accommodated in respite beds, were requiring a permanent placement.

ANSWER:

I am informed that:

The information requested is not a standard data set reported by Disability Services Division.

Community services: disability services — support services

663. **Ms WOOLDRIDGE** to ask the Minister for Community Services with reference to people with disabilities — as at 30 June 2006, how many people were in receipt of —

   (1) Accommodation outreach support.
   
   (2) Family options support.
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(3) Flexible support packages.
(4) Home first.
(5) Individualised support packages.
(6) Shared supported accommodation.
(7) Transitional accommodation support.

ANSWER:

I am informed that:

The information requested is reported in the 2005-06 Annual Report of the Department of Human Services.

Community services: disability services — Colanda

664. Ms WOOLDRIDGE to ask the Minister for Community Services with reference to people with disabilities at Colanda —

(1) As at 30 June 2007 —
   (a) how many people were in residence.
   (b) what was the total recurrent funding provided by the Department of Human Services.
   (c) how many people received on-site day programs.
   (d) how many people were —
      (i) under 40 years of age;
      (ii) 40 to 44 years of age;
      (iii) 45 to 55 years of age;
      (iv) 56 to 65 years of age;
      (v) 66 to 75 years of age;
      (vi) over 75 years of age;

(2) What was the total expenditure in 2006–07 for on-site day programs.

ANSWER:

The Minister for Community Services: I am informed that:

(1) With reference to people with disabilities at Colanda as at 30 June 2007 —

   (a) 131 people were in residence.
   (b) the total recurrent funding provided by the Department of Human Services was $15.4M.
   (c) 74 people received on-site day programs.
   (d) Number of people were —
      (i) under 40 years of age - 21;
      (ii) 40 to 44 years of age - 29;
      (iii) 45 to 55 years of age - 52;
      (iv) 56 to 65 years of age - 19;
      (v) 66 to 75 years of age - 4;
      (vi) over 75 years of age - 6;

(2) The total expenditure in 2006–07 for on-site day programs was $0.56M.
Community services: disability services — information sessions

665. Ms WOOLDRIDGE to ask the Minister for Community Services with reference to the community information sessions held to provide information about the Disability Act 2006 — how many people with a disability, parents, carers, family representatives and other interested members of the community registered for the session held on —

(1) 18 July 2007 at Bendigo, 2.00 pm to 4.00 pm.
(2) 19 July 2007 at Ringwood East, 7.00 pm to 9.00 pm.
(3) 23 July 2007 at Colac, 10.00 am to 12.00 noon.
(4) 24 July 2007 at Warragul, 7.00 pm to 9.00 pm.
(5) 25 July 2007 at Frankston, 10.00 am to 12.00 noon.
(6) 27 July 2007 at Geelong, 10.00 am to 12.00 noon.
(7) 30 July 2007 at Mildura, 3.00 pm to 5.00 pm.
(8) 1 August 2007 at Sale, 10.00 am to 12.00 noon.
(9) 1 August 2007 at Traralgon, 2.00 pm to 4.00 pm.
(10) 7 August 2007 at Ringwood East, 10.00 am to 12.00 noon.
(11) 9 August 2007 at Wodonga, 5.00 pm to 7.00 pm.

ANSWER:

I am informed that:

The number of registrations by date and location are:

(1) 18 July 2007 at Bendigo - 47 registrations
(2) 19 July 2007 at Ringwood East - 34 registrations
(3) 23 July 2007 at Colac - 41 registrations
(4) 24 July 2007 at Warragul - No session held in Warragul on 24 July 2007
(5) 25 July 2007 at Frankston - 105 registrations
(6) 27 July 2007 at Geelong - 62 registrations
(7) 30 July 2007 at Mildura - 29 registrations
(8) 1 August 2007 at Sale - 15 registrations
(9) 1 August 2007 at Traralgon - 24 registrations
(10) 7 August 2007 at Ringwood East - 82 registrations
(11) 9 August 2007 at Wodonga - 41 registrations

Public transport: V/Line — service delays

674. Mr MULDER to ask the Minister for Public Transport with reference to V/Line’s 12.13 pm service from Southern Cross Station to Albury on the 19 November 2007 —

(1) Did the service run approximately two hours late; if so —
   (a) why;
   (b) how many minutes delay did each reason cause.
(2) What time did the service arrive in Wodonga.

(3) Did the service terminate at Wodonga and run empty cars back to Southern Cross Station; if so —
   (a) what time did the empty cars arrive at Southern Cross Station;
   (b) did two conductors/buffet car attendants travel back on coaches to either Southern Cross Station or Seymour.

**ANSWER:**

As at the date the question was raised, the answer is:

Yes, the 12.13pm Southern Cross to Albury train ran late on 19 November 2007. Two sets of carriages became defective due to a broken air pipe.

The service arrived in Wodonga at 6:24 pm.

The train terminated at Wodonga and returned to Southern Cross Station as a passenger service.

**Public transport: trains — graffiti**

682. **Mr MULDER** to ask the Minister for Public Transport — for graffiti attacks on interior passenger saloon walls, interior passenger saloon windows, interior of passenger saloon doors, exterior walls or fluting, exterior of passenger saloon doors, exterior of passenger saloon windows, interior of drivers’ compartments, exterior of drivers’ compartments and couplers on all Connex trains — between 1 July 2007 and 22 November 2007 —

(1) How many separate incidents of graffiti have been recorded for each category.

(2) What was the cost to Connex to clean each incident of graffiti.

(3) How many attacks occurred in each category while trains were stabled at —
   (a) North Melbourne;
   (b) Ringwood;
   (c) Bayswater;
   (d) Belgrave;
   (e) Lilydale;
   (f) Newport Workshops;
   (g) Werribee;
   (h) Watergardens;
   (i) Broadmeadows;
   (j) Craigieburn;
   (k) Upfield;
   (l) Epping;
   (m) Eltham;
   (n) Hurstbridge;
   (o) Ashburton;
   (p) Camberwell;
   (q) Glen Waverley;
   (r) Dandenong;
   (s) Pakenham;
   (t) Cranbourne;
   (u) Mordialloc;
(v) Carrum;
(w) Frankston;
(x) Macaulay;
(y) Burnley;
(z) Newport.

ANSWER:

As at the date the question was raised, the answer is:

(1) Connex has advised that it does not hold the necessary data to respond to the question. Graffiti is cleaned from rolling stock as part of a fixed price contract and units are not returned to service until they have been fully cleaned. The type and location of graffiti removed is therefore not recorded as it does not impact upon the cost of removal.

(2) Connex has advised that individual graffiti cleaning costs are not available as cleaning is conducted as part of a larger cleaning and maintenance contract.

(3) Connex has advised that it does not record graffiti incidents to this level of detail and therefore is unable to respond to the question.

Community services: service needs register — Gippsland region

739. Ms WOOLDRIDGE to ask the Minister for Community Services with reference to the Service Needs Register in the Gippsland Region —

(1) How many people registered with the Service Needs Register —
   (a) had a carer in —
      (i) 2003;
      (ii) 2004;
      (iii) 2005;
      (iv) 2006;
      (v) 2007;

   (b) did not have a carer in —
      (i) 2003;
      (ii) 2004;
      (iii) 2005;
      (iv) 2006;
      (v) 2007;

   (c) had their carer’s age recorded in —
      (i) 2003;
      (ii) 2004;
      (iii) 2005;
      (iv) 2006;
      (v) 2007;

   (d) did not have their carer’s age recorded in —
      (i) 2003;
      (ii) 2004;
(iii) 2005;
(iv) 2006;
(v) 2007;

(5) How many carers with their age recorded —
(a) in 2003 were —
   (i) under 21 years;
   (ii) under 55 years;
   (iii) 55 to 64 years;
   (iv) 65 to 69 years;
   (v) 70 years or more;
(b) in 2004 were —
   (i) under 21 years;
   (ii) under 55 years;
   (iii) 55 to 64 years;
   (iv) 65 to 69 years;
   (v) 70 years or more;
(c) in 2005 were —
   (i) under 21 years;
   (ii) under 55 years;
   (iii) 55 to 64 years;
   (iv) 65 to 69 years;
   (v) 70 years or more;
(d) in 2006 were —
   (i) under 21 years;
   (ii) under 55 years;
   (iii) 55 to 64 years;
   (iv) 65 to 69 years;
   (v) 70 years or more;
(e) in 2007 were —
   (i) under 21 years;
   (ii) under 55 years;
   (iii) 55 to 64 years;
   (iv) 65 to 69 years;
   (v) 70 years or more.

ANSWER:

I am informed that:

The Disability Support Register (DSR) replaced the Service Needs Register (SNR) in 2006.

The DSR records individuals’ current need for ongoing support and does not enable a response to the information requested in this question. The DSR is also not directly comparable with the SNR because the latter included both people who were registering a current need as well as people who were registering a potential future need and registrations were recorded against different service types.
Community services: service needs register — Barwon south-west region

740. Ms WOOLDRIDGE to ask the Minister for Community Services with reference to the Service Needs Register in the Barwon South West Region —

(1) How many people registered with the Service Needs Register —
   (a) had a carer in —
      (i) 2003;
      (ii) 2004;
      (iii) 2005;
      (iv) 2006;
      (v) 2007;

   (b) did not have a carer in —
      (i) 2003;
      (ii) 2004;
      (iii) 2005;
      (iv) 2006;
      (v) 2007;

   (c) had their carer’s age recorded in —
      (i) 2003;
      (ii) 2004;
      (iii) 2005;
      (iv) 2006;
      (v) 2007;

   (d) did not have their carer’s age recorded in —
      (i) 2003;
      (ii) 2004;
      (iii) 2005;
      (iv) 2006;
      (v) 2007;

(5) How many carers with their age recorded —
   (a) in 2003 were —
      (i) under 21 years;
      (ii) under 55 years;
      (iii) 55 to 64 years;
      (iv) 65 to 69 years;
      (v) 70 years or more;

   (b) in 2004 were —
      (i) under 21 years;
      (ii) under 55 years;
      (iii) 55 to 64 years;
      (iv) 65 to 69 years;
      (v) 70 years or more;
(c) in 2005 were —
   (i) under 21 years;
   (ii) under 55 years;
   (iii) 55 to 64 years;
   (iv) 65 to 69 years;
   (v) 70 years or more;

(d) in 2006 were —
   (i) under 21 years;
   (ii) under 55 years;
   (iii) 55 to 64 years;
   (iv) 65 to 69 years;
   (v) 70 years or more;

(e) in 2007 were —
   (i) under 21 years;
   (ii) under 55 years;
   (iii) 55 to 64 years;
   (iv) 65 to 69 years;
   (v) 70 years or more.

ANSWER:

I am informed that:

The Disability Support Register (DSR) replaced the Service Needs Register (SNR) in 2006.

The DSR records individuals’ current need for ongoing support and does not enable a response to the information requested in this question. The DSR is also not directly comparable with the SNR because the latter included both people who were registering a current need as well as people who were registering a potential future need and registrations were recorded against different service types.

Community services: service needs register — Loddon Mallee region

741. Ms WOOLDRIDGE to ask the Minister for Community Services with reference to the Service Needs Register in the Loddon Mallee Region —

   (1) How many people registered with the Service Needs Register —
       (a) had a carer in —
           (i) 2003;
           (ii) 2004;
           (iii) 2005;
           (iv) 2006;
           (v) 2007;

       (b) did not have a carer in —
           (i) 2003;
           (ii) 2004;
           (iii) 2005;
           (iv) 2006;
(v) 2007;

(c) had their carer’s age recorded in —
   (i) 2003;
   (ii) 2004;
   (iii) 2005;
   (iv) 2006;
   (v) 2007;

(d) did not have their carer’s age recorded in —
   (i) 2003;
   (ii) 2004;
   (iii) 2005;
   (iv) 2006;
   (v) 2007;

(5) How many carers with their age recorded —
(a) in 2003 were —
   (i) under 21 years;
   (ii) under 55 years;
   (iii) 55 to 64 years;
   (iv) 65 to 69 years;
   (v) 70 years or more;

(b) in 2004 were —
   (i) under 21 years;
   (ii) under 55 years;
   (iii) 55 to 64 years;
   (iv) 65 to 69 years;
   (v) 70 years or more;

(c) in 2005 were —
   (i) under 21 years;
   (ii) under 55 years;
   (iii) 55 to 64 years;
   (iv) 65 to 69 years;
   (v) 70 years or more;

(d) in 2006 were —
   (i) under 21 years;
   (ii) under 55 years;
   (iii) 55 to 64 years;
   (iv) 65 to 69 years;
   (v) 70 years or more;

(e) in 2007 were —
   (i) under 21 years;
   (ii) under 55 years;
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(iii) 55 to 64 years;
(iv) 65 to 69 years;
(v) 70 years or more.

ANSWER:

I am informed that:

The Disability Support Register (DSR) replaced the Service Needs Register (SNR) in 2006.

The DSR records individuals’ current need for ongoing support and does not enable a response to the information requested in this question. The DSR is also not directly comparable with the SNR because the latter included both people who were registering a current need as well as people who were registering a potential future need and registrations were recorded against different service types.

Community services: service needs register — Grampians region

742. Ms WOOLDRIDGE to ask the Minister for Community Services with reference to the Service Needs Register in the Grampians Region —

(1) How many people registered with the Service Needs Register —
(a) had a carer in —
   (i) 2003;
   (ii) 2004;
   (iii) 2005;
   (iv) 2006;
   (v) 2007;

(b) did not have a carer in —
   (i) 2003;
   (ii) 2004;
   (iii) 2005;
   (iv) 2006;
   (v) 2007;

(c) had their carer’s age recorded in —
   (i) 2003;
   (ii) 2004;
   (iii) 2005;
   (iv) 2006;
   (v) 2007;

(d) did not have their carer’s age recorded in —
   (i) 2003;
   (ii) 2004;
   (iii) 2005;
   (iv) 2006;
   (v) 2007;

(5) How many carers with their age recorded —
(a) in 2003 were —
I am informed that:

The Disability Support Register (DSR) replaced the Service Needs Register (SNR) in 2006.

The DSR records individuals’ current need for ongoing support and does not enable a response to the information requested in this question. The DSR is also not directly comparable with the SNR because the latter included both people who were registering a current need as well as people who were registering a potential future need and registrations were recorded against different service types.

Community services: service needs register — Hume region

743. Ms WOOLDRIDGE to ask the Minister for Community Services with reference to the Service Needs Register in the Hume Region —

(1) How many people registered with the Service Needs Register —
(a) had a carer in —
   (i) 2003;
   (ii) 2004;
   (iii) 2005;
   (iv) 2006;
   (v) 2007;

(b) did not have a carer in —
   (i) 2003;
   (ii) 2004;
   (iii) 2005;
   (iv) 2006;
   (v) 2007;

(c) had their carer’s age recorded in —
   (i) 2003;
   (ii) 2004;
   (iii) 2005;
   (iv) 2006;
   (v) 2007;

(d) did not have their carer’s age recorded in —
   (i) 2003;
   (ii) 2004;
   (iii) 2005;
   (iv) 2006;
   (v) 2007;

(5) How many carers with their age recorded —

(a) in 2003 were —
   (i) under 21 years;
   (ii) under 55 years;
   (iii) 55 to 64 years;
   (iv) 65 to 69 years;
   (v) 70 years or more;

(b) in 2004 were —
   (i) under 21 years;
   (ii) under 55 years;
   (iii) 55 to 64 years;
   (iv) 65 to 69 years;
   (v) 70 years or more;

(c) in 2005 were —
   (i) under 21 years;
   (ii) under 55 years;
   (iii) 55 to 64 years;
   (iv) 65 to 69 years;
(v) 70 years or more; 

(d) in 2006 were — 
   (i) under 21 years; 
   (ii) under 55 years; 
   (iii) 55 to 64 years; 
   (iv) 65 to 69 years; 
   (v) 70 years or more; 

(e) in 2007 were — 
   (i) under 21 years; 
   (ii) under 55 years; 
   (iii) 55 to 64 years; 
   (iv) 65 to 69 years; 
   (v) 70 years or more.

ANSWER:

I am informed that:

The Disability Support Register (DSR) replaced the Service Needs Register (SNR) in 2006.

The DSR records individuals’ current need for ongoing support and does not enable a response to the information requested in this question. The DSR is also not directly comparable with the SNR because the latter included both people who were registering a current need as well as people who were registering a potential future need and registrations were recorded against different service types.

Community services: service needs register — north-west region

744. Ms WOOLDRIDGE to ask the Minister for Community Services with reference to the Service Needs Register in the North West Region —

(1) How many people registered with the Service Needs Register —
   (a) had a carer in — 
      (i) 2003; 
      (ii) 2004; 
      (iii) 2005; 
      (iv) 2006; 
      (v) 2007; 
   (b) did not have a carer in — 
      (i) 2003; 
      (ii) 2004; 
      (iii) 2005; 
      (iv) 2006; 
      (v) 2007; 
   (c) had their carer’s age recorded in — 
      (i) 2003; 
      (ii) 2004; 
      (iii) 2005;
(iv) 2006;
(v) 2007;

(d) did not have their carer’s age recorded in —
(i) 2003;
(ii) 2004;
(iii) 2005;
(iv) 2006;
(v) 2007;

(5) How many carers with their age recorded —

(a) in 2003 were —
   (i) under 21 years;
   (ii) under 55 years;
   (iii) 55 to 64 years;
   (iv) 65 to 69 years;
   (v) 70 years or more;

(b) in 2004 were —
   (i) under 21 years;
   (ii) under 55 years;
   (iii) 55 to 64 years;
   (iv) 65 to 69 years;
   (v) 70 years or more;

(c) in 2005 were —
   (i) under 21 years;
   (ii) under 55 years;
   (iii) 55 to 64 years;
   (iv) 65 to 69 years;
   (v) 70 years or more;

(d) in 2006 were —
   (i) under 21 years;
   (ii) under 55 years;
   (iii) 55 to 64 years;
   (iv) 65 to 69 years;
   (v) 70 years or more;

(e) in 2007 were —
   (i) under 21 years;
   (ii) under 55 years;
   (iii) 55 to 64 years;
   (iv) 65 to 69 years;
   (v) 70 years or more.

**ANSWER:**

I am informed that:
The Disability Support Register (DSR) replaced the Service Needs Register (SNR) in 2006.

The DSR records individuals’ current need for ongoing support and does not enable a response to the information requested in this question. The DSR is also not directly comparable with the SNR because the latter included both people who were registering a current need as well as people who were registering a potential future need and registrations were recorded against different service types.

**Community services: service needs register — eastern region**

745. **Ms WOOLDRIDGE** to ask the Minister for Community Services with reference to the Service Needs Register in the Eastern Region —

(1) How many people registered with the Service Needs Register —

(a) had a carer in —
   (i) 2003;
   (ii) 2004;
   (iii) 2005;
   (iv) 2006;
   (v) 2007;

(b) did not have a carer in —
   (i) 2003;
   (ii) 2004;
   (iii) 2005;
   (iv) 2006;
   (v) 2007;

(c) had their carer’s age recorded in —
   (i) 2003;
   (ii) 2004;
   (iii) 2005;
   (iv) 2006;
   (v) 2007;

(d) did not have their carer’s age recorded in —
   (i) 2003;
   (ii) 2004;
   (iii) 2005;
   (iv) 2006;
   (v) 2007;

(5) How many carers with their age recorded —

(a) in 2003 were —
   (i) under 21 years;
   (ii) under 55 years;
   (iii) 55 to 64 years;
   (iv) 65 to 69 years;
   (v) 70 years or more;

(b) in 2004 were —
(i) under 21 years;
(ii) under 55 years;
(iii) 55 to 64 years;
(iv) 65 to 69 years;
(v) 70 years or more;

(c) in 2005 were —
(i) under 21 years;
(ii) under 55 years;
(iii) 55 to 64 years;
(iv) 65 to 69 years;
(v) 70 years or more;

(d) in 2006 were —
(i) under 21 years;
(ii) under 55 years;
(iii) 55 to 64 years;
(iv) 65 to 69 years;
(v) 70 years or more;

(e) in 2007 were —
(i) under 21 years;
(ii) under 55 years;
(iii) 55 to 64 years;
(iv) 65 to 69 years;
(v) 70 years or more.

ANSWER:

I am informed that:

The Disability Support Register (DSR) replaced the Service Needs Register (SNR) in 2006.

The DSR records individuals’ current need for ongoing support and does not enable a response to the information requested in this question. The DSR is also not directly comparable with the SNR because the latter included both people who were registering a current need as well as people who were registering a potential future need and registrations were recorded against different service types.

Community services: service needs register — southern region

746. Ms WOOLDRIDGE to ask the Minister for Community Services with reference to the Service Needs Register in the Southern Region —

(1) How many people registered with the Service Needs Register —
(a) had a carer in —
   (i) 2003;
   (ii) 2004;
   (iii) 2005;
   (iv) 2006;
   (v) 2007;
(b) did not have a carer in —
   (i) 2003;
   (ii) 2004;
   (iii) 2005;
   (iv) 2006;
   (v) 2007;

(c) had their carer’s age recorded in —
   (i) 2003;
   (ii) 2004;
   (iii) 2005;
   (iv) 2006;
   (v) 2007;

(d) did not have their carer’s age recorded in —
   (i) 2003;
   (ii) 2004;
   (iii) 2005;
   (iv) 2006;
   (v) 2007;

(5) How many carers with their age recorded —
(a) in 2003 were —
   (i) under 21 years;
   (ii) under 55 years;
   (iii) 55 to 64 years;
   (iv) 65 to 69 years;
   (v) 70 years or more;

(b) in 2004 were —
   (i) under 21 years;
   (ii) under 55 years;
   (iii) 55 to 64 years;
   (iv) 65 to 69 years;
   (v) 70 years or more;

(c) in 2005 were —
   (i) under 21 years;
   (ii) under 55 years;
   (iii) 55 to 64 years;
   (iv) 65 to 69 years;
   (v) 70 years or more;

(d) in 2006 were —
   (i) under 21 years;
   (ii) under 55 years;
   (iii) 55 to 64 years;
   (iv) 65 to 69 years;
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(v) 70 years or more;

e) in 2007 were —
   i) under 21 years;
   ii) under 55 years;
   iii) 55 to 64 years;
   iv) 65 to 69 years;
   v) 70 years or more.

ANSWER:

I am informed that:

The Disability Support Register (DSR) replaced the Service Needs Register (SNR) in 2006.

The DSR records individuals’ current need for ongoing support and does not enable a response to the information requested in this question. The DSR is also not directly comparable with the SNR because the latter included both people who were registering a current need as well as people who were registering a potential future need and registrations were recorded against different service types.

Community services: service needs register

747. Ms WOOLDRIDGE to ask the Minister for Community Services with reference to the Service Needs Register —

   (1) How many people registered with the Service Needs Register —
       a) had a carer in —
          i) 2003;
          ii) 2004;
          iii) 2005;
          iv) 2006;
          v) 2007;

       b) did not have a carer in —
          i) 2003;
          ii) 2004;
          iii) 2005;
          iv) 2006;
          v) 2007;

       c) had their carer’s age recorded in —
          i) 2003;
          ii) 2004;
          iii) 2005;
          iv) 2006;
          v) 2007;

       d) did not have their carer’s age recorded in —
          i) 2003;
          ii) 2004;
          iii) 2005;
(iv) 2006;
(v) 2007;

(5) How many carers with their age recorded —

(a) in 2003 were —
   (i) under 21 years;
   (ii) under 55 years;
   (iii) 55 to 64 years;
   (iv) 65 to 69 years;
   (v) 70 years or more;

(b) in 2004 were —
   (i) under 21 years;
   (ii) under 55 years;
   (iii) 55 to 64 years;
   (iv) 65 to 69 years;
   (v) 70 years or more;

(c) in 2005 were —
   (i) under 21 years;
   (ii) under 55 years;
   (iii) 55 to 64 years;
   (iv) 65 to 69 years;
   (v) 70 years or more;

(d) in 2006 were —
   (i) under 21 years;
   (ii) under 55 years;
   (iii) 55 to 64 years;
   (iv) 65 to 69 years;
   (v) 70 years or more;

(e) in 2007 were —
   (i) under 21 years;
   (ii) under 55 years;
   (iii) 55 to 64 years;
   (iv) 65 to 69 years;
   (v) 70 years or more.

ANSWER:

I am informed that:

The Disability Support Register (DSR) replaced the Service Needs Register (SNR) in 2006.

The DSR records individuals’ current need for ongoing support and does not enable a response to the information requested in this question. The DSR is also not directly comparable with the SNR because the latter included both people who were registering a current need as well as people who were registering a potential future need and registrations were recorded against different service types.
QUESTIONS ON NOTICE

Tuesday, 6 May 2008

Roads and ports: Crown land — Doncaster

92(h). Ms WOOLDRIDGE to ask the Minister for Roads and Ports with reference to Crown-owned land in the electorate of Doncaster relating to the Minister’s portfolio —

(1) What is the description of and, where available, the address of all such land.
(2) Does the Government intend to sell any of this land or acquire any new land in the electorate.

ANSWER:

As at the date the question was raised, the answer is:

The sale of Crown land is the responsibility of the Minister for Finance.

Environment and climate change: political fundraising event refund

232. Ms ASHER to ask the Minister for Community Development (for the Minister for Environment and Climate Change) with reference to the political fundraising event, for which a $1,100 refund was paid to an alpine resort board member for attending, as noted on page 42 of the Auditor-General’s report on Results of Financial Statements Audits for Agencies with other than 30 June 2006 Balance Dates —

(1) What is the name of the board member who claimed the refund.
(2) What was the name of the event.
(3) What was the name of the person hosting the event.
(4) What is the name of the member of Parliament for whose benefit the event was held.
(5) What was the date of the event.
(6) What was the date of the claim made by the member for the refund.
(7) On what date was the claim paid to the board member.
(8) Was the reimbursement paid to the board member refunded back to the Resort Board; if so, on what date.
(9) What documentation was provided by the board member in support of the refund.
(10) Who approved the refund.

ANSWER:

I am informed that:

The attendance of individuals at a political fundraising event is not an issue that lies within my portfolio responsibilities but is a private matter for the person in question.

In 2007, the Department of Sustainability and Environment commissioned KPMG to undertake an independent audit of financial procedures and policies at the Alpine Resort Management Boards and the Alpine Resorts Co-ordinating Council. The report’s findings and recommendations were released in December 2007. The Boards
and the Council welcomed KPMG’s recommendations and committed to introducing stringent management actions to address the recommendations.

The reimbursement in question was one of the matters KPMG’s review considered. KPMG noted that the Board’s policies have been updated to prevent a recurrence of this situation.

Regional and rural development: Shannon’s Way Pty Ltd

249(u). Mr THOMPSON (Sandringham) to ask the Minister for Regional and Rural Development with reference to contracts entered into by the Minister’s department with Shannon’s Way Pty Ltd since 1 January 2000 —

(1) What contracts have been entered into.
(2) What was the cost of each contract.
(3) What was the cost of any contract extensions, variations or renewals.
(4) Which contracts were offered for public tender.
(5) What are the reasons given for any contracts not offered for public tender.

[Question published in substitution of no. 249 published in questions on notice dated 21 June 2007]

ANSWER:

I am informed as follows:

DIIRD has not entered into any contracts with Shannon’s Way Pty Ltd since 1 January 2000.

Information on contracts entered into by the Department of Innovation, Industry and Regional Development can be found at the website www.contracts.vic.gov.au.

Skills and workforce participation: Shannon’s Way Pty Ltd

249(w). Mr THOMPSON (Sandringham) to ask the Minister for Skills and Workforce Participation with reference to contracts entered into by the Minister’s department with Shannon’s Way Pty Ltd since 1 January 2000 —

(1) What contracts have been entered into.
(2) What was the cost of each contract.
(3) What was the cost of any contract extensions, variations or renewals.
(4) Which contracts were offered for public tender.
(5) What are the reasons given for any contracts not offered for public tender.

[Question published in substitution of no. 249 published in questions on notice dated 21 June 2007]

ANSWER:

I am informed as follows:

DIIRD has not entered into any contracts with Shannon’s Way Pty Ltd since 1 January 2000.

Information on contracts entered into by the Department of Innovation, Industry and Regional Development can be found at the website www.contracts.vic.gov.au.
Regional and rural development: Growth Solutions Group

250(x). Mr THOMPSON (Sandringham) to ask the Minister for Regional and Rural Development with reference to contracts entered into by the Minister’s department with Growth Solutions Group since 1 January 2000 —

(1) What contracts have been entered into.
(2) What was the cost of each contract.
(3) What was the cost of any contract extensions, variations or renewals.
(4) Which contracts were offered for public tender.
(5) What are the reasons given for any contracts not offered for public tender.

ANSWER:

I am informed that the records for the Department of Innovation, Industry and Regional Development are as follows:

The Department of Innovation, Industry and Regional Development has entered into six contracts with Growth Solutions Group for research, strategy and marketing consultancy services.

These contracts have ranged in value from $9,001 to $440,000, totalling $593,141.

The contract for $440,000 was awarded following a competitive quotation process utilising the DPC Whole of Victorian Government Marketing Services panel contract.

Given the value of the remainder of the contracts, and in compliance with Victorian Government Purchasing Board policies, none were offered for public tender.

There were no contract extensions, variations or renewals for these contracts.

Information on contracts entered into by the Department of Innovation, Industry and Regional Development can be found at the website www.contracts.vic.gov.au.

Skills and workforce participation: Growth Solutions Group

250(z). Mr THOMPSON (Sandringham) to ask the Minister for Skills and Workforce Participation with reference to contracts entered into by the Minister’s department with Growth Solutions Group since 1 January 2000 —

(1) What contracts have been entered into.
(2) What was the cost of each contract.
(3) What was the cost of any contract extensions, variations or renewals.
(4) Which contracts were offered for public tender.
(5) What are the reasons given for any contracts not offered for public tender.

ANSWER:

I am informed that the records for the Department of Innovation, Industry and Regional Development are as follows:

The Department of Innovation, Industry and Regional Development has entered into six contracts with Growth Solutions Group for research, strategy and marketing consultancy services.

These contracts have ranged in value from $9,001 to $440,000, totalling $593,141.
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Given the value of the remainder of the contracts, and in compliance with Victorian Government Purchasing Board policies, none were offered for public tender.

There were no contract extensions, variations or renewals for these contracts.

Information on contracts entered into by the Department of Innovation, Industry and Regional Development can be found at the website www.contracts.vic.gov.au.

Multicultural affairs: multicultural education

384. Mr KOTSIRAS to ask the Minister for Multicultural Affairs — whether the Government has implemented educational programs in government schools since 2002 to reinforce the advantages of living in a multicultural and multilingual society; if so —

(1) What is the name of each program.
(2) When did each program commence.
(3) What is the timeframe for each program.
(4) What is the cost of each program.
(5) How is each program evaluated.

ANSWER:

I am informed that Victorian schools continuously strive to live and teach the values that underpin the Racial and Religious Tolerance Act 2001, the Multicultural Victoria Act 2004 and the Charter of Human Rights and Responsibilities. These values are central to the work of the Department of Education and Early Childhood Development in building respect for others and social cohesion.

Schools undertake a number of programs and events designed to promote community harmony including Celebrate our Cultural Diversity Week, Courage to Care, Goodness and Kindness Project, the Citizen of Humanity Project, the Keynotes Project and utilisation of the Racism No Way website.

Further questions relating to programs offered in Government schools regarding living in a multicultural and multilingual society should be directed to the Minister for Education.

Police and emergency services: Victorian Law Enforcement Drug Fund


(1) How much funding went into the Fund and from what source.
(2) How much from the Fund was spent on programs and initiatives.
(3) What initiatives and programs were funded from the Fund and for how much.
(4) What was the remaining balance of the Fund.

ANSWER:

I am advised that:

(1) The table below shows how much funding went into the Victorian Law Enforcement Drug Fund (VLEDF) for each of the financial years 1999-2000 to 2006-07. The source of the funds was the Department of Human Services.
(2) Four funding rounds were held during the period in which information is requested. The total amount of funds allocated to programs/initiatives were:

<table>
<thead>
<tr>
<th>Funding round initiated</th>
<th>Funding allocated to programs/initiatives</th>
</tr>
</thead>
<tbody>
<tr>
<td>1999-2000</td>
<td>$900,329</td>
</tr>
<tr>
<td>2000-01</td>
<td>$1,183,242</td>
</tr>
<tr>
<td>2001-02</td>
<td>$1,125,795</td>
</tr>
<tr>
<td>2003-04</td>
<td>$959,337</td>
</tr>
</tbody>
</table>

Funds under each of these rounds were expended across more than one financial year, and project lengths and commencement dates varied.

While the majority of funds were expended on programs and initiatives selected by the VLEDF Committee, some funds were also expended on the promotion and administration of the VLEDF, including costs associated with advertising each funding round.

(3) The attached table lists the programs and initiatives funded in each round and the organisations funded to implement them.

(4) The table below provides the balance of VLEDF funds at the end of each financial year.

<table>
<thead>
<tr>
<th>Financial year</th>
<th>Closing balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>1999-2000</td>
<td>$924,060</td>
</tr>
<tr>
<td>2000-01</td>
<td>$1,298,279</td>
</tr>
<tr>
<td>2001-02</td>
<td>$2,031,215</td>
</tr>
<tr>
<td>2002-03</td>
<td>$1,687,500</td>
</tr>
<tr>
<td>2003-04</td>
<td>$1,965,225</td>
</tr>
<tr>
<td>2004-05</td>
<td>$1,402,506</td>
</tr>
<tr>
<td>2005-06</td>
<td>$1,072,998</td>
</tr>
<tr>
<td>2006-07</td>
<td>$641,704</td>
</tr>
<tr>
<td>Title</td>
<td>Organisation</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>--------------------------------------------------</td>
</tr>
<tr>
<td>2003-04 round</td>
<td></td>
</tr>
<tr>
<td>‘Best Practice’ and effective drug and alcohol responses for young people in public places</td>
<td>Victoria Police Licensing Services Branch</td>
</tr>
<tr>
<td>Empowering Young Crime Stoppers</td>
<td>Crime Stoppers Victoria Ltd</td>
</tr>
<tr>
<td>Evaluation: Empowering Young Crime Stoppers</td>
<td>RLP consulting</td>
</tr>
<tr>
<td>Frankston Drink Safe Project</td>
<td>Frankston City Council</td>
</tr>
<tr>
<td>Right Time, Right Place</td>
<td>Monashlink Community Health Service Inc.–EDAS (Eastern Drug and Alcohol Service)</td>
</tr>
<tr>
<td>Evaluation: Right Time, Right Place</td>
<td>Independent</td>
</tr>
<tr>
<td>Reassurance Policing Project: Braybrook and Maidstone</td>
<td>DHS, Northern and West Metropolitan Region</td>
</tr>
<tr>
<td>Evaluation: Reassurance Policing Project: Braybrook and Maidstone</td>
<td>MGN Consultancy</td>
</tr>
<tr>
<td>Title</td>
<td>Organisation</td>
</tr>
<tr>
<td>-------</td>
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</tr>
<tr>
<td>Alternative Options for underage drinkers in the Macedon Ranges Shire</td>
<td>COBAW Community Health Service Inc</td>
</tr>
<tr>
<td>Evaluation: Alternative Options for underage drinkers in the Macedon Ranges Shire</td>
<td>Turning Point</td>
</tr>
<tr>
<td>The Chaos Effect</td>
<td>Goulburn Valley Community Health Service Inc</td>
</tr>
<tr>
<td>Evaluation: The Chaos Effect</td>
<td>Independent</td>
</tr>
<tr>
<td>Plenty Valley Community Health</td>
<td>NART</td>
</tr>
<tr>
<td>Plenty Valley Community Health</td>
<td>NART</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Title</th>
<th>Organisation</th>
<th>Funds</th>
<th>Objectives</th>
</tr>
</thead>
<tbody>
<tr>
<td>Advanced Drink Driver</td>
<td>Kelrick Group</td>
<td>85,613</td>
<td>Trial a new, advanced education program tailored to repeat drink driving offenders, which is specifically geared towards addressing the factors underlying recidivist drink driving behaviour. Evaluative the efficacy of repeat drink driver education, and identify best practice in education and alcohol/psychological screening to change attitudes in repeat offenders about drinking and driving.</td>
</tr>
<tr>
<td>Evaluation: Advanced Drink Driver</td>
<td>Dynamic Outcomes</td>
<td>15,000</td>
<td>Evaluate the new Advanced Drink Driver program.</td>
</tr>
<tr>
<td>Title</td>
<td>Organisation</td>
<td>Funds</td>
<td>Objectives</td>
</tr>
<tr>
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</tr>
<tr>
<td>Drug Encryption Project</td>
<td>VicPol</td>
<td>163,861</td>
<td>Increase expertise and knowledge of encryption and capabilities relating to encrypted information in order to develop and gather intelligence on sophisticated drug trafficking.</td>
</tr>
<tr>
<td>Ballarat Wanderers Mentoring Program</td>
<td>Athlete Development Australia</td>
<td>70,400</td>
<td>Build resiliency and decision making skills of young Indigenous people of the Ballarat region to reduce their involvement in drugs, alcohol and other anti-social behaviours. Develop increased individual skill sets through involvement in programs that are of a positive diversionary nature.</td>
</tr>
<tr>
<td>Evaluation: Ballarat Wanderers Mentoring Program</td>
<td>Beyond blue</td>
<td>14,895</td>
<td>Evaluate the Ballarat Wanderers Mentoring Program</td>
</tr>
<tr>
<td>Research into Family Violence in Indigenous Communities relating to drug and alcohol abuse</td>
<td>VicPol - Family Violence Unit</td>
<td>77,125</td>
<td>Identify evidence-based good practice strategies to deal with family incidents in which alcohol and other drugs are implicated, where strategies are consistent with a criminal justice response and in keeping with indigenous community values.</td>
</tr>
<tr>
<td>Evaluation: Research into Family Violence</td>
<td>Independent</td>
<td>10,000</td>
<td>Process and qualitative evaluation of the Research into Family Violence project, including stakeholder consultation.</td>
</tr>
<tr>
<td>Getting Out and How To Survive It</td>
<td>Victorian Assoc’n for the Care and Resettlement of Offenders</td>
<td>118,514</td>
<td>Provide useful information via a video for prisoners to assist in the transition back into the community, resulting in decreased risk of reoffending and substance abuse.</td>
</tr>
<tr>
<td>Evaluation: Getting Out and How To Survive It</td>
<td>Turning Point</td>
<td>14,861</td>
<td>Evaluation assessing the appropriateness of the information in the “Getting out and How to Survive it” video and the perceived effectiveness of the video and subsequent use by ex-prisoners.</td>
</tr>
<tr>
<td>Purple Room Support Services</td>
<td>Whitelion</td>
<td>57,838</td>
<td>Provide young women who are in custody and leaving custody with opportunities to participate in positive activities, relationship and community involvement. Provide support services and linkages which will ultimately aim to reduce reoffending and risky behaviours and the incidence of drug overdoses and other harm-related incidents, which often result from social alienation and disconnection.</td>
</tr>
<tr>
<td>Evaluation: Purple Room Support Service</td>
<td>Anne Markiewicz</td>
<td>10,000</td>
<td>Evaluation of the Purple Room Support Services, building on previous evaluations.</td>
</tr>
<tr>
<td>Project Taylor - Offender/suspect Alcohol &amp; Drug Data Collection System</td>
<td>VicPol - State Traffic Advisors Office</td>
<td>190,000</td>
<td>Develop a new Offender/Suspect Drink and Drug Survey data set for Victoria Police LEAP data collection system. The system provides a “real time” picture of the involvement of alcohol, and to a lesser extent other licit and illicit drugs, in crime across Victoria.</td>
</tr>
</tbody>
</table>
### QUESTIONS ON NOTICE

**Tuesday, 6 May 2008**

#### ASSEMBLY 1805

<table>
<thead>
<tr>
<th>Title</th>
<th>Organisation</th>
<th>Funds</th>
<th>Objectives</th>
</tr>
</thead>
<tbody>
<tr>
<td>2001-02 cont…</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Evaluation: Project Taylor</td>
<td>Independent</td>
<td>10,000</td>
<td>Process and qualitative evaluation of the Project Taylor project, including stakeholder consultation.</td>
</tr>
<tr>
<td>Hustling for Health</td>
<td>Inner Self Community Health Services</td>
<td>27,241</td>
<td>Encourage increased levels of reporting of offences (in particular assault) against sex workers and reduce the impact of drug use resulting in improved amenity and community safety.</td>
</tr>
<tr>
<td>High Water Theatre - Breaking the Cycle Rural Youth Project</td>
<td>Somebody’s Daughter Theatre Co</td>
<td>120,175</td>
<td>Encourage increased levels of self esteem through participation and involvement in live theatre performance and workshops resulting in reduced substance abuse.</td>
</tr>
<tr>
<td>Evaluation: High Water Theatre</td>
<td>Independent</td>
<td>15,000</td>
<td>Evaluation of the High Water Theatre project - process/qualitative evaluation including interviews.</td>
</tr>
<tr>
<td>Narrowcast Community Education program to Reduce Harms Associated with Drink Spiking</td>
<td>Convenience Advertising</td>
<td>121,422</td>
<td>Conduct an education program to promote awareness of risks relating to drink spiking in licenses premises through the prominent display of information in toilets.</td>
</tr>
<tr>
<td>Evaluation: Narrowcast Community Education program to Reduce Harms Associated with Drink Spiking</td>
<td>Independent</td>
<td>3,850</td>
<td>Evaluation of the Narrowcast Community Education program to Reduce Harms Associated with Drink Spiking.</td>
</tr>
<tr>
<td><strong>2001-02 TOTAL</strong></td>
<td></td>
<td><strong>1,125,795</strong></td>
<td></td>
</tr>
</tbody>
</table>

#### 2000-01 round

<table>
<thead>
<tr>
<th>Title</th>
<th>Organisation</th>
<th>Funds</th>
<th>Objectives</th>
</tr>
</thead>
<tbody>
<tr>
<td>Breathing Easy - The Eastern Region Licit Substance Community Safety Project</td>
<td>Salvation Army</td>
<td>83,392</td>
<td>Build up the community’s capacity to cope with violence and harm caused by young people’s alcohol and inhalant use. Develop and trial a number of resources to assist the local community, offering practical harm reduction and supply reduction strategies.</td>
</tr>
<tr>
<td>Place and Space</td>
<td>Kingston City Council</td>
<td>69,960</td>
<td>Conduct research to inform the development of a set of guidelines for public management. Identify 14 locations within three LGA’s for implementation and then evaluate the impact of these interventions by comparing perceptions of crime and safety and reported crime with those at 14 ‘control’ locations.</td>
</tr>
<tr>
<td>Making the Difference</td>
<td>Inner Eastern City Health Service Inc</td>
<td>145,750</td>
<td>Using an assertive outreach model, provide post release support to women leaving the Dame Phyllis Frost Centre who have had a history of illicit drug use.</td>
</tr>
<tr>
<td>Title</td>
<td>Organisation</td>
<td>Funds</td>
<td>Objectives</td>
</tr>
<tr>
<td>-------</td>
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<td>------------</td>
</tr>
<tr>
<td>Extending Prisoners’ survival guide to the community</td>
<td>Victorian Assoc’n for the Care and Resettlement of Offenders</td>
<td>54,510</td>
<td>Produce and <em>Ex-prisoners’ Survival Guide</em> to the Community to assist men and women to navigate their reintegration into the community. Provide ex-prisoners with a concise, comprehensive resource to facilitate easy access to community resources.</td>
</tr>
<tr>
<td>Ballarat Arrest Referral Program</td>
<td>Uniting Care Outreach Centre</td>
<td>28,032</td>
<td>Direct persons with substance issues, who are in custody in Ballarat police cells, to emotional, social and welfare support services in order to reduce problematic behaviour.</td>
</tr>
<tr>
<td>Can It</td>
<td>Darebin City Council</td>
<td>27,836</td>
<td>Develop a local area strategy for the complex issue of inhalant misuse through an innovative action research model. Develop a partnership approach between all stakeholders to establish a working model that can be applied at the local level.</td>
</tr>
<tr>
<td>Kids and Chroming</td>
<td>VicPol</td>
<td>7,165</td>
<td>Address the practice of inhalant abuse by Aboriginal children in the Swan Hill Area. Conduct a workshop to provide education regarding the dangers of this practice and a forum to exchange information between the relevant parties including the Aboriginal community, Police and support agencies.</td>
</tr>
<tr>
<td>Community Education to reduce harm associated with drink spiking</td>
<td>Convenience Advertising</td>
<td>71,360</td>
<td>Establish a public health and safety partnership to reduce drug related harm and crime within the community. Deliver and evaluate targeted messages to patrons for licensed venues about drink spiking and sexual assault.</td>
</tr>
<tr>
<td>Program to reduce assaults in entertainment venues and other licensed premises</td>
<td>VicPol</td>
<td>110,000</td>
<td>Collect information in partnership with hospitals regarding all assault victims and incidents at licensed premises in order to reduce injuries and incidents, reduce demand for police and hospital services, and enhance community safety. Undertake qualitative and quantitative analysis to support prevention strategies.</td>
</tr>
<tr>
<td>Urban Dreaming Recovery Project</td>
<td>Centre for Creative Ministries</td>
<td>60,500</td>
<td>Assist the recovery from drug and alcohol addiction of a group of Koori men and women using music therapy including: songwriting; the acquisition of musical and vocal skills; the recording of a CD; and a tour of recovery centres in Victoria.</td>
</tr>
<tr>
<td>The Open Gate Project</td>
<td>Strathbogie Shire Council</td>
<td>15,356</td>
<td>Reduce offending and anti-social behaviour in young people by involving them in a community theatre project and public forum based on young people’s stories about drugs.</td>
</tr>
<tr>
<td>Title</td>
<td>Organisation</td>
<td>Funds</td>
<td>Objectives</td>
</tr>
<tr>
<td>-------</td>
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</tr>
<tr>
<td><strong>2000-01 cont…</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Role Model/Mentor Program</td>
<td>Whitelion Inc</td>
<td>63,400</td>
<td>Promote community connectedness as a demand reduction strategy to reduce the incidence of drug taking and subsequent offending. Target young people within the Custodial Juvenile Justice System and young people living in isolated rural communities.</td>
</tr>
<tr>
<td>Drug Use Monitoring in Australia (DUMA)</td>
<td>Crime Prevention Victoria</td>
<td>174,772</td>
<td>Interview and test people arrested by police to provide timely, accurate information on the extent of their drug use, the nature of the local drug market and the demand for treatment amongst arrestees. Provide data for local agencies and allow comparisons with those jurisdictions (NSW, WA and QLD) which already have implemented such a program.</td>
</tr>
<tr>
<td>Drug-drive evaluation and video resource development</td>
<td>Moreland Hall - Uniting Care Outreach Centre</td>
<td>105,593</td>
<td>Undertake a detailed content, process and outcome evaluation of the pilot phase of the Drug Driver Education Program (education prevention for ‘impaired driving legislation’), then develop an audiovisual education aid to support the education program.</td>
</tr>
<tr>
<td>Evaluation of Bendigo Prison Drug Treatment Program</td>
<td>Melbourne Enterprises International Ltd</td>
<td>165,616</td>
<td>Establish the Bendigo Prison Drug Treatment Program as a model for in-prison drug treatment programs by analysing issues such as: How successful the program is in changing prisoners’ drug-using behaviour and offending behaviour; and How the program’s clinical, environmental, cultural and management elements contribute to the achievement of its goals?</td>
</tr>
<tr>
<td><strong>2000-01 TOTAL</strong></td>
<td></td>
<td><strong>1,183,242</strong></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
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<th>Organisation</th>
<th>Funds</th>
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</tr>
</thead>
<tbody>
<tr>
<td><strong>1999-00 round</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Drink Drive and Other Drugs Resources Materials</td>
<td>Victorian Association of Drink Driver Services</td>
<td>108,900</td>
<td>Develop a video and educational materials to be used in drink/driving and drug/driving education programs for persons convicted of drink driving. Develop drink driver education resources for use in programs provided for culturally and linguistically diverse communities.</td>
</tr>
<tr>
<td>Mapping the Impact of Drug Abuse</td>
<td>City of Greater Dandenong</td>
<td>140,500</td>
<td>Establish and evaluate an integrated local database on the impact of drug abuse in the Greater Dandenong area. Help local agencies address issues, and plan and implement innovative responses to emerging trends in drug and alcohol use. Provide a model for future data analysis and leverage multi-agency support.</td>
</tr>
<tr>
<td>Wyndham Youth Justice Project</td>
<td>Werribee Legal Service</td>
<td>79,563</td>
<td>Pilot a youth legal service, produce research on drug and crime issues, facilitate a Youth Justice Group and set up a volunteer register for the Independent Person program.</td>
</tr>
<tr>
<td>Title</td>
<td>Organisation</td>
<td>Funds</td>
<td>Objectives</td>
</tr>
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</tr>
<tr>
<td>Involvement of Alcohol &amp; Other Drugs in Violent and Unexplained Deaths</td>
<td>Victorian Institute of Forensic Medicine</td>
<td>90,640</td>
<td>Study the involvement of drugs in violent deaths, focusing on understanding the role of amphetamines (including ecstasy), heroin, methadone, morphine, cocaine, cannabis, benzo-diazapines and anti-psychotic drugs. Revise the Coroner-s Court inquests and related trial materials from the County and Supreme Courts.</td>
</tr>
<tr>
<td>Sentinel surveillance of Hepatitis C virus infection in Victorian correction facilities</td>
<td>Macfarlane Burnet Centre for Medical Research</td>
<td>164,482</td>
<td>Estimate the prevalence of Hepatitis C in prisons. Develop conclusions in consultation with the Office of Correctional Services Commissioner and the Corrections Health Board.</td>
</tr>
<tr>
<td>City of Glen Eira Public Space Safety Strategy</td>
<td>Glen Eira City Council</td>
<td>11,000</td>
<td>Develop a sound understanding of safety in public spaces, identify real and perceived threats, and develop sustainable strategies that include young people while reducing the fears of older people.</td>
</tr>
<tr>
<td>RAVE On</td>
<td>Mornington Peninsula Shire Council</td>
<td>33,258</td>
<td>Reduce the incidence of injury at parties and develop a resource guide for young people and families to help them discuss alcohol consumption, and its effect on driving, parties and relationships, with particular consideration to the use of drugs and ‘gate crashing’ at rave parties. Develop an Internet site promoting safer party strategies.</td>
</tr>
<tr>
<td>Ethnospecific drug and crime information strategy for the Indochinese community</td>
<td>Cambodian Association of Victoria</td>
<td>59,829</td>
<td>Develop a drug and crime information strategy specific to the needs of the Cambodian community in South East Melbourne. Design information materials for use by schools, welfare bodies and police.</td>
</tr>
<tr>
<td>Families Helping Families</td>
<td>Lakes Entrance Community Health Centre</td>
<td>130,983</td>
<td>Support isolated rural families who are victims of substance abuse, including alcohol, in Bairnsdale, Lakes Entrance, Orbost, Cann River, Mallacoota, Omeo and Swifts Creek.</td>
</tr>
<tr>
<td>Operation counterfoil</td>
<td>Victoria Police</td>
<td>81,174</td>
<td>Provide policy-makers with a good understanding of the reasons provided by young people for carrying knives, syringes and bladed weapons, and their perceptions and attitudes towards crime involving these weapons. Recommend strategies to reduce the carrying of these weapons.</td>
</tr>
<tr>
<td><strong>1999-00 TOTAL</strong></td>
<td></td>
<td><strong>900,329</strong></td>
<td></td>
</tr>
</tbody>
</table>

Roads and ports: VicRoads — licence renewals

550. **Mr MULDER** to ask the Minister for Roads and Ports — in October 2006 and October 2007 —

(1) How many licence renewals did VicRoads issue.
(2) How many licence renewals were for —

(a) car;
(b) motorcycle;
(c) light rigid;
(d) medium rigid;
(e) heavy rigid;
(f) heavy combination;
(g) multi combination.

(3) Were all car, motorcycle, light rigid, medium rigid, heavy rigid, heavy combination and multi combination licences issued prior to their expiry dates; if not, how many in each category were late.

(4) Did VicRoads send out licence renewals late; if so —
(a) what postcodes featured 10 or more times;
(b) how many instances of late renewals were there for each postcode which featured 10 or more times;
(c) how many complaints were received by VicRoads as a result of late renewals.

ANSWER:

As at the date the question was raised, the answer is:

The number of licence renewal notices issued was:

<table>
<thead>
<tr>
<th>Year</th>
<th>Notices</th>
</tr>
</thead>
<tbody>
<tr>
<td>October 2006</td>
<td>55,503</td>
</tr>
<tr>
<td>October 2007</td>
<td>23,473</td>
</tr>
</tbody>
</table>

VicRoads advises that it is unable to provide the information requested in question 2 as it would place an unnecessary burden on its resources.

I am also advised that in relation to questions 3 and 4 there were no late renewal notices sent.

Public transport: trains — graffiti

684. Mr MULDER to ask the Minister for Public Transport with reference to security measures to deter graffiti vandals —

(1) What additional measures are being considered.
(2) What is the expected cost of any additional measures being considered.
(3) When will any additional measures being considered be implemented.

ANSWER:

As at the date the question was raised, the answer is:

(1) To reduce the number of graffiti-related cancellations the following measures are being introduced or considered:

- ‘Tripwire units’ (which allow remote monitoring of rail sidings) are currently being trialled by Connex.
- The Government is also currently considering public comment with regard to its Graffiti Prevention Draft Bill. The Bill establishes: specific criminal offences for writing graffiti; provides search and seizure powers for members of Victoria Police; and provides powers for authorised persons to enter private property to remove publicly-visible graffiti.
(2)

– Tripwire Units Trial - Approximately $5,000.
– High security stabling fencing at Craigieburn - the costs associated with the enhanced stabling fence were included as part of the Craigieburn Rail Project.
– No costs are available for the Graffiti Prevention Bill.

(3)

– The Tripwire Units Trial began in late 2007.
– High security stabling fencing at Craigieburn was implemented in September 2007.
– The Graffiti Prevention Bill is to be debated and considered.

**Community services: kinship and permanent care funding**

703. **Ms WOOLDRIDGE** to ask the Minister for Community Services with reference to funds of $2 million in the 2003-04 budget for additional kinship and permanent care places —

(1) How much of the funding was expended in 2003-04.
(2) How many new kinship and permanent care places were created in 2003-04 as a direct result of the funds.
(3) How many new places in 2003-04 were located in each Department of Human Services region.

**ANSWER:**

I am informed that:

(1) This funding was fully expended in 2003-04.
(2) Between 30 June 2003 and 30 June 2004 the number of kinship care and permanent care placements increased by 234.
(3) The new places were located in each of the Department of Human Services regions.

**Public transport: trains and trams — window damage**

754. **Mr MULDER** to ask the Minister for Public Transport —

(1) For each class of tram, Connex suburban train, V/Line locomotive, V/Line carriage and V/Line railcar, between 1 January 2007 and 4 December 2007 —

(a) how many windows were replaced due to —
   (i) vandalism;
   (ii) planned refurbishment;
   (iii) maintenance issues;

(b) what was the total cost to have windows replaced due to —
   (i) vandalism;
   (ii) planned refurbishment;
   (iii) maintenance issues;

(c) in each month, due to window replacements, how many —
   (i) trams were withdrawn from service;
   (ii) locomotives were withdrawn from service;
(iii) carriages were withdrawn from service;
(iv) railcars were withdrawn from service.

(2) In each month between 1 January 2007 and 4 December 2007, due to vandalised windows or doors, how many —
(a) tram services were cancelled;
(b) Connex train services were cancelled;
(c) V/Line train services were cancelled.

(3) In each month between 1 January 2007 and 4 December 2007 what percentage of —
(a) cancelled trams were due to window replacements and vandalised windows and doors;
(b) cancelled Connex train services were due to window replacements and vandalised windows and doors;
(c) cancelled V/Line train services were due to window replacements and vandalised windows and doors.

ANSWER:

As at the date the question was raised, the answer is:

You seek information on 18 classes of vehicles over 12 separate months, by categories which include:

– Number of windows replaced;
– Cost of replacement windows;
– Number of vehicles withdrawn from service;
– Cancelled services; and
– Percentage of cancelled services.

A number of operators have advised that the information requested is not readily available and would take an unreasonable amount of time and resources to extract the data.

I encourage you to refine the field of your enquiry.

Roads and ports: Nepean Highway–Bay Road–Karen Street, Cheltenham — red light cameras

764(b). Mr THOMPSON (Sandringham) to ask the Minister for Roads and Ports what repairs and/or modifications were made to the red light camera, sensor and/or operating equipment monitoring right hand turning traffic from Nepean Highway into Bay Road and from Karen Street into Nepean Highway on 23 November 2007.

ANSWER:

As at the date the question was raised, the answer is:

The repair and maintenance of red light cameras is managed by the Department of Justice. As such, this question would be more appropriately answered by the Minister for Police and Emergency Services.

Police and emergency services: Nepean Highway–Bay Road, Cheltenham — video camera

825. Mr THOMPSON (Sandringham) to ask the Minister for Police and Emergency Services — with reference to the installation of a video camera at the intersection of Nepean Highway and Bay Road in Cheltenham —

(1) Why was the camera installed.
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(2) Who recommended the installation of the camera.
(3) Who monitors the camera.
(4) Where is the exact location of the camera.
(5) Can members of the public view images or obtain information from the camera.

ANSWER:

I am advised that:

1) The video camera was installed as part of an ongoing program to assess the application of different technologies in the road safety camera environment.

2) The installation of the video camera was approved by a senior Department of Justice officer.

3) The oversight of the speed camera system is the responsibility of the Department of Justice.

4) The video camera is located on the central median strip on the Melbourne side of the Nepean Hwy as it crosses Bay Rd, in the same cabinet as the fixed digital camera road safety camera.

5) While vision from the camera cannot be used for evidentiary purposes, members of the public can view images of infringements from Civic Compliance.

Police and emergency services: traffic video cameras

826. Mr THOMPSON (Sandringham) to ask the Minister for Police and Emergency Services — how many video cameras are installed at right-hand turn red light camera intersections in Melbourne.

ANSWER:

I am advised that:

Seven trial video cameras have been installed at Melbourne intersections.

Community services: adoption agreements — China

840. Ms WOOLDRIDGE to ask the Minister for Community Services — how many Chinese children have been placed with Victorian families each year since 1999 as a result of the adoption agreement announced on 27 July 2000.

ANSWER:

I am informed that:

These figures are readily available through the Australian Institute of Health and Welfare—the national health and welfare statistics and information agency.

Community services: juvenile justice diversion strategy

845. Ms WOOLDRIDGE to ask the Minister for Community Services — with reference to the $34.2 million worth of funding promised in the 2000–01 budget for the Juvenile Justice Diversion Strategy —

(1) How much of the funding was expended in 2000–01.
(2) How much of the funding was expended between 2000–01 and 2003–04.
(3) How was the use of the funding evaluated.
ANSWER:
I am informed that:

1. $4.8 million
2. $34.2 million
3. An effectiveness review of the diversion strategy.

Community services: sexual assault services

848. Ms WOOLDRIDGE to ask the Minister for Community Services — with reference to the $500,000 worth of funding promised in the 2000–01 budget to expand sexual assault services —

(1) How much of this funding was expended in 2000–01.
(2) What was the average waiting time for crisis care and counselling services —
   (a) prior to the expenditure of the additional funding;
   (b) following the expenditure of the additional funding.

ANSWER:
I am informed that:

(1) $500,000
(2) (a) Approximately 16 weeks
     (b) Approximately 11 weeks

Community services: placement and support capital project

849. Ms WOOLDRIDGE to ask the Minister for Community Services — with reference to the $5 million worth of funding promised in the 2000–01 budget for the Placement and Support Capital Project — in 2000–01 how much of the funding —

(1) Was expended.
(2) Went to purchasing new facilities.

ANSWER:
I am informed that:

(1) $5 million.
(2) $1.5 million

Community services: juvenile justice — capital works

850. Ms WOOLDRIDGE to ask the Minister for Community Services — with reference to the $2.2 million worth of funding promised in the 2000–01 budget for Juvenile Justice capital works —

(1) In 2000–01 how much of the funding —
   (a) was provided to existing community housing;
   (b) went to purchasing new properties.
(2) How was the use of the funds evaluated.

**ANSWER:**

I am informed that:

1.
   (a) $1.42 million
   (b) $717,000

2. Via a review program

**Roads and ports: King Street, Doncaster**

**871. Ms WOOLDRIDGE** to ask the Minister for Roads and Ports — what are the other possible future improvements, referred to in the Minister’s letter file number LB103423A.12 dated 11 February 2008, that could be made to King Street which are being discussed by VicRoads and the Manningham City Council

**ANSWER:**

As at the date the question was raised, the answer is:

VicRoads has examined possible long-term future improvements to King Street and considered the future function of the road. Future improvements may include the provision of additional traffic lanes and bicycle facilities.

Proposals for improvement projects must be considered and prioritised on a state wide basis. Any improvements to King Street, Doncaster will be considered in this context.

**Community services: disability services — Barwon south-west region**

**878. Ms WOOLDRIDGE** to ask the Minister for Community Services — with reference to people recorded on the Disability Support Register as waiting for day time activities in the Barwon South West Region —

1. How many people were recorded as at —
   (a) 30 June 2005;
   (b) 30 June 2007.

2. How many people recorded as at 30 June 2007 were classified as urgent or high priority.

**ANSWER:**

I am informed that:

With reference to people waiting for day time activities in the Barwon South West Region —

1. The number of people recorded —
   (a) on the Service Needs Register at 30 June 2005 was 63;
   (b) on the Disability Support Register at 30 June 2007 was 50.

The Disability Support Register replaced the Service Needs Register in April 2006.
(2) The number of people on the Disability Support Register as at 30 June 2007 who were classified as urgent or high priority is not available as the Disability Support Register does not include this breakdown of priority classification.

Community services: disability services — Loddon Mallee region

879. Ms WOOLDRIDGE to ask the Minister for Community Services — with reference to people recorded on the Disability Support Register as waiting for day time activities in the Loddon Mallee Region —

(1) How many people were recorded as at —
   (a) 30 June 2005;
   (b) 30 June 2007.

(2) How many people recorded as at 30 June 2007 were classified as urgent or high priority.

ANSWER:

I am informed that:

With reference to people waiting for day time activities in the Loddon Mallee Region —

(1) The number of people recorded —
   (a) on the Service Needs Register at 30 June 2005 was 33;
   (b) on the Disability Support Register at 30 June 2007 was 3.

The Disability Support Register replaced the Service Needs Register in April 2006.

(2) The number of people on the Disability Support Register as at 30 June 2007 who were classified as urgent or high priority is not available as the Disability Support Register does not include this breakdown of priority classification.

Community services: disability services — Hume region

880. Ms WOOLDRIDGE to ask the Minister for Community Services — with reference to people recorded on the Disability Support Register as waiting for day time activities in the Hume Region —

(1) How many people were recorded as at —
   (a) 30 June 2005;
   (b) 30 June 2007.

(2) How many people recorded as at 30 June 2007 were classified as urgent or high priority.

ANSWER:

I am informed that:

With reference to people waiting for day time activities in the Hume Region —

(1) The number of people recorded —
   (a) on the Service Needs Register at 30 June 2005 was 36;
   (b) on the Disability Support Register at 30 June 2007 was 21.

The Disability Support Register replaced the Service Needs Register in April 2006.
(2) The number of people on the Disability Support Register as at 30 June 2007 who were classified as urgent or high priority is not available as the Disability Support Register does not include this breakdown of priority classification.

Community services: disability services — Grampians region

881. Ms WOOLDRIDGE to ask the Minister for Community Services — with reference to people recorded on the Disability Support Register as waiting for day time activities in the Grampians Region —

(1) How many people were recorded as at —
   (a) 30 June 2005;
   (b) 30 June 2007.

(2) How many people recorded as at 30 June 2007 were classified as urgent or high priority.

ANSWER:

I am informed that:

With reference to people waiting for day time activities in the Grampians Region —

(1) The number of people recorded —
   (a) on the Service Needs Register at 30 June 2005 was 73;
   (b) on the Disability Support Register at 30 June 2007 was 36.

The Disability Support Register replaced the Service Needs Register in April 2006.

(2) The number of people on the Disability Support Register as at 30 June 2007 who were classified as urgent or high priority is not available as the Disability Support Register does not include this breakdown of priority classification.

Community services: disability services — Gippsland region

882. Ms WOOLDRIDGE to ask the Minister for Community Services — with reference to people recorded on the Disability Support Register as waiting for day time activities in the Gippsland Region —

(1) How many people were recorded as at —
   (a) 30 June 2005;
   (b) 30 June 2007.

(2) How many people recorded as at 30 June 2007 were classified as urgent or high priority.

ANSWER:

I am informed that:

With reference to people waiting for day time activities in the Gippsland Region —

(1) The number of people recorded —
   (a) on the Service Needs Register at 30 June 2005 was 13;
   (b) on the Disability Support Register at 30 June 2007 was 33.

The Disability Support Register replaced the Service Needs Register in April 2006.
(2) The number of people on the Disability Support Register as at 30 June 2007 who were classified as urgent or high priority is not available as the Disability Support Register does not include this breakdown of priority classification.

Community services: disability services — north-west region

883. Ms WOOLDRIDGE to ask the Minister for Community Services — with reference to people recorded on the Disability Support Register as waiting for day time activities in the North-West Region —

(1) How many people were recorded as at —
   (a) 30 June 2005;
   (b) 30 June 2007.

(2) How many people recorded as at 30 June 2007 were classified as urgent or high priority.

ANSWER:
I am informed that:

With reference to people waiting for day time activities in the North and West Metropolitan Region —

(1) The number of people recorded —
   (a) on the Service Needs Register at 30 June 2005 was 83;
   (b) on the Disability Support Register at 30 June 2007 was 64.

The Disability Support Register replaced the Service Needs Register in April 2006.

(2) The number of people on the Disability Support Register as at 30 June 2007 who were classified as urgent or high priority is not available as the Disability Support Register does not include this breakdown of priority classification.

Community services: disability services — eastern region

884. Ms WOOLDRIDGE to ask the Minister for Community Services — with reference to people recorded on the Disability Support Register as waiting for day time activities in the Eastern Region —

(1) How many people were recorded as at —
   (a) 30 June 2005;
   (b) 30 June 2007.

(2) How many people recorded as at 30 June 2007 were classified as urgent or high priority.

ANSWER:
I am informed that:

With reference to people waiting for day time activities in the Eastern Region —

(1) The number of people recorded —
   (a) on the Service Needs Register at 30 June 2005 was 50;
   (b) on the Disability Support Register at 30 June 2007 was 24.

The Disability Support Register replaced the Service Needs Register in April 2006.
(2) The number of people on the Disability Support Register as at 30 June 2007 who were classified as urgent or high priority is not available as the Disability Support Register does not include this breakdown of priority classification.

Community services: disability services — southern region

885. Ms WOOLDRIDGE to ask the Minister for Community Services — with reference to people recorded on the Disability Support Register as waiting for daytime activities in the Southern Region —

(1) How many people were recorded as at —
   (a) 30 June 2005;
   (b) 30 June 2007.

(2) How many people recorded as at 30 June 2007 were classified as urgent or high priority.

ANSWER:

I am informed that:

With reference to people waiting for daytime activities in the Southern Region —

(1) The number of people recorded —
   (a) on the Service Needs Register at 30 June 2005 was 156;
   (b) on the Disability Support Register at 30 June 2007 was 144.

The Disability Support Register replaced the Service Needs Register in April 2006.

(2) The number of people on the Disability Support Register as at 30 June 2007 who were classified as urgent or high priority is not available as the Disability Support Register does not include this breakdown of priority classification.

Community services: disability support register

896. Ms WOOLDRIDGE to ask the Minister for Community Services — with reference to the Disability Support Register as at 31 December 2007 —

(1) How many individuals were registered in total.
(2) How many individuals registered were recommended for priority status.
(3) How many individuals were registered for —
   (a) support to move from disability services supported accommodation;
   (b) support to move to non-disability services supported accommodation;
   (c) support to continue to live in non-disability services supported accommodation;
   (d) family support options;
   (e) support to achieve personal goals (non-housing);
   (f) part-time activities;
   (g) part-time activities with flexible support;
   (h) full-time activities;
   (i) full-time activities with flexible support;
   (j) disability services supported accommodation;
   (k) disability services supported accommodation with part-time activities
   (l) disability services supported accommodation with full-time activities;
(m) disability services supported accommodation with Intensive Support Packages.

(4) How many individuals registered were aged —
   (a) under 18 years;
   (b) 18–24 years;
   (c) 25–29 years;
   (d) 30–39 years;
   (e) 40–49 years;
   (f) 50 or more years.

**ANSWER:**

I am informed that:

With reference to the Disability Support Register as at 31 December 2007 —

1. The total number of individuals registered was 3,072.
2. The number of individuals registered that were recommended for priority status was 490.
3. The number of individuals that were registered for —
   (a) support to move from disability services supported accommodation was 30;
   (b) support to move to non-disability services supported accommodation was 81;
   (c) support to continue to live in non-disability services supported accommodation was 772;
   (d) family support options was 147;
   (e) support to achieve personal goals (non-housing) was 296;
   (f) part-time activities was 142;
   (g) part-time activities with flexible support was 47;
   (h) full-time activities was 169;
   (i) full-time activities with flexible support was 20;
   (j) disability services supported accommodation (or interim individual support) was 1,251;
   (k) disability services supported accommodation with part-time activities was 28;
   (l) disability services supported accommodation with full-time activities was 71;
   (m) disability services supported accommodation with Intensive Support Packages is not available as this is not a category of support on the Disability Support Register; however, the number of individuals that were registered for disability services supported accommodation with flexible support was 18.

4. The number of individuals registered that were aged —
   (a) under 18 years was 269;
   (b) 18–24 years was 457;
   (c) 25–29 years was 325;
   (d) 30–39 years was 640;
   (e) 40–49 years was 644;
   (f) 50 or more years was 737.

**Health: Ranges Community Health Centre — dental chairs**

914. **Mrs FYFFE** to ask the Minister for Health — are there plans to increase the number of dental chairs at Ranges Community Health Centre during the term of the Government.
ANSWER:

I am informed that:

The Government constantly monitors service demand and overall dental service capacity in the Outer East Primary Care Partnership area.

Community services: Australian Greek Welfare Society — funding

918. Ms WOOLDRIDGE to ask the Minister for Community Services — with reference to $500,000 worth of funding for the Australian Greek Welfare Society announced by the Government on 20 November 2000 —

(1) How much of the funding was expended in 2000–01.
(2) Has the use of the funds been evaluated; if so, what were the results of the evaluation.

ANSWER:

I am informed that:

(1) $500,000.

(2) Standard review and evaluation procedures required by the service agreement with the Department of Human Services were followed, and no issues were noted.

Community services: refugee funding

919. Ms WOOLDRIDGE to ask the Minister for Community Services — with reference to $100,000 worth of funding for refugees on temporary protection visas announced by the Government on 6 February 2001 —

(1) How much of the funding was expended in 2000–01.
(2) Has the use of the funds been evaluated; if so, what were the results of the evaluation.

ANSWER:

I am informed that:

(1) $100,000.

(2) Standard review and evaluation procedures required by service agreements with the Department of Human Services were followed, and no issues were noted.

Community services: disability services — Vietnamese people

920. Ms WOOLDRIDGE to ask the Minister for Community Services — with reference to $55,000 worth of funding to help Vietnamese people who have a disability announced by the Government on 21 February 2001 —

(1) How much of the funding was expended in 2000–01.
(2) How much of the funding was expended as at 30 June 2003.
(3) Has the use of the funds been evaluated; if so, what were the results of the evaluation.
ANSWER:

I am informed that:

(1) This initiative contributed to the output and financial performance reported in the Department of Human Services Annual Report for the relevant financial years. Retrospective disaggregation of this reported performance would involve a significant diversion of departmental resources.

(2) Refer to Question (1)

(3) The use of the funds forms part of ongoing service and demand evaluation undertaken by the Department.

Community services: community support services — Apollo Bay

921. Ms WOOLDRIDGE to ask the Minister for Community Services — with reference to $113,000 worth of funding to boost community support services in Apollo Bay announced by the Government on 8 March 2001 —

(1) How much of the funding was expended as at 30 June 2003.

(2) Has the use of the funds been evaluated; if so, what were the results of the evaluation.

ANSWER:

I am informed that:

(1) The Department of Planning and Community Development has advised that $113,000 was provided through the Community Support Fund to Otway Health and Community Services.

(2) The Department of Planning and Community Development has advised that a detailed report against project objectives and financials as required by Community Support Fund guidelines was requested, and the results were satisfactory.

Community services: south-east Asian background people — grants

924. Ms WOOLDRIDGE to ask the Minister for Community Services — with reference to the $10,000 worth of grants for people from South East Asian backgrounds announced by the Government on 10 April 2001 — how much of the funding was expended as at 30 June 2001.

ANSWER:

I am informed that:

$10,000.

Community services: kinship and permanent care — funding

926. Ms WOOLDRIDGE to ask the Minister for Community Services — with reference to $200,000 worth of funding and 25 extra places to cater for service demands in kinship and permanent care promised in the 2000–01 budget —

(1) How much of the funding was expended in 2001–02.

(2) How many extra places were delivered in 2001–02 as a result of the funds.

(3) Has the use of the funds been evaluated; if so, what were the results of the evaluation.
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ANSWER:

I am informed that:

(1) All funding was expended
(2) 164
(3) No

Community services: family support services — funding

928. **Ms WOOLDRIDGE** to ask the Minister for Community Services — with reference to $1.6 million worth of funding to expand family support services to provide support to over 1,000 additional families promised in the 2000–01 budget —

(1) How much of the funding was expended in 2001–02.
(2) How many additional families received support in 2001–02 as a result of the funds.
(3) Has the use of the funds been evaluated; if so, what were the results of the evaluation.

ANSWER:

I am informed that:

(1) The department did not receive $1.6m to expand family support services in the 2000-01 budget. However, the department did receive $1.7m to expand family support services, which was fully expended.
(2) It is not possible to quantify the number of additional families supported due to data system limitations at that time.
(3) Through existing program and funding review mechanisms.

Community services: Victorian parenting strategy — funding

929. **Ms WOOLDRIDGE** to ask the Minister for Community Services — with reference to $2.05 million worth of funding for the Victorian Parenting Strategy promised in the 2000–01 budget —

(1) How much of the funding was expended in 2001–02.
(2) Has the use of the funds been evaluated; if so, what were the results of the evaluation.

ANSWER:

I am informed that:

The question raised sits within the portfolio responsibility of the Minister for Children and Early Childhood Development.

Community services: early intervention services — funding

930. **Ms WOOLDRIDGE** to ask the Minister for Community Services — with reference to $1 million worth of funding for improved early intervention services promised in the 2000–01 budget —

(1) How much of the funding was expended in 2001–02.
(2) Has the use of the funds been evaluated; if so, what were the results of the evaluation.
ANSWER:

I am informed that:

The question raised sits within the portfolio responsibility of the Minister for Children and Early Childhood Development.

Community services: placement and support project — funding

932. Ms WOOLDRIDGE to ask the Minister for Community Services — with reference to $12 million worth of funding for the Placement and Support Capital Project–Stage 2 promised in the 2000–01 budget —

(1) How much of the funding was expended in 2001–02.
(2) How much of the funding was expended as at 30 June 2004.
(3) Has the use of the funds been evaluated; if so, what were the results of the evaluation.

ANSWER:

I am informed that:

There was not $12 million worth of funding for the Placement and Support Capital Project–Stage 2 in the 2000-01 budget.

Senior Victorians: elder abuse prevention initiative

938. Ms WOOLDRIDGE to ask the Minister for Senior Victorians — with reference to the Elder Abuse Prevention Initiative — can the Minister provide a copy of the implementation plan prepared by the Department of Planning and Community Development in collaboration with the Department of Human Services, Victorian Legal Aid and Victoria Police which identifies the timetable for implementation of the key initiatives over three years.

ANSWER:

I am informed that:

1. The Elder Abuse Strategic Implementation Plan is available on the Office of Senior Victorians (OSV) website.

Community services: Nathalia District Hospital and aged care — redevelopment

940. Ms WOOLDRIDGE to ask the Minister for Community Services — with reference to the Nathalia District Hospital and Aged Care redevelopment —

(1) Has construction commenced; if so, how much has the Government spent on the aged care redevelopment to date.
(2) What is the expected date of completion.

ANSWER:

I am informed that:

(1) Construction is scheduled to commence in April 2008; a total of approximately $1.1 million has been spent to date on the redevelopment. This includes expenditure on design fees, site surveying and preliminaries.
Completion of construction is scheduled for December 2009.

Community services: disability carers action plan — disability online

945. Ms WOOLDRIDGE to ask the Minister for Community Services — with reference to the policy and program development of the Disability Carers Action Plan — which carer organisations have been consulted to review the accessibility of and information on Disability Online.

ANSWER:

I am informed that:

Disability Online is currently under redevelopment. This has been informed by a user requirement research project in 2007 on the accessibility of Disability Online information, which involved extensive consultation with people with a disability and their carers. This consultation included an online survey, stakeholder interviews and focus groups. Further consultation with people with a disability and a range of relevant organisations will occur at various stages as the redevelopment is finalised over 2008.

Agriculture: fair payments policy

958(b). Ms ASHER to ask the Minister for Agriculture with reference to penalty interest paid by the Minister’s department since the 2002 election as result of the Government’s Fair Payments Policy which requires a Government department or agency to pay invoices for work done by small businesses within 30 days or pay penalty interest —

(1) On how many occasions has penalty interest been paid.
(2) How many small businesses received penalty interest.
(3) What is the total amount of original bills received on which penalty interest was paid.
(4) What is the total amount of penalty interest paid.
(5) If penalty interest has been paid, on what date was the first payment made.

ANSWER:

I am informed that:

The Department of Primary Industries has not received any claims for penalty interest from small businesses.

Energy and resources: fair payments policy

958(i). Ms ASHER to ask the Minister for Energy and Resources with reference to penalty interest paid by the Minister’s department since the 2002 election as result of the Government’s Fair Payments Policy which requires a Government department or agency to pay invoices for work done by small businesses within 30 days or pay penalty interest —

(1) On how many occasions has penalty interest been paid.
(2) How many small businesses received penalty interest.
(3) What is the total amount of original bills received on which penalty interest was paid.
(4) What is the total amount of penalty interest paid.
(5) If penalty interest has been paid, on what date was the first payment made.

ANSWER:

I am informed that:

The Department of Primary Industries has not received any claims for penalty interest from small businesses.
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