PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-SIXTH PARLIAMENT

FIRST SESSION

Thursday, 2 April 2009

(Extract from book 4)

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By authority of the Victorian Government Printer

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Professor DAVID de KRETSER, AC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

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Minister for Industry and Trade, and Minister for Industrial Relations	The Hon. M. P. Pakula, MLC
Minister for Roads and Ports, and Minister for Major Projects	The Hon. T. H. Pallas, MP
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Minister for Housing, Minister for Local Government and Minister for Aboriginal Affairs	The Hon. R. W. Wynne, MP
Cabinet Secretary	Mr A. G. Lupton, MP

Legislative Assembly committees

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

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

Joint committees

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

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

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

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 P. Davis and Mr Somyurek.

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

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

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 Dalla-Riva, Ms Huppert. Ms Pennicuik and Mr Rich-Phillips.

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

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

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

Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Dr S. O'Kane

MEMBERS OF THE LEGISLATIVE ASSEMBLY

FIFTY-SIXTH PARLIAMENT — FIRST SESSION

Speaker: The Hon. JENNY LINDELL

Deputy Speaker: Ms A. P. BARKER

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

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The Hon. 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

Member	District	Party	Member	District	Party
Allan, Ms Jacinta Marie	Bendigo East	ALP	Lindell, Ms Jennifer Margaret	Carrum	ALP
Andrews, Mr Daniel Michael	Mulgrave	ALP	Lobato, Ms Tamara Louise	Gembrook	ALP
Asher, Ms Louise	Brighton	LP	Lupton, Mr Anthony Gerard	Prahran	ALP
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Bracks, Mr Stephen Phillip [1]	Williamstown	ALP	Morris, Mr David Charles	Mornington	LP
Brooks, Mr Colin William	Bundoora	ALP	Mulder, Mr Terence Wynn	Polwarth	LP
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Burgess, Mr Neale Ronald	Hastings	LP	Napthine, Dr Denis Vincent	South-West Coast	LP
Cameron, Mr Robert Graham	Bendigo West	ALP	Nardella, Mr Donato Antonio	Melton	ALP
Campbell, Ms Christine Mary	Pascoe Vale	ALP	Neville, Ms Lisa Mary	Bellarine	ALP
Carli, Mr Carlo Domenico	Brunswick	ALP	Noonan, Wade Mathew [5]	Williamstown	ALP
Clark, Mr Robert William	Box Hill	LP	Northe, Mr Russell John	Morwell	Nats
Crisp, Mr Peter Laurence	Mildura	Nats	O'Brien, Mr Michael Anthony	Malvern	LP
Crutchfield, Mr Michael Paul	South Barwon	ALP	Overington, Ms Karen Marie	Ballarat West	ALP
D'Ambrosio, Ms Liliana	Mill Park	ALP	Pallas, Mr Timothy Hugh	Tarneit	ALP
Delahunty, Mr Hugh Francis	Lowan	Nats	Pandazopoulos, Mr John	Dandenong	ALP
Dixon, Mr Martin Francis	Nepean	LP	Perera, Mr Jude	Cranbourne	ALP
Donnellan, Mr Luke Anthony	Narre Warren North	ALP	Pike, Ms Bronwyn Jane	Melbourne	ALP
Duncan, Ms Joanne Therese	Macedon	ALP	Powell, Mrs Elizabeth Jeanette	Shepparton	Nats
Eren, Mr John Hamdi	Lara	ALP	Richardson, Ms Fiona Catherine Alison	Northcote	ALP
Foley, Martin Peter [2]	Albert Park	ALP	Robinson, Mr Anthony Gerard	Mitcham	ALP
Fyffe, Mrs Christine Ann	Evelyn	LP	Ryan, Mr Peter Julian	Gippsland South	Nats
Graley, Ms Judith Ann	Narre Warren South	ALP	Scott, Mr Robin David	Preston	ALP
Green, Ms Danielle Louise	Yan Yean	ALP	Seitz, Mr George	Keilor	ALP
Haermeyer, Mr André [3]	Kororoit	ALP	Shardey, Mrs Helen Jean	Caulfield	LP
Hardman, Mr Benedict Paul	Seymour	ALP	Smith, Mr Kenneth Maurice	Bass	LP
Harkness, Dr Alistair Ross	Frankston	ALP	Smith, Mr Ryan	Warrandyte	LP
Helper, Mr Jochen	Ripon	ALP	Stensholt, Mr Robert Einar	Burwood	ALP
Herbert, Mr Steven Ralph	Eltham	ALP	Sykes, Dr William Everett	Benalla	Nats
Hodgett, Mr David John	Kilsyth	LP	Thompson, Mr Murray Hamilton Ross	Sandringham	LP
Holding, Mr Timothy James	Lyndhurst	ALP	Thomson, Ms Marsha Rose	Footscray	ALP
Howard, Mr Geoffrey Kemp	Ballarat East	ALP	Thwaites, Mr Johnstone William [6]	Albert Park	ALP
Hudson, Mr Robert John	Bentleigh	ALP	Tilley, Mr William John	Benambra	LP
Hulls, Mr Rob Justin	Niddrie	ALP	Trezise, Mr Ian Douglas	Geelong	ALP
Ingram, Mr Craig	Gippsland East	Ind	Victoria, Mrs Heidi	Bayswater	LP
Jasper, Mr Kenneth Stephen	Murray Valley	Nats	Wakeling, Mr Nicholas	Ferntree Gully	LP
Kairouz, Ms Marlene [4]	Kororoit	ALP	Walsh, Mr Peter Lindsay	Swan Hill	Nats
Kosky, Ms Lynne Janice	Altona	ALP	Weller, Mr Paul	Rodney	Nats
Kotsiras, Mr Nicholas	Bulleen	LP	Wells, Mr Kimberley Arthur	Scoresby	LP
Langdon, Mr Craig Anthony Cuffe	Ivanhoe	ALP	Wooldridge, Ms Mary Louise Newling	Doncaster	LP
Languiller, Mr Telmo Ramon	Derrimut	ALP	Wynne, Mr Richard William	Richmond	ALP
Lim, Mr Muy Hong	Clayton	ALP			

[1] Resigned 6 August 2007
[2] Elected 15 September 2007
[3] Resigned 2 June 2008
[4] Elected 28 June 2008
[5] Elected 15 September 2007
[6] Resigned 6 August 2007

CONTENTS

THURSDAY, 2 APRIL 2009

Thursday, 2 April 2009

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

BUSINESS OF THE HOUSE

Mobile phones

The SPEAKER — Order! I remind members that mobile phones should not be brought into the chamber unless they are on silent mode.

Notices of motion: removal

The SPEAKER — Order! I wish to advise the house that under standing order 144 notices of motion 145 to 150 and 207 to 222 inclusive will be removed from the notice paper on the next sitting day. A member who requires the notice standing in his or her name to be continued must advise the Clerk in writing before 2.00 p.m. today.

PETITIONS

Following petitions presented to house:

Bass electorate: health services

To the Legislative Assembly of Victoria:

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

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

By Mr K. SMITH (Bass) (219 signatures).

Police: Red Cliffs

To the Legislative Assembly of Victoria:

This petition of residents of Red Cliffs and surrounding communities in Victoria draws to the attention of the house the need to increase police presence in our district.

The petitioners register their dismay after a weekend of vandalism with damage estimated to be in excess of $60 000 to the local bowling club and private and public property.

The petitioners therefore request that the Legislative Assembly of Victoria take action to increase staff levels at the Red Cliffs police station as a proactive step in ensuring that this criminal activity is not repeated.

By Mr CRISP (Mildura) (17 signatures).

Rail: Mildura line

To the Honourable the Speaker and members of the Legislative Assembly of Victoria:

This petition of the citizens of the region known as Sunraysia, primarily in the state of Victoria but including cross-border citizens of New South Wales centred on the city of Mildura, brings to the attention of the house the many promises to return the Melbourne–Mildura passenger train, without delivery.

The undersigned petitioners therefore ask the Legislative Assembly to bring forward the reinstatement of the said Melbourne–Mildura passenger train, especially in view of:

1. the many undelivered promises;
2. the urgent need to promote public transport in a global warming context;
3. the pressing need to connect remote Mildura to both Melbourne and the national rail network; and
4. the geographic distance now requiring a rapid service (very fast train) to be competitive.

By Mr CRISP (Mildura) (67 signatures).

Driver Education Centre of Australia: Careful Cobber program

To the Legislative Assembly of Victoria:

The petition of residents of Victoria draws to the attention of the house the decision to cut funding for the Careful Cobber program at the Driver Education Centre Australia, Shepparton.

The petitioners register their opposition to the decision on the basis that this is an extremely important practical driver education program which teaches primary school students the importance of road safety and how to share the road responsibly.

The petitioners therefore request that the Legislative Assembly of Victoria call on the state government to reinstate funding for the Careful Cobber program.

By Mrs POWELL (Shepparton) (94 signatures).

Tabled.

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

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

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

VICTORIAN COMPETITION AND EFFICIENCY COMMISSION

A State of Liveability — An Inquiry into Enhancing Victoria's Liveability

Mr HOLDING (Minister for Finance, WorkCover and the Transport Accident Commission), by leave, presented report and government response.

Tabled.

DOCUMENTS

Tabled by Clerk:

Ombudsman — Investigation into Corporate Governance at Moorabool Shire Council — Ordered to be printed

Safe Drinking Water Act 2003 — Drinking Water Quality in Victoria — Report 2007–08

Statutory Rule under the *Supreme Court Act 1986* — SR 30

Subordinate Legislation Act 1994 — Minister's exception certificate in relation to Statutory Rule 30.

BUSINESS OF THE HOUSE

Adjournment

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

That the house, at its rising, adjourn until Tuesday, 5 May 2009.

Motion agreed to.

MEMBERS STATEMENTS

Small business: fair payments policy

Ms ASHER (Brighton) — In 2002 and 2006 the Labor Party promised a fair payments policy for small business. This is a requirement for government to pay its bills within 30 days or otherwise pay penalty interest. The Auditor-General found in August 2004 that 23 per cent of bills were paid late by this government, and the report covered the very period when the previous Minister for Small Business, the member for Footscray, was claiming that small businesses wanted to be paid on time — but she did nothing about it.

The current Minister for Small Business claims that this policy is a success, but the problem with it is that the policy cannot be tested. For example, when I asked whether this policy was operating successfully amongst TAFE institutes the Minister for Skills and Workforce Participation refused to answer the question. How can the Minister for Small Business claim that the policy is a success when other ministers refuse to answer the questions?

The Minister for Skills and Workforce Participation replied to a question on notice as follows:

> This information is not available in annual reports or any information returns provided by the institutes. The resource allocation required to undertake this information gathering process and contacting each of the institutes separately would be a costly exercise …

How can the Minister for Small Business claim that a policy is a success when he does not have the data? We have already seen dodgy data in the health system and now in this particular portfolio area a minister is making a grand claim — but it cannot be substantiated.

Geelong: Just Think Tick of Approval program

Ms NEVILLE (Minister for Mental Health) — Last Thursday I was pleased to join the Premier in endorsing the *Geelong Advertiser's* Just Think Tick of Approval program, which will help to address the issue of alcohol and violence in the Geelong community.

The program is an excellent model of industry working with police to improve the safety of Geelong's night-life. Venues will need to meet specific criteria that include standards relating to closed-circuit TV coverage of the venue, communications systems between bar staff, the use of identification scanners, crowd controllers, amenity and management practices. After a stringent series of inspections have been conducted and criteria met, the venue will achieve Just Think Tick of Approval status and will feature on the Just Think website along with other accredited venues. The venues will also be promoted in the *Geelong Advertiser*.

I want to congratulate Peter Judd, Danny Lannen and the team at the *Geelong Advertiser* on their initiative, leadership and community-minded spirit. Theirs is an

example that other communities and other states are following.

I want to thank the Geelong Football Club, and particularly players Tom Harley, James Kelly and David Wojcinski, for their support and commitment to bringing about positive change in Geelong. I also want to thank the police, venue operators and the Geelong community for their hard work and support for this initiative.

Curlewis: traffic lights

Ms NEVILLE — Last Friday I was delighted to be in Curlewis to officially switch on the new traffic lights. This is a project that was requested by the community, which wanted safe access to the Bellarine rail trail and improved vehicle access to Geelong.

Ambulance services: interstate students

Mr WALSH (Swan Hill) — I want to raise the dilemma of a family in my electorate which has a son attending university in Adelaide. This boy's mother checked on the status of his ambulance cover with Ambulance Victoria for the time he was to be in Adelaide and was told that her son was ineligible under the existing family subscription because he was not residing permanently in Victoria. Upon making inquiries to the South Australian ambulance organisation she was told by them also that because he was not residing permanently in South Australia, he was ineligible for cover by them, so obviously there is a major black hole in ambulance cover for those who have children studying interstate.

I took this matter up with Ambulance Victoria on the family's behalf. Ambulance Victoria initially said it would review cases on a case-by-case basis. We went back to Ambulance Victoria saying that this was not a good way to run public policy. Ambulance Victoria has now made a major policy shift. As of now family coverage will be extended to students studying interstate providing they are already listed on an established family ambulance membership. In the event of ambulance usage interstate, the family will be billed by the ambulance service of the relevant state, which will then send the bill to Ambulance Victoria, along with evidence of the student studying at an interstate institution. Ambulance Victoria will then pay the bill. I congratulate Ambulance Victoria for making a very sensible public policy shift so that those who study interstate will have ambulance cover.

Noel Hewitt

Mr ROBINSON (Minister for Consumer Affairs) — I recently had the privilege of attending the Melbourne Legacy president's changeover lunch, which is always a great function. At that function, Mr Noel Hewitt, originally from the Western District of Victoria, was awarded a 50-year service certificate. I would like to place on the public record this house's great recognition of that service and our appreciation of his efforts.

For many years Noel farmed at Warracknabeal, but during World War II he joined the air force and served as a Spitfire pilot. He joined Legacy in 1959 and became Wimmera Legacy President in 1975–76. He was at different times a shire councillor and president. He was on the water works trust, the sewerage authority and the water board and was a leading figure in the sheep breeders association.

It can be said of Noel that he is incredibly modest, and in receiving the Legacy award he said that what had motivated him over all those years was the pleasure he received from the people he helped. His has been an outstanding contribution, and I am sure all members, including the member for Lowan, would like to recognise and commend the wonderful work of Noel Hewitt.

Box Hill Hospital: funding

Mr CLARK (Box Hill) — Parliament's next sitting week is budget week. For eastern suburbs residents, the crucial budget issue is whether the government will finally proceed with the redevelopment of Box Hill Hospital or whether the money the government should have provided for the redevelopment has been lost on blow-outs on bungled projects like myki, the Monash Freeway extension or police IT systems, meaning that the redevelopment is doomed to disappear, just as the government scrapped the hospital's 2002 redevelopment plans.

The Labor Party promised in the 2006 election campaign that it would continue with the redevelopment of the hospital until the new facility was completed. However, that promise was broken. The first preliminary stage was completed by August last year, yet there was no funding from the government to continue the project, and because of that lack of commitment, the project has been in limbo for almost a year.

In the *Whitehorse Leader* of 14 May last year the Minister for Gaming, who is the member for Mitcham,

was reported as saying he was 'very confident' the government would provide the $850 million or so needed within the next 12 months. That 12 months is now almost up.

In its statement of intentions 2009 document the government said at page 21:

> In 2009, the government will deliver a number of key projects to improve service delivery in health and education for Victorians, including … Box Hill Hospital …

Yet no similar reference to the government's plans was included in its submission to the Legislative Council inquiry into public hospitals.

Waiting lists and waiting times at Box Hill Hospital, even on the published figures, are now amongst the worst in the state, as the hospital's rapidly ageing facilities cannot cope. It is vital that the Labor Party fund the project in this year's budget.

Wyndham Youth Resource Centre

Mr PALLAS (Minister for Roads and Ports) — I rise to speak of my great pleasure in visiting two very different and impressive initiatives in my electorate of Tarneit.

I visited the Wyndham Youth Resource Centre to see excellent work being achieved by way of personal development programs, counselling, mentoring, parent support, participation and recreation programs, entertainment events and festivals, inclusion support and disability access, holiday programs, information and referral as well as school and agency joint initiatives. The Wyndham Youth Resource Centre has monthly attendance rates of 2300 young people. The Brumby government is committed to supporting the next generation through funding the $2.35 million building in conjunction with the Wyndham City Council.

I would like to thank Bernie Cronin, the director of Wyndham Services at Wyndham City Council, Dianne Snowden, the unit leader, and all the staff at Wyndham Youth Resource Centre for all their hard work and dedication to the young people in Wyndham.

Western Region Environment Centre: opening

Mr PALLAS — I also had the great pleasure of opening the Western Region Environment Centre, which will also be the home for the Western Melbourne Catchments Network, the Werribee River Association, Youth Against Warming and the Friends of Lollipop Creek.

The Western Region Environment Centre was originally formed from the fight against the Kennett government's plans to build a toxic waste dump in Werribee. Over the years it has been an active organisation within our local community, fighting against inappropriate and unsustainable development as well as supporting and promoting educational programs, advising on sustainable alternatives and conducting ecological footprint programs. I would also like to thank Harry van Moorst, the director of the environment centre, for his longstanding commitment to the community.

Disability services: funding

Ms WOOLDRIDGE (Doncaster) — Disability organisations need a commitment from this government in the upcoming budget that they will be funded at a level which ensures that the sector is sustainable and able to continue to deliver high-quality services for vulnerable Victorians. Research undertaken by 11 leading disability providers shows that current supported accommodation, respite and day services are all underfunded by up to 10 per cent. In fact the government's disability price review, done by PricewaterhouseCoopers (PWC) but not publicly released, reportedly says the sector is currently underfunded by over $50 million.

In addition we have a new framework for the disability sector. There is a new act and there are new guidelines and an increased compliance and regulatory regime — but no additional funding. Labor has failed to consider and fund the additional cost burden of its own legislation, which is estimated to be an additional 20 per cent. Disability organisations across the state are having to make the hard decision as to whether they will even continue to deliver services where the funding provided does not cover the cost of delivering it. The Minister for Community Services must release the PWC disability pricing review so the sector, the community and families can understand the full extent of the failure of this government to appropriately fund disability services, and what is required to do so.

In order to ensure that the community sector is equipped with the necessary resources it needs to carry out its important work the government must commit to significant extra funding in this year's budget. Anything less will mean disability organisations will have their viability threatened.

John Leatherland

Ms CAMPBELL (Pascoe Vale) — John Leatherland is one of Victoria's most outstanding

public service leaders because of his personal dedication to a professional work ethic, his style of leading by example, his well-considered arguments that win support by reason rather than bullying or pulling rank, his team-building qualities and most importantly, in my view, his primary focus on putting first the human needs of the people who use the Department of Human Services (DHS). Long before human rights became a buzzword around government, John was one of those who understood the dignity of every human being. He focused on assisting people who came into contact with DHS to live their lives with dignity and accorded them the respect due to a person rather than a client.

From my experience in community services I know that if a task required finding a DHS senior staff member who was capable of and interested in ensuring people's needs were identified and met by using people-focused solutions to help them achieve their best chance in life, John was a good choice for that task. He put people first. His citizen-focused solutions were implemented within budget constraints that he manoeuvred around. This month John retires from DHS after a distinguished career that began on 24 May 1965 as a cadetship in social welfare in the then Community Welfare Services Department. Countless people, including those who have had the honour of being John's co-workers and those whose lives have been enriched by his attention in community services, will be ever grateful to him.

Shire of Strathbogie: drought coordinator

Dr SYKES (Benalla) — This week I received a letter from the mayor of Strathbogie shire headed 'Re: urgent need for ongoing support for drought response'. The letter begins:

> The Shire of Strathbogie has provided a range of drought support initiatives to the residents and business owners in the region who have been severely impacted by the extended dry conditions, exacerbated by the downturn in the world economy.
>
> The shire applied for funding for a drought coordinator, who, working in partnership with other service providers, has vastly improved service delivery to this highly disadvantaged region.

The letter further states:

> The drought response collaboration, partnerships, information sharing and community problem-solving undertaken within the region through the network of providers is now under serious threat due to the impending winding-up of funding for many of the programs.

This includes funding for the drought coordinator terminating in June of this year.

The letter then refers to other concerns, including a concern that the federal exceptional circumstances assistance measures may cease on 1 July 2010. It concludes:

> The Shire of Strathbogie council requests that you exert your utmost influence to have the funding of these essential programs extended by government. Recovery from the current climatic and economic conditions will —

take —

> many years. Farming families and communities must be given adequate time to recover financially, transition to alternative income sources, upskill into new industries or exit farming. The range of services due to cease operation — —

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

Ashburton: sporting teams

Mr STENSHOLT (Burwood) — I would like to congratulate some of our local sporting groups on their recent achievements. First of all, congratulations to the Ashburton Bowls Club for winning the metropolitan division 2 bowls final against a determined Fitzroy side. It won overall by 37 shots and has now gained promotion to division 1. This was a history-making event, as the club now returns to division 1 after an absence of 32 years.

I also congratulate the Ashburton Uniting Church Tennis Club for recently winning the Council of the Ageing award for community involvement. Its seniors teams program has been a winner, with an expanded program of at least four sessions a week of mixed doubles tennis. I was down at the club the other day congratulating its members on their award and I had a look at their new all-weather court beside the railway line near the Ashburton railway station. It is a great addition to the club, which is expanding its membership with an excellent junior program.

I also congratulate the STC-South Camberwell Cricket Club on its great season, winning the Macgibbon Shield, the top synthetic grade premiership. The club has made a special virtue of developing its juniors, as is shown by the fact that the winning team had eight former juniors who learnt to play cricket at the club. Congratulations to skipper Steven O'Connell, Tom Bach, Adam D'Addazio, Luke D'Astoli, Russell Flint, Daniel Fogarty, Alex King, Peter Mercoulia, Daniel O'Connell, Michael O'Connell — lots of O'Connells — David Spithill and Rohan Worthy. It is a wonderful team and a wonderful addition to the local cricket scene in the Glen Iris district.

Racing: regional and rural Victoria

Mr BLACKWOOD (Narracan) — The way the Brumby government and in particular the Minister for Racing are treating Victorian country racing clubs at the moment is an absolute disgrace. We are seeing the viability of many country race clubs being undermined by decisions that are designed deliberately to benefit metropolitan race clubs at the expense of those in the country. An example of this in my electorate has been the decision taken by Harness Racing Victoria (HRV) to strip two race meetings from the Warragul Harness Racing Club in 2009–10.

The Warragul Harness Racing Club is a very successful and extremely well managed entity. It is located at Logan Park in Warragul, just a minute's drive off the Princes Freeway, a little over an hour from Melbourne and easily accessible to East Gippsland harness racing enthusiasts. The Warragul Harness Racing Club is in the process of finalising a new three-year deal with a major sponsor. The loss of two race meetings for the 2009–10 year will seriously compromise this new financial support arrangement.

Harness racing is very popular across Gippsland. This decision by HRV sends a clear message to Gippsland racegoers that it does not care about maintaining a viable harness racing industry in Gippsland. The economy of Gippsland is suffering enough from the recent bushfires. The harness racing industry is a major contributor to the economy of the area, particularly in Warragul.

I call on the Minister for Racing to show some courage, take control of his area of responsibility and restore the two race meetings in question. If he does not he will be responsible for delivering another kick in the guts to struggling fire-affected Gippsland communities.

Women: Project Respect

Mrs MADDIGAN (Essendon) — Today I would like to congratulate the organisation Project Respect on the work it does, particularly in supporting women who have been trafficked to Australia for the purposes of prostitution. These women, mainly from Thailand and South Korea, are often treated like slaves and suffer harsh and disgraceful treatment.

The United Nations ranks human trafficking as the third-largest international crime. In Australia since 2004 the federal police have identified 112 victims — 32 of whom were in Victoria — and it is generally considered that the problem is much worse than the figures suggest. The federal police have identified Melbourne as a major destination for sex trafficking, and have found that, unfortunately, most of these women are in legal brothels.

In August last year the High Court upheld the slavery conviction against Wei Tang, a Brunswick brothel owner. She held five Thai women for a number of years as sexual slaves. This sort of treatment is totally unacceptable to our society. I congratulate Project Respect and the federal police on the active role they have taken in trying to cut this insidious crime from our culture. Often these women have very little support, are not well educated and are imprisoned for sometimes many years when they are brought to Australia.

Dental services: waiting lists

Mrs VICTORIA (Bayswater) — I have often brought up the issue of the Brumby government's neglect of dental services, but it appears that things are getting out of hand.

In the past couple of weeks several people have contacted my office in desperation as they have searched for both emergency and non-emergency appointments. Why is it that circumstances are so desperate in Knox and Maroondah that if someone needs an emergency dental appointment, they spend an afternoon searching Melbourne for a clinic that can see them? Often they have to make a trip into town.

Even worse, imagine being told that you have to wait another 12 months for dentures after having been on the waiting list for 12 months. Dentures are not luxury items. What further health problems are being caused or magnified by Labor inaction? The fact is that the Brumby government is neglecting basic services at an unprecedented rate, and every day people are counting the cost of Labor government negligence.

Pam and David Wilcox

Mrs VICTORIA — Congratulations to Ringwood residents Pam and David Wilcox, who are celebrating their 60th wedding anniversary today. They are a delightful, spritely couple who live life to the fullest.

Bayswater Secondary College: environmental project

Mrs VICTORIA — Congratulations to principal Trish Arico, staff member Chris Flynn and all at Bayswater Secondary College. They have recently completed a major environment project. A wonderful frog bog has just had its first local amphibian take up residence. I just hope the promised stage 2 of the their building program is allocated funding in the upcoming

budget for this great school. There was a prerequisite that the school be part of a cluster to receive this funding. It is indeed part of the Knox cluster of schools, and it is about time the minister came clean and gave it the funds.

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

Alphington Bowls Club

Ms RICHARDSON (Northcote) — The official opening on 29 March 2009 of the Walter Hamilton green at the Alphington Bowls Club (ABC) celebrated the community partnership with local, state and federal governments that has resulted in a sustainable and environmentally friendly facility. Best of all, the club now has the perfect green — I just wish it could help me bowl better!

Through this partnership the club has purchased and installed new water tanks, planted drought-tolerant grasses and built an underground water system. The project captures rainwater from the clubhouse roof and the greens, and stores it in the 150 000-litre capacity tanks, reducing water usage by over 70 per cent. That is all the more remarkable when you consider that the original plan was to close the green and install a synthetic green on the club's winter green.

I agreed with club members when they rallied to bring their alternative vision to fruition. With help from the Minister for Sport, Recreation and Youth Affairs and the City of Yarra, the plans were changed, and the green can now be enjoyed by future generations of bowls players.

This project would never have seen the light of day but for club president Neil Bryce and fellow board members Mary Tragardh, Ian McGarrigle, Greg Payne, Mark Perry and Phil Stray, all ably supported by club members.

ABC's greenkeeper Brett Haintz, project consultant Doug Agnew, along with Mick Billing, David Sharp, Doug Golder and Phil Ford, were excellent project advisers and deserve special thanks. I would also like to thank Henselite Bowls, Bendigo Bank, the Albion Charles Hotel, Crafted Landscapes, InSite Architects, Alphington Meat Supply and Johnny F's Fruit and Veg for their support and sponsorship of the club. ABC is the heart of our community in Alphington. Its success is our community's success. Well done!

Mooroolbark station creative community hub

Mr HODGETT (Kilsyth) — I call on the Brumby government to 'show us the money!' for the Mooroolbark station creative community hub project. Where is the Mooroolbark station project up to? It has progressed extremely well with terrific participation, commitment, engagement and a healthy dose of enthusiasm from the 20-plus group of members that make up the steering committee.

The steering committee is comprised of local traders, service clubs, community groups, Connex officers, council representatives, Department of Transport staff and interested community members. It is a tremendous group of loyal, hardworking, dedicated, community minded people participating and giving of their time and efforts to improve Mooroolbark and make it a better place to live, work and raise a family.

An intensive process was designed and developed to inspire and inform the group and generate discussion in a range of areas. Workshops were undertaken to learn how a community can create a community hub at a suburban train station. Urban design was introduced and explored to see how it can effectively work to deliver social and aesthetic outcomes. Landscape design was examined to see how it could work for the Mooroolbark station.

Department of Transport staff explored aspects of access and movement, traffic and transport. Cars, cyclists and pedestrian movement in and around the station were analysed. A Victoria Police crime prevention officer looked at how to keep the station safe through social engagement, design and surveillance. Extensive notes were taken and ideas were generated and developed. Priorities were set and a detailed action plan was created to progress the project. The integration of creative public art and interesting design has been researched. Station precinct sketches have been presented.

The question now is: how will the project move forward after the next stage of the design brief and the development of a master plan? The answer is that the plan needs to be backed up with substantial funding to implement and deliver the capital works. All the hard work has been done, community expectations have been raised, and worthwhile projects have been identified. I call on the government to allocate the funds required to deliver this project. Premier — show us the money!

Coral Park Primary School: Harmony Day

Ms GRALEY (Narre Warren South) — Coral Park Primary School celebrated Harmony Day with enthusiasm. Under the leadership of the principal, David Hinton, the event was warmly embraced by everyone. It was my pleasure to attend the school to present a Victorian Multicultural Commission grant to help celebrate Cultural Diversity Week.

Students, staff and parents were dressed in costumes from their homelands. Beaded saris on little girls and boys wearing kurta pyjamas paraded alongside students from Samoa in paper skirts, and others wearing embroidered puffed shirts from eastern Europe were all mingled in with Aussie Rules and Socceroos jumpers and the Australian flag flying proudly. It was great to see our successful cosmopolitan society being celebrated and everyone having so much fun. I joined in by wearing a salwar kameez from Bangladesh, from the time when my daughter Vanessa worked with the disadvantaged and disabled in Bangladesh.

My message was that we are lucky to live in Australia — our welcoming and well-off home — but we should always try to help others too. I was glad to hear that the students were doing some fundraising for Plan Australia. Well done, Coral Park Primary School.

I also had the pleasure of presenting the school leaders with their badges. It was great to see so many parents present, as they have every reason to be very proud of their young offspring. I know the young leaders have been selected because they are responsible, caring and hardworking students who will lead the way. I am sure they will have lots of fun as well as enjoying the extra responsibilities.

Congratulations to Rio Cayetano, Alevine Magila, Gurkerat Singh, Nazaneen Keshtiar, Tanya Dundovic, Romy Madeley, Randini Dissanayake, Bethany Dodgson, Teagan Rush, Deanna Mohmand, Christopher McDonald, Alanah Hardy, Albert Lieu, Amogh Hiriyur, Nazia Bakshi, Alana Johnston, Keshav Ramachandran, Jenna Wood, Niamh Molloy and Drew Paten. I know they will all do a great job.

Crime: arson penalties

Mr NORTHE (Morwell) — Arsonists have sent a wave of terror through the Latrobe Valley community in recent years, with deliberately lit bushfires causing utter devastation in the Toongabbie-Cowwarr region in December 2006 and the Boolarra-Yinnar region in January 2009, and of course in the Black Saturday fires on 7 February that not only destroyed property but took lives. The seriousness of such offences should not be understated, and therefore the community was somewhat relieved when the offender responsible for the December 2006 fires was charged and subsequently sentenced.

That sentence has now been reduced on appeal, causing considerable consternation to local Country Fire Authority personnel, who have strongly voiced their objection. CFA personnel continually put their lives on the line to protect local communities, so one can understand their frustration in this instance. Whilst noting that sensitivity needs to be considered in such circumstances, I believe that in the interests of the general public the Attorney-General should refer the issue of sentencing applicable to the crime of arson for the consideration of the Sentencing Advisory Council.

Arson is a shocking crime that destroys the lives of so many innocent people; therefore the community expectation is that significant sentences will apply to those who perpetrate such acts. For people to lose all they have to a bushfire is horrific enough, but to think that a person or persons within their own community could deliberately cause such destruction is difficult to comprehend. Despite these awful deeds, our communities will recover and prosper. As I have stated previously, these tragic events have brought out the very worst in a very small minority of people but the absolute best in the vast majority of people.

Water: savings

Ms KAIROUZ (Kororoit) — On Friday, 27 March, I had the pleasure of hosting a free water-efficient shower head exchange day in my electorate office in the company of the Minister for Water, my staff and staff from City West Water. As we know, showers typically use about 30 per cent of a household's water use, so by removing an inefficient shower head and installing a water-efficient one you can cut this usage by around 6 per cent — a saving of up to 13 500 litres of water for each person in your home.

The old-style shower heads can use up to 20 litres, or one bucket of water, per minute. Providing free shower heads helps people in my electorate save water and helps them reach the target of 155 litres per day. The only thing that people in my electorate had to do was bring their old shower heads into my office, and brand-new 3-star shower heads were given to them. The shower heads came in two colours, chrome and white. I am pleased to say that as of Friday, 27 March, 170 new households have installed water-efficient shower heads.

St George Preca Primary School, Caroline Springs: opening

Ms KAIROUZ — I had the pleasure of attending the official blessing of St George Preca Primary School in Caroline Springs on 27 March. The Most Reverend Denis Hart, Catholic Archbishop of Melbourne, blessed the new school in the company of about 100 students, their families and members of the community. However, prior to the planning for the new school, the Caroline Springs community had to work very hard and campaign to have another Catholic school in Caroline Springs, with only one other Catholic school being in the near vicinity.

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

Police: south-western Victoria

Mr McINTOSH (Kew) — After 10 years and $250 billion expenditure the Brumby government is cutting the number of front-line police officers in the south-west of Victoria at the exact time that violent crime is reaching new record levels. It has been announced that 16 police will be cut and that at least 5 of them will be cut from Warrnambool, where one in six police are already missing from the front line.

Last year the incidence of violent crime increased in Warrnambool by 12 per cent, with assaults alone increasing by a massive 22 per cent. There is something seriously wrong if the government believes the best way to deal with violent crime is to cut police numbers. These vacancies in south-western Victoria need to be filled immediately rather than cut.

For 10 years Labor has lectured Victorians about rising police numbers and dropping crime rates, but we now know that the crime statistics are dodgy and that they are entered into a dodgy IT system. Victoria has the lowest number of police per head of population and spends the least on police of any state. Police patrols have been cut across the state by some 20 per cent since 2002. Importantly, instead of the government investing in more front-line police to fight record levels of violent crime, the people of south-western Victoria are now having to pay the ultimate price for this dodgy government's behaviour.

Australian International Airshow

Mr EREN (Lara) — Avalon airshow was a success yet again. Despite bad weather conditions over 165 000 people braved the cold and wet weather to see some amazing aero industry displays and spectacular live action. Official delegations from 25 countries visited with over 42 overseas military missions and 25 force commanders coming to Avalon Airport to see the international showcase for the aero industry. The airshow has delivered investment in local employment for the local economy, particularly in the northern part of Geelong where it is needed most.

With Melbourne being the major events capital of the world, the Brumby Labor government aims to secure existing events and is always seeking new opportunities that may arise. Obviously we will continue to work closely with the airshow promoters to ensure that this event continues to be held at Avalon in the future.

Ambulance services: helicopter

Mr EREN — I was also pleased to be with the Minister for Health in launching Victoria's new air ambulance retrieval helicopter on 13 March at the Avalon airshow, making Victoria's health services state of the art. This helicopter will provide specialist medical transfer and retrieval services while adding an extra arm to our emergency capabilities. I congratulate all involved with this major event and look forward to attending the next Avalon airshow.

CHILDREN LEGISLATION AMENDMENT BILL

Statement of compatibility

Ms NEVILLE (Minister for Community Services) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Children Legislation Amendment Bill 2009.

In my opinion, the Children Legislation Amendment Bill 2009, as introduced in the Legislative Assembly, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of bill

The bill makes a number of amendments to the Children Youth and Families Act 2005 (CYF act) and Child Wellbeing and Safety Act 2005 (CWS act). The amendments to the CYF act seek either to address omissions in that act or to improve the functionality of that act. The amendments to the CWS act allow the child safety commissioner to conduct a broader range of inquiries.

Human rights issues

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

Section 13 — privacy and reputation

(a) The right to privacy of persons whose personal information is collected in accordance with the CYF act may be interfered with by clause 3. Clause 3 inserts a new section 20A into the act and provides that despite anything to the contrary in that act, a person who discloses information obtained in connection with the administration or execution of that act is not guilty of an offence if the disclosure is made in connection with the administration or execution of that act or the regulations or under a court order.

The interference may arise as clause 3 potentially expands the number of people who may receive and disclose personal information. However, the right is not limited as the interference is neither unlawful nor arbitrary. The potential expansion of the number of people who may collect, use and disclose personal and health information is not arbitrary because it is in accordance with the provisions, aims and objectives of the charter, particularly section 17, which provides for the protection of children and families. It is not unlawful as only persons who are required or permitted by law to have access to the information can have such access. The CYF act still limits the number of people who can receive and disclose the information. Given the sheer volume of administrative tasks associated with the execution of the CYF act there is no less restrictive means to achieve the CYF act's primary purpose of ensuring the protection of children.

It is noted that:

the expansion of the range of potential recipients of personal information is only permissible in the course of administering or executing the CYF act or regulation or under a court order;

the existing provisions in the CYF act that make it an offence to disclose certain information (for example, the identity of persons making a report to child protection services) remain in place and will be applicable where disclosed outside of the scope of the new section 20A.

(b) The right to privacy of those persons who may be the subject of, or be involved in, the additional inquiries that the child safety commissioner has power to inquire into pursuant to the CWS act may be interfered with by clauses 10, 11, 12 and 13. These clauses extend the definition of a child protection client that may be the subject of a review, and provide for the minister to require the child safety commissioner to conduct a review of any child protection case.

However, the right is not limited as the interference is neither unlawful nor arbitrary. The provisions are not arbitrary because they are in accordance with the provisions, aims and objectives of the charter, particularly section 17, which provides for the protection of children and families. Further, the child safety commissioner is able to request personal and/or health information about the child in question, and in some instances in relation to other persons (where such information relates to the services provided or omitted to be provided to the child) in order to perform its function of promoting continuous improvement and innovation in policies and practices relating to child protection and safety.

It is noted that:

the disclosure of personal and/or health information to the child safety commissioner must occur in circumstances relating to at least one of the defined functions of the child safety commissioner;

there are existing offence provisions that prohibit further disclosure of information obtained in the course of inquiries outside of the purposes provided by the CYF act.

Conclusion

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

Hon. Lisa Neville, MP
Minister for Community Services

Second reading

Ms NEVILLE (Minister for Community Services) — I move:

That this bill be now read a second time.

Since being elected, this government has committed itself to providing the most vulnerable children and young people in Victoria with the best possible start in life. This is clearly demonstrated by our significant reforms undertaken in recent years to children, youth and family services in Victoria. Central to this commitment is our belief that every child has the right to live a full and productive life in an environment that builds confidence, friendship, stability, security and happiness, irrespective of their family circumstances and background.

This has involved working in close partnership with community service organisations, to deliver an integrated child protection and family services system that promotes early intervention and prevention, and more sustained and effective responses to children and young people in need of protection.

These reforms are underpinned by a commitment to best practice, and informed by a strong evidence base. The Children Legislation Amendment Bill, which I am introducing today, seeks to further strengthen that commitment.

The bill proposes to amend two pieces of legislation, the Children, Youth and Families Act 2005 and the

Child Wellbeing and Safety Act 2005. These two pieces of legislation were instrumental in reforming child protection and child safety in Victoria. Since their commencement in 2007 it has become apparent that some amendment is necessary in relation to some issues.

The Child Wellbeing and Safety Act 2005 — the role of the child safety commissioner

This government created the position of the child safety commissioner to provide a strong and independent voice for children, to promote their safety and wellbeing, and to provide advice to the government. A core function of the child safety commissioner is to conduct an inquiry into the death of a child who is a client of the Department of Human Services' child protection service at the time of their death or within three months of their death. The reports of these inquiries are forwarded to the Victorian Child Death Review Committee for consideration. The committee considers the findings of the inquiry and, where appropriate, makes recommendations to myself, in regard to matters of a thematic policy and practice nature. The Victorian Child Death Review Committee tables an annual report in Parliament as part of the transparent and accountable approach to the deaths of children known to child protection in Victoria.

The bill I am introducing today extends the range of cases reviewable by the child safety commissioner and the Victorian Child Death Review Committee. This will promote greater transparency and accountability of the child protection program.

The bill proposes two amendments to the Child Wellbeing and Safety Act 2005.

Inquiries into child deaths by the child safety commissioner — extending types of cases

The first proposed amendment expands the criteria for the type of case that will be subject to child death inquiries by the child safety commissioner. The proposed amendment will enable the child safety commissioner to conduct child death inquiries into the deaths of all children who were the subject of a report to the Secretary to the Department of Human Services within three months of their deaths. The current legislative scheme provides for inquiries only into the death of a child who was the subject of a report to child protection that was subsequently deemed by child protection to be a 'protective intervention report'.

This serves to exclude all those reports to child protection that do not go on to be deemed as 'protective intervention' reports. The proposed amendment seeks to redress this exclusion. The expanded scope will capture all children who were the subject of a report to child protection, irrespective of child protection's determination of that report, at the time or within three months of their death.

Review of child protection cases by the child safety commissioner as referred by the minister

The second proposed amendment goes even further by creating a new category of cases potentially subject to review by the child safety commissioner. The proposed amendment will enable the child safety commissioner to examine individual cases involving child protection upon a request by the Minister for Community Services. The review will constitute an inquiry into the services provided or not provided to the child for the purpose of improving existing practices and procedures in relation to child safety issues.

The only criterion is that the child has been known to child protection at some stage in their life. It may be the case that the child is no longer a client of child protection and may not have been a client for a very long time. As long as the child has been known to child protection, the case may be subject to review. This proposed amendment provides a means to seek an independent investigation of specific child protection cases. This enhances the level of accountability surrounding child protection practice. In turn, accountability and transparency will promote a culture of continuous improvement for child protection.

The Children, Youth and Families Act 2005

The proposed amendments to the Children, Youth and Families Act 2005 are technical in nature and aim to improve the effectiveness of that legislation.

Appointment of administrator over part only of community service organisation

This bill rectifies an inadvertent inflexibility of the current provisions that enable the minister to appoint an administrator over an entire community service organisation — not just those parts of the organisation delivering child and family services funded by the Department of Human Services under the Children, Youth and Families Act.

The appointment of an administrator is a power of last resort for the government, to be utilised only where the minister is satisfied that the community service is inefficiently or incompetently managed. Where the community service organisation has multiple divisions, it is unnecessary, and undesirable, to appoint an administrator over all of those divisions. The proposed

amendment allows the appointment of an administrator just to that part of the community service that is providing child and family services.

Administrative staff access to client information

The bill proposes an amendment to enable administrative staff in the child protection program to have access to a client's child protection file, for the purposes of undertaking administrative tasks. The child protection workforce is structured in such a way that significant file preparation, administrative support and placements for children are provided by administrative staff. These functions are substantial and entirely necessary for the ongoing operation of the child protection program.

All these functions require access to information that is only accessible to a 'protective intervener' under the current legislation. It was never the intention to exclude these important staff members from having access to client information for the purpose of carrying out their significant duties. The absence of a legislative scheme to enable such access is an oversight which requires rectification. The bill therefore seeks to clarify this situation by making permissible the disclosure of information to or by administrative staff in the administration or execution of the Children, Youth and Families Act or pursuant to a court order. It is understood that child protection information is highly sensitive.

The legislation currently contains several specific confidentiality offence provisions which are not excluded by the proposed amendment. Rather, the proposed amendment is intended to operate as a defence provision to those specific disclosure offences. Thus if a disclosure is made outside the circumstances of the defence provision, then that disclosure will be in breach of the confidentiality offence provisions, to which penalties apply. Further, all administrative staff are bound to respect the confidentiality of client information by virtue of the Victorian Public Sector Code of Conduct.

Suitability panel membership

The bill seeks to address a practical difficulty in the current legislation by enabling the expansion of the number of members of the suitability panel. The suitability panel was established by the Children, Youth and Families Act to allow for disqualification of carers who pose an unacceptable risk of harm to children. The suitability panel consists of a chairperson who must be a legal practitioner, and five other members with qualifications and experience in various disciplines that are relevant to the matters that will be brought before the panel for hearing.

The chairperson and members are appointed by the Governor in Council on the recommendation of the minister. The quorum for a panel hearing currently consists of the chairperson and two other panellists selected by the chairperson. The suitability panel has commenced hearings, and has matters presently subject to investigation that may proceed to the panel. It is now considered that the fixed number of appointed members, five, constrains the flexibility of the panel. The bill proposes that more than five members may be appointed. This will ensure that there are sufficient numbers for a quorum but allow additional members to be appointed as necessary.

Conclusion

Here in Victoria we have built an integrated child protection and family services system. Our reforms are underpinned by a strong evidence base and a commitment to delivering best practice, and have been implemented in close collaboration with the community sector.

We have a flexible system that can respond to the complex challenges facing the state's most vulnerable children. These amendments continue this tradition, streamlining child protection practice and enhancing the accountability of the child protection system.

I commend the bill to the house.

Debate adjourned on motion of
Ms WOOLDRIDGE (Doncaster).

Debate adjourned until Thursday, 16 April.

PARLIAMENTARY SALARIES AND SUPERANNUATION AMENDMENT BILL

Statement of compatibility

Mr HOLDING (Minister for Finance, WorkCover and the Transport Accident Commission) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Parliamentary Salaries and Superannuation Amendment Bill 2009.

In my opinion, the Parliamentary Salaries and Superannuation Amendment Bill 2009, 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 object of the Parliamentary Salaries and Superannuation Amendment Bill 2009 is to limit the increase in the salary payable to members of the Victorian Parliament to 2.5 per cent.

Human rights issues

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

The bill does not engage any of the rights under the charter.

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

As the bill does not engage any of the rights under the charter, 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.

Tim Holding, MP
Minister for Finance, WorkCover
and the Transport Accident Commission

Second reading

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

That this bill be now read a second time.

The purpose of this bill is to amend the Parliamentary Salaries and Superannuation Amendment Act 1968 to limit the increase in the basic salary payable to members of this Parliament to 2.5 per cent for the 2009–10 financial year.

As members are aware, under the Parliamentary Salaries and Superannuation Amendment Act 1968, Victorian parliamentary salaries are set by reference to the federal parliamentary salaries.

In line with the recent revision to the government's public sector wages policy, this bill caps the pay rise for members of this Parliament to 2.5 per cent. It achieves this by temporarily limiting the basic salary to 2.5 per cent for the 2009–10 financial year, commencing on 1 July 2009.

The policy is designed to ensure fair wage outcomes for our highly valued public sector workforce and to generate improved productivity, while ensuring the government's policy agenda is implemented in a fiscally responsible manner.

Government's pledge to hold onto jobs and the updated wages policy was in direct response to the current global economic circumstances including lower inflation forecasts. These amendments demonstrate the government's willingness to apply to itself the same standards that apply to Victoria's public sector workforce.

I commend the bill to the house.

Debate adjourned on motion of Mr WELLS (Scoresby).

Debate adjourned until Thursday, 16 April.

PLANNING LEGISLATION AMENDMENT BILL

Statement of compatibility

Mr BATCHELOR (Minister for Community Development) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Planning Legislation Amendment Bill 2009.

In my opinion, the Planning Legislation Amendment Bill 2009, 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 Planning Legislation Amendment Bill 2009 is to amend the Planning and Environment Act 1987 to introduce a system of development assessment committees to function as if a delegate of a responsible authority to make decisions on classes of applications specified by the Minister for Planning.

Specifically the bill proposes to:

Give effect to the government's announced intention to establish development assessment committees as outlined in *Planning for all of Melbourne*, the Victorian government's response to the *Melbourne 2030 Audit 2006*.

Amend the Local Government Act 1989 to provide an exception from a conflict of interest provision for a member of a development assessment committee.

Allow for the Growth Areas Authority to facilitate urban growth in any part of Victoria, rather than being limited to the growth area municipalities as currently defined in the act.

Make unrelated amendments to the Docklands Act 1991, Heritage Act 1995, and Melbourne Convention and Exhibition Trust Act 1996.

Clause 6 of the bill introduces a new part 4AA to the Planning and Environment Act 1987 to introduce a system of DACs. Only the amendments to the Planning and Environment Act 1987 to introduce a system of DACs are considered to engage the Charter of Human Rights and Responsibilities ('the charter').

The capacity to designate future growth areas is not expected to have any impact on human rights. The removal of the date in the Docklands Act 1991 has no obvious impact on any human rights. The amendment to the Melbourne Convention and Exhibition Trust Act 1996 will have no human rights impacts.

Amending the Local Government Act 1989 to provide an exception from a conflict of interest provision for a member of a development assessment committee is not expected to have any impact on human rights.

Increasing the maximum penalty which may be prescribed for an infringement offence will not adversely affect a person's rights to a fair hearing or rights in criminal proceedings. It will not have any retrospective operation. The amendment is considered to be compatible with the charter of human rights.

Human rights issue

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

The bill engages three of the human rights protected by the Charter of Human Rights and Responsibilities ('the charter').

Section 13 establishes a right for an individual not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with and not to have his or her reputation unlawfully attacked. The right to privacy concerns a person's 'private sphere', which should be free from government intervention or excessive unsolicited intervention by other individuals. An interference with privacy will not be unlawful provided it is permitted by law, is certain, and is appropriately circumscribed.

Section 15 establishes a right for an individual to seek, receive and impart information and ideas of all kinds, whether orally, in writing, by way of art, in print or other medium. The right to freedom of expression also encompasses the right not to express.

Section 18 establishes a right for an individual to participate in the conduct of public affairs, to vote and be elected at state and municipal elections, and to have access to the Victorian public service and public office, without discrimination. The right to participate in public affairs is a broad concept, which embraces the exercise of governmental power by all arms of government at all levels.

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

2.1 Section 13: privacy and reputation

Proposed new section 97MZN requires the disclosure of interest on a register of interests. The proposed new section of the bill requiring DAC members to disclose interests on a register of interests engage and limit the section 13(a) charter right to privacy.

However, the requirements of the register, and the details to be contained therein, are clearly and precisely defined by the act. For this reason the interference is not unlawful. Further, it is necessary to obtain the relevant information and place this on the register to ensure transparency around the private interests of DAC members which may have the potential to influence their public duties and decision making. For this reason the interference is reasonable in this circumstance and is not arbitrary.

Proposed new section 97MO requires that the minister publish on the internet the details of the members and the alternate members of the DAC, including variations to the DAC membership, where the DAC is to cover more than one municipality. The proposed new section of the bill requiring DAC members and alternates to be listed on the internet engage and limit the section 13(a) charter right to privacy.

However, the information to be published on the internet is clearly and precisely defined by the act. For this reason the interference is not unlawful. Further, it is necessary for this information to be published on the internet so it is easily accessible for members of the public.

Proposed new sections 97MZM and 97MZL require the mandatory provision of private details in ordinary and primary returns. The proposed new section of the bill requiring DAC members and alternates to provide private details and ordinary returns, limits section 13(a) charter right to privacy.

However, the details that need to be provided are clearly and precisely defined by the act. For this reason the interference is not unlawful. Further, it is necessary to obtain the relevant information to ensure transparency around the private interests of DAC members which may have the potential to influence their public duties and decision making. For this reason the interference is reasonable in this circumstance and is not arbitrary.

Accordingly, as the bill does not provide for the unlawful or arbitrary interference with privacy, this right is not limited.

2.2 Section 15: freedom of expression

Proposed new section 97MZ(2)(b) prohibits DAC members from disclosing information which is confidential and thereby engages the section 15 charter right of freedom of expression.

Proposed new section 97MZR prohibits department staff from making a record, divulging or communicating to any person any information conveyed to him or her during his or her employment with the department, or making use of that information for any purpose other than the discharge of his or her official duties, and thereby engages the section 15 charter right of freedom of expression.

Such limitations are commonly applied to persons undertaking public duties and performing public administration functions and are necessary to provide DAC members with access to confidential information important to their duties in making decisions on application.

(a) the nature of the right being limited

Freedom of expression, including the right not to express, is an important right central to a democratic society.

(b) the importance of the purpose of the limitation

The purpose of allowing for confidentiality is to ensure that a DAC member can effectively undertake his or her function of assessing applications and ensure the integrity of the application process, and to ensure that department staff involved in the operation of a DAC can undertake his or her function of providing advice and support to the DAC members.

(c) the nature and extent of the limitation

The right will be limited only to the extent that a person is compelled to keep certain information confidential. Information which is to be kept confidential will be identified as having been provided in confidence by the responsible authority or by the person providing the information. Alternatively, the DAC may identify the information as being subject to confidentiality.

(d) the relationship between the limitation and its purpose

There is a direct relationship between the limitation and the purpose to ensure that there is integrity in the application process while enabling the DAC access to the confidential information required to assess the application.

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

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

(f) any other relevant factors

There are no other relevant factors to be considered.

For the above reasons the proposed limitation on the right to freedom of expression is considered 'reasonable' pursuant to section 7(2) of the charter.

2.3 Section 18: taking part in public life

Provisions requiring DAC members not to participate in decision making in certain circumstances and empowering the minister to suspend DAC members engage and limit the section 18 charter right to take part in public life.

Under proposed new section 97MM, if the minister believes on reasonable grounds that a member of a DAC has breached any of the requirements of division 4 of new part AA relating to misuse of a position, conflict of interest and disclosure of interests or has acted in a way which is corrupt or otherwise against the interests of the DAC, the minister may suspend the member's membership of the DAC for up to three months.

Further, under proposed new section 97MZA(1), where DAC members have a conflict of interest the member must without delay advise the secretary of that conflict and take no part in deciding on the application.

Further, proposed new section 97MN sets out circumstances where the office of a member or an alternate member of a DAC becomes vacant.

Provisions requiring DAC members not to participate in decision making in circumstances where they may have a conflict of interest and in other circumstances as set out in proposed new section 97MN, impinge on the DAC members' rights to take part in public life.

Restrictions on taking part in decision making where members recognise a conflict of interest are common, and are necessary to ensure impartial assessment of projects in the public interest, untainted by a member's private interest.

All these impacts relate solely to DAC members. They will be clearly set out, and will be in accordance with law. They will not apply to the general public. A person who does not assent to these restrictions need not agree to appointment as a member of a DAC or accept a position or agreement to provide advice or other services to a DAC.

(a) the nature of the right being limited

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

(b) the importance of the purpose of the limitation

Proposed new section 97MM: the ability to prevent a person that has engaged in a level of misconduct from undertaking their duties and functions and holding their position of office, recognises that there are standards that are required of people who hold public office. It also ensures that appropriate disciplinary measures are taken against members depending on the seriousness and nature of their conduct. The limitation will also work to maintain the integrity of the application process for the benefit of the public.

Proposed new section 97MZA(1): expects that persons with a conflict of interest do not participate or vote on DAC matters as it ensures DAC functions and duties are not unduly compromised and that its decisions are made fairly.

(c) the nature and extent of the limitation

Under proposed new section 97MM if the minister believes on reasonable grounds that a member of a DAC has breached any of the requirements of division 4 of new part 4AA relating to misuse of a position, conflict of interest and disclosure of interest or acted in a way which is corrupt or otherwise against the interests of the DAC, the minister may suspend the member's membership of the DAC for up to three months.

Under proposed new section 97MM the Governor in Council may at any time remove a member or alternate member of a DAC from office.

Proposed new section 97MN sets out circumstances where the office of a member or an alternate member of a DAC becomes vacant.

(d) the relationship between the limitation and its purpose

There is a direct relationship between the limitation and the purpose of ensuring that members properly undertake the duties of office and act in a manner appropriate to the position.

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

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

(f) any other relevant factors

There are no other relevant factors to be considered.

For the above reasons it is considered that these provisions constitute a reasonable limitation, pursuant to section 7(2) of the charter. This is especially so given the important purpose of ensuring the integrity and transparency of decision making.

Conclusion

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

Peter Batchelor, MP
Minister for Community Development

Second reading

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

That this bill be now read a second time.

This bill addresses the government's commitment to partnering with local government to make decisions on planning permit applications in relation to areas and matters of metropolitan, regional or state significance

This bill seeks to amend the Planning and Environment Act 1987 in order to introduce a system of development assessment committees to make decisions on particular types of planning permit applications of significance, and to set out clear provisions in the act relating to effective and transparent probity provisions for members of a development assessment committee and associated issues. Consequentially, it also seeks to amend the Local Government Act 1989 to provide an exception from conflict of interest restrictions which may arise from a councillor's membership of a development assessment committee.

The bill also proposes unrelated amendments to the Planning and Environment Act, the Heritage Act, the Docklands Act and the Melbourne Convention and Exhibition Trust Act, the purposes of which I will explain later. At this stage I wish to focus on the development assessment committees proposal, as provided for in clause 6 of the bill.

This bill seeks to introduce a framework for a new state-local government partnership by providing for the establishment of development assessment committees comprising state and local government nominees to make decisions on significant planning permit applications. The bill will set out clear provisions in the act relating to effective and transparent probity provisions for members of a development assessment committee.

The reforms presented in this bill follow the government's release of *Planning for All of Melbourne*, in which the government laid out its actions in response to a five-year audit of Melbourne 2030 in four key areas: planning for all of Melbourne; transport and managing congestion; environmental sustainability and climate change; and managing urban growth.

Currently the Victorian planning system only provides for planning permit decisions to be made by councils or by the Minister for Planning. Councils make decisions that have impacts well beyond the boundaries and scope of their municipalities. There is no mechanism by which state and local government can effectively partner to make decisions on areas of shared interest or responsibility.

The establishment of development assessment committees will ensure that the state government and local government partner in the decision-making process for these significant matters. The government is committed to strengthening confidence in decision making, for the state government to play a role in actively implementing state policies, and having shared responsibility for developments of metropolitan, regional or state significance.

The establishment, jurisdiction and functions of development assessment committees are set out in proposed part 4AA division 2 of the Planning and Environment Act, to be introduced by clause 6 of the bill.

Each development assessment committee would be established by an order of the Governor in Council, made on the recommendation of the Minister for Planning. The order would specify the area to be covered by the DAC and the specific matters upon which the DAC shall make a decision.

The order establishing the development assessment committee may be revoked or varied to modify the

location and criteria for applications determined by a DAC.

A development assessment committee has the jurisdiction to decide planning permit applications, and applications to amend a planning permit, only as specified in an order. Councils will continue to retain the role of responsible authority and will process applications both before and after a decision.

A development assessment committee will decide all applications within its jurisdiction as set out in the order. Councils will not be able to make a decision on a matter assigned to a development assessment committee. The decision made by the development assessment committee will become the decision of the responsible authority. The development assessment committee will make the decision on a planning permit application for the council.

When making a decision on a planning permit application, the development assessment committees will implement the policies and controls set by the council and the state.

Development assessment committees will not remove third-party appeal rights or affect the call-in powers provided in the Planning and Environment Act 1987.

This decision-making model was developed in consultation with local government and peak bodies. A technical working group was established, represented by local government, in July 2008 to provide technical planning input to inform the development and finalisation of proposals for the implementation and operation of the committees. In particular, the position of independent chair will be developed and short-listed in consultation with the local government sector. These proposals were then taken to all metropolitan councils for comment.

The local government sector should be commended for the input and response they have put into this new decision-making model.

The membership of the DAC is set out in proposed part 4AA division 3. The composition of a DAC membership provides for equal state and local government representation.

Each development assessment committee will comprise:

one independent chair, and an alternate.

two standing state government nominees, and an alternate for each member, who shall be nominated by the Minister for Planning.

two local government nominees who will rotate on and off the development assessment committee to ensure representation from the municipality in which the application is based.

The two local government nominees for each municipality can be nominated by each council from a 'pool' of five members consisting of elected councillors or members of staff.

All members of the development assessment committee shall be appointed by the Governor in Council. A member shall hold the office for a period up to three years, and may be reappointed. The names of the development assessment committee members and alternates will be published on the department's internet site.

The procedures to be followed by a development assessment committee are set out in proposed part 4AA division 4. If either the chairperson or the alternate chairperson is for any reason not able to attend a meeting of the committee, the members present must elect an acting chairperson for the meeting. The quorum for a meeting of the development assessment committee is three members. The committee may act despite a vacancy in its membership as long as there is a quorum.

To enable a development assessment committee to decide on an application for a permit or an amendment to a permit within its jurisdiction, the responsible authority must provide it with any technical advice, administrative support and any other support it reasonably requires.

Appropriate provisions have been included regarding probity and accountability measures, as set out in proposed part 4AA division 5. The provisions apply to all members of the development assessment committee and are modelled on the Local Government Act 1989 including the changes made by the Local Government Amendment (Councillor Conduct and Other Matters) Act 2008, however with some significant variations to provide for the unique circumstances applying to a development assessment committee including the quite limited functions assigned to it.

The probity requirements for development assessment committee members cover conduct principles for members, misuse of position, direct and indirect interest, and the need for the secretary of the

department to maintain a register of interests of members.

It is acknowledged that the provisions of the Local Government Act 1989 directly apply to a councillor who is nominated by the council to be a member of a development assessment committee as a result of the person being a councillor. The specific provisions for members have been designed to ensure that there are neither conflicting requirements nor duplicate disclosure requirements for councillors.

The bill will amend the Local Government Act 1989 to provide an exception from conflict of interest provisions in relation to a conflict which may arise for a councillor as a result of that councillor being a member of a development assessment committee.

Through the establishment of development assessment committees the government is providing an arena for the shared responsibility of managing future growth and the creation of an effective partnership between state and local governments to make decisions on significant planning permit applications for areas of shared interest or responsibility. Such shared responsibility for decision making will provide for a better standard of decision to be made on planning permit applications.

I wish to turn now to the other matters covered by this bill.

First, the Planning and Environment Act provisions for declaring a growth area are to be amended so that a growth area may be declared for any part of Victoria, and not only within the area of a growth area council as presently defined at section 46AP of the Planning and Environment Act. This section of the act is to be repealed. This means that a growth area may be declared and the Growth Areas Authority may be authorised to operate in any part of Victoria.

The Docklands Act 1991 is to be amended to remove the expiry date for the involvement of the Victorian Urban Development Authority in Docklands development. The Victorian Urban Development Authority will have an ongoing role in the Docklands development.

The Heritage Act 1995 will be amended to empower the regulations to prescribe an infringement offence with a penalty of up to 10 penalty units, increased from the current 4 penalty units. This is consistent with recent amendments to the Heritage Act which foreshadowed prescribing a new offence with penalties up to 10 penalty units, however the statutory limit on the maximum prescribed penalty was not altered at the time.

The Melbourne Convention and Exhibition Trust Act 1996 will be amended to widen the area in which the trust can operate to allow the trust to operate throughout Victoria, and to include ‘entertainment’ as one of the functions of the trust. Currently the trust is limited to operating within the city of Melbourne and the city of Port Phillip.

These amendments to the Planning and Environment Act to provide for development assessment committees, and wider scope for declaration of growth areas, are important to achieving the challenging task of managing Victoria’s ongoing growth and development.

The amendments to the other acts provide for the effective operation of heritage infringements, the Victorian Urban Development Authority’s ongoing involvement in Docklands development and the broadening scope and operation of the Melbourne Convention and Exhibition Trust, all of which in their own way contribute to facilitating Victoria’s development.

I commend the bill to the house.

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

Debate adjourned until Thursday, 16 April.

JUSTICE LEGISLATION AMENDMENT BILL

Statement of compatibility

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

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Justice Legislation Amendment Bill 2009.

In my opinion, the Justice Legislation Amendment Bill 2009, as introduced to the Legislative Assembly, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of bill

A key purpose of the bill is to amend the search warrant powers in a number of acts to address some existing limitations. In particular, the bill:

amends more commonly used search warrant powers to enable a warrant to be made in relation to a vehicle in a public place. This will overcome an existing limitation in this regard;

amends the Drugs, Poisons and Controlled Substances Act 1981 to enable any police member to execute a search warrant under that act, rather than only the member named in the warrant;

clarifies the time line to provide an annual report in relation to covert search warrants under the Terrorism (Community Protection) Act 2003.

The bill amends the Gambling Regulation Act 2003 to:

remove the current restrictions on advertising in Victoria by wagering service providers located in other states or territories of Australia

introduce appropriate advertising standards in relation to gambling advertising by wagering service providers

require the holder of a Victorian bookmaker registration to have a responsible gambling code of conduct approved by the Victorian Commission for Gambling Regulation.

In addition, the bill repeals sunset provisions in the Children, Youth and Families Act 2005 to ensure the continued operation of the Koori Court (Criminal Division) of the Children's Court.

Human rights issues

Section 8 — recognition and equality before the law

Section 8(3) of the charter provides that every person is equal before the law and is entitled to the equal protection of the law without discrimination and has the right to equal and effective protection against discrimination.

Part 3 of the bill repeals the sunset provisions in the Children, Youth and Families Act 2005 to ensure the continued operation of the Koori Court (Criminal Division) of the Children's Court. These amendments engage section 8(3) of the charter, in that the jurisdiction of the Koori Court is limited to offences committed by Aboriginal children, therefore discriminating against children who are not Aboriginal.

Section 8(4) of the charter provides that measures taken for the purpose of assisting or advancing persons or groups of persons disadvantaged because of discrimination do not constitute discrimination. The preamble to the charter provides that human rights have a special importance for Aboriginal people of Victoria, as descendants of Australia's first people, with their diverse spiritual, social, cultural and economic relationship with their traditional lands and waters.

The proposed amendments are aimed at redressing disadvantage and increasing social cohesion and improved outcomes within the criminal justice system for indigenous Victorians. The amendments assist persons who are disadvantaged and, therefore, the proposed continuation of the operation of the Children's Koori Court is compatible with the charter.

Section 13 — right to privacy

Section 13(a) of the charter protects the right not to have one's privacy, family, home or correspondence unlawfully or arbitrarily interfered with. The right includes protection from interference with territorial privacy. This right recognises that an individual should have a 'private sphere' free from government intervention and unsolicited intervention from other individuals.

The amendments in part 2 of the bill potentially engage the right to territorial privacy by enabling a search warrant to be made in relation to a vehicle located in a public place. This right may be engaged because a vehicle may be part of a person's private or domestic environment, particularly if it is privately owned.

The right in section 13(a) also protects against interference with one's home. This right may be engaged where a search warrant is made in relation to a vehicle that is a person's main residence.

However, the right to privacy in section 13 is only limited where the interferences to privacy are unlawful or arbitrary.

The interference with privacy in searching a particular vehicle is unlikely to be unlawful because the issuing of a search warrant provides a legal basis for the search. The search warrant will only allow a search in specific circumstances and in relation to a particular vehicle, to closely limit the interference to privacy. In addition, the court's role in determining a warrant application provides an independent mechanism to assess whether the proposed interference is justified in the circumstances.

The interference with privacy will not be arbitrary, because the amendments to allow the search of a vehicle in a public place are circumscribed in scope and are limited to what is required to enforce the acts in question. In this regard, a search warrant can only be made in relation to a particular vehicle. In addition, the amendments will only enable a vehicle to be searched for limited purposes (such as gathering evidence of certain offences), and if specified preconditions are met.

For these reasons, the potential interferences to privacy arising from the amendments in part 2 would not be unlawful or arbitrary. They therefore do not limit this right in section 13 of the charter.

Section 15 — freedom of expression

Section 15 of the charter protects the right to freedom of expression. The right to freedom of expression is essential to the operation of a democracy. It enables people to participate in political and other public debates. Freedom of expression allows people to share and impart information and ideas. The right to freedom of expression includes commercial advertising such as advertising in relation to gambling.

It is envisaged that the decision to remove current advertising restrictions will lead to an increase in advertising in Victoria by wagering service providers residing in other Australian jurisdictions. By allowing interstate wagering providers to advertise in Victoria this bill promotes freedom of expression.

Restrictions on gambling advertising — section 15(3)

Section 15(3) makes it clear that special duties and responsibilities attach to the right of freedom of expression, and the right may be subject to lawful restrictions necessary to:

(a) respect the rights and reputation of other persons; or

(b) for the protection of national security, public order, public health or public morality.

Under international law, courts have historically afforded less protection to freedom of expression, involving a purely commercial interest, than political expression.

The government is taking appropriate measures to ensure that the content of any advertising (whether published by Victorian or interstate wagering service providers) is not offensive, and is consistent with other government strategies in place to foster responsible gambling objectives.

Clause 49 in part 4 of the bill inserts into the Gambling Regulation Act 2003 new offences for publishing or disseminating certain types of gambling advertising that impose a restriction on advertisers' freedom of speech. The limitations contained in clause 49 must be analysed against the particular matters that are identified in section 15(3) which, when satisfied, specifically justify a restriction on freedom of expression.

The application of section 15(3) involves satisfying a number of conditions. First, the relevant restriction proposed must be 'lawful'. Second, the relevant restriction must be imposed for a particular purpose, either to protect the rights of others or in order to protect national security, public order, public health and public morality. Third, the relevant restriction must be 'reasonably necessary' for one of these purposes.

Proposed section 4.7.8 of the Gambling Regulation Act 2003, in clause 49 of the bill, imposes a variety of restrictions on advertisers. The prohibition on advertising which encourages a breach of the Gambling Regulation Act 2003 (proposed subsection 4.7.8(1)(a)) is aimed at ensuring that advertisers do not encourage others to breach that act. It is reasonably necessary to protect public order. Advertising which is offensive may often be contrary to public morality and its prohibition (subsection 4.7.8(1)(f)) is a lawful restriction.

The requirement that the consumption of alcohol not be promoted as part of engaging in wagering activities (subsection 4.7.8(1)(e)) is reasonably necessary to promote public health objectives.

The ban on depicting children wagering or involved in gambling (subsection 4.7.8(1)(b)) serves the purpose of protecting the rights of children.

Restrictions on gambling advertising — section 7(2)

Some of the restrictions imposed by virtue of proposed section 4.7.8 do not fall within the limitations contained in section 15(3). However, they are reasonable and demonstrably justified in a free and democratic society in accordance with section 7(2) of the charter.

The prohibitions contained in proposed section 4.7.8 that are not justified in accordance with section 15(3) of the charter relate to advertising suggesting that a person engaging in wagering or sports betting will win or that their financial prospects will improve (subsections (c) and (d) respectively).

The importance of the purpose of the limitation

The limitation is important as the proposition that winning is certain, or that gambling is likely to improve an individual's financial prospects, is false and could lead some members of the public to bet irresponsibly. Such advertising is also contrary to the government's policy commitment to foster responsible gambling.

The nature and extent of the limitation

The limitation is not severe as it only imposes minimal restrictions on the content of a wagering service provider's advertising as opposed to banning advertising per se. Wagering service providers will be permitted to advertise their services in a variety of forms as long as they do not offend the new provisions.

The relationship between the limitation and its purpose

The limitation is a rational and proportionate strategy to ensure that the wagering service provider's advertising conforms with appropriate standards. It should be noted that other less intrusive approaches (e.g. a voluntary industry code of conduct) would not be appropriate as such approaches cannot be applied to the conduct of wagering service providers resident in other jurisdictions.

Any less restrictive means available

It is considered that the penalties need to be substantial in order to provide a sufficient deterrent against irresponsible advertising and that they are proportionate when set against the potential for people to spend large amounts of money on wagering or betting based on an incorrect belief about the prospect of winning.

Further, the penalty for an individual is a maximum penalty, equal to the penalty that may be imposed on a body corporate, and it would be open to the court to impose a lesser penalty depending on the circumstances of the case. The penalties are significantly less severe than the maximum penalties for false or misleading advertising under the Fair Trading Act 1999.

There are no less restrictive means available to achieve the purpose.

For these reasons, and the unavailability of any less restrictive means to achieve the same purpose, the creation of these new offences is reasonable and demonstrably justified under the charter.

Section 19 — cultural rights

As already noted, part 3 of the bill repeals the sunset provisions in the Children, Youth and Families Act 2005 to ensure the continued operation of the Children's Koori Court. The Children's Koori Court promotes Aboriginal culture by commencing each session of the court with a welcome to country recognising the indigenous custodians of the land, emphasising the important position of elders in the Koori community, encouraging the Koori offender and his or her family to participate in the court process and integrating Koori service providers with orders made by the court. These procedures reinforce the cultural rights of indigenous people, which are recognised in section 19 of the charter. In particular, the Children's Koori Court enables indigenous Victorians to enjoy their identity and culture and to maintain their kinship ties within the criminal justice system.

Section 20 — right to property

Section 20 of the charter protects the right not to be deprived of property other than in accordance with the law.

The search warrant amendments in part 2 potentially engage this right, as the search of a vehicle in a public place could temporarily deny access to the vehicle or limit the exclusive use of the vehicle. However, the right to property only prohibits a deprivation of property that is carried out unlawfully. This imports a requirement that the deprivation must not be arbitrary.

The search of a vehicle under warrant is unlikely to be unlawful or arbitrary for the reasons outlined above in relation to the right to privacy. Therefore the right to property in section 20 of the charter is not limited.

Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities, because, to the extent that some provisions may limit human rights, those limitations are reasonable and demonstrably justified in a free and democratic society.

Rob Hulls, MP
Attorney-General

Second reading

Mr HULLS (Attorney-General) — I move:

That this bill be now read a second time.

Background

The Justice Legislation Amendment Bill 2009 will give effect to three main objectives. Firstly, the bill amends the search warrant powers in a number of acts to address an existing limitation relating to the search of vehicles in a public place. Secondly, the bill will amend the Gambling Regulation Act 2003 to lift prohibitions on advertising by interstate bookmakers. Lastly, the amendments in the bill will repeal provisions for the sunset of the Children's Koori Court (Criminal Division) to ensure the continued operation of that court.

Search warrant amendments

Part 2 of the bill amends a number of more commonly used search warrant powers to empower the search of a specified vehicle in a public place. The amendments relate to search warrant powers in the Crimes Act 1958, the Drugs, Poisons and Controlled Substances Act 1981, the Firearms Act 1996, the Gambling Regulation Act 2003, the Police Integrity Act 2008, the Police Regulation Act 1958, the Prostitution Control Act 1994, and the Surveillance Devices Act 1999.

In broad terms, these powers enable a search to be conducted under a warrant issued by a court for evidentiary purposes, for example to search for evidence of specific offences.

A gap in the power to search vehicles in a public place was identified by the Victorian Parliament Law Reform Committee in its *Final Report on Warrant Powers and Procedures*, which was tabled in Parliament in November 2005. The Magistrates' Court has also highlighted recently a practical pressing need to address this issue.

The existing search warrant powers in these acts are confined to searching places, premises or land specified in the warrant. Several of these powers would enable a vehicle that is found on the relevant place, premises or land to be entered, searched and seized. However, none of these powers enables a vehicle of itself to be specified as the object of the warrant. This means it is not possible to obtain a warrant to search a vehicle in any public place where it may be found e.g. in a street or a public car park.

To address this issue, the bill extends relevant search warrant powers in the acts I have mentioned to enable a specified vehicle in a public place to be searched under warrant. Part 2 also makes a number of consequential amendments to those search warrant provisions as a result of this new power. This also includes amendments intended to make it clear that existing powers to enter, search and seize vehicles found on a place, premises or land when executing a search warrant are preserved.

The bill also amends the search warrant power in section 81 of the Drugs, Poisons and Controlled Substances Act 1981 to empower any police member to execute a warrant issued under that section. Unlike other commonly used search warrant powers, section 81 only provides for the member specified in the warrant to execute it. This may create practical difficulties if that member is not available, for example if he or she is not on duty, is assigned to other matters or is on leave. The bill overcomes this limitation to improve the practical operation of this warrant power.

Part 5 of the bill also makes a minor technical amendment to clarify the annual reporting requirement under the Terrorism (Community Protection) Act 2003. Section 13 of that act requires the Chief Commissioner of Police to provide an annual report on the use of the covert search warrants powers under that act. This must be done as soon as practicable after the end of each financial year. The effect of the amendment is to specify three months as the outer time limit for providing this report.

This change also gives effect to a recommendation in the *Final Report on Warrant Powers and Procedures* of the Victorian Parliament Law Reform Committee.

That report also made recommendations for wide-ranging reforms of Victoria's warrant powers and procedures. The government supports in principle consolidating Victoria's warrants powers and procedures in a new Warrants Act, which will be a longer term project.

Repeal of Children's Koori Court sunset provisions

Part 3 of the bill repeals provisions in the Children, Youth and Families Act 2005 to enable the Children's Koori Court (Criminal Division) to continue operations.

The Koori Court (Criminal Division) of the Children's Court has been operating in Melbourne since October 2005 and was extended to Mildura in September 2007. Preliminary information from the program's evaluators indicates that the court has been successful in improving outcomes for Koori young people who come before it and in increasing Koori communities' engagement with and access to the criminal justice system.

Studies have also demonstrated the effectiveness of the adult Koori Court concept and model upon which the Children's Koori Court is based. That model was originally established in the Magistrates' Court. Recently, the Koori Court model was introduced in the County Court at Morwell. The Aboriginal Justice Forum and Judge Paul Grant, president of the Children's Court, strongly support the continuation and expansion of the two existing Children's Koori Courts.

On a community level, the Children's Koori Court increases Koori community participation in the criminal justice process with the involvement of Koori elders and respected persons and Koori Court officers. The Children's Koori Court model also integrates court orders with service programs run by indigenous agencies. In addition, the Children's Koori Court provides a forum that is less alienating for young Koori offenders and their families.

The Children's Koori Court encourages a sense of ownership of, and participation in, the court by, in particular, emphasising the role of elders and respected persons in the plea discussion. Encouraging the offender to participate in the process and discuss the reasons for offending, and allowing friends and family members to be present during the plea discussion, also contribute to a sense of community involvement in the Koori Court.

Gambling Regulation Act 2003 amendments

Part 4 of the bill will remove the current restrictions on advertising in Victoria by wagering service providers located in other states or territories of Australia.

In 1998, a National Competition Policy (NCP) review of racing and betting legislation recommended that Victoria remove its prohibition on advertising by non-Victorian registered bookmakers.

In its response to that review, the government agreed in principle, however it declined to lift restrictions in the absence of regulatory reform in other jurisdictions. To do so would have resulted in Victorian bookmakers facing competition from interstate operators while not being provided with reciprocal opportunities.

It should be noted that Victoria has assumed the lead role in seeking a nationally consistent position on this issue through representations made at the Australasian racing ministers conference.

However, until a recent High Court decision raised constitutional issues in relation to the validity of advertising laws, other jurisdictions remained steadfast in their refusal to withdraw their advertising prohibitions.

While these reforms will open the way for advertising by bookmakers licensed in other jurisdictions, it must be emphasised that Victoria remains committed to fostering a responsible gambling environment.

For this reason, in conjunction with the lifting of advertising prohibitions, part 4 of the bill also introduces guidelines in relation to advertising standards for wagering service providers that will ensure that consumers are appropriately protected.

Furthermore, the bill introduces a requirement that the holder of a Victorian bookmaker registration have a responsible gambling code of conduct which has been approved by the Victorian Commission for Gambling Regulation.

In addition to alleviating constitutional concerns, the removal of the prohibitions in other jurisdictions will create an opportunity for Victorian bookmakers to grow their businesses.

The lifting of the advertising restrictions will also provide new revenue streams for Victorian racing clubs by opening up new opportunities for advertising and sponsorship from wagering service providers located interstate.

I commend the bill to the house.

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

Debate adjourned until Thursday, 16 April.

ROAD LEGISLATION AMENDMENT BILL

Statement of compatibility

Mr PALLAS (Minister for Roads and Ports) 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 Road Legislation Amendment Bill 2009 (the bill).

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

Overview of the bill

The bill makes a number of important changes to road safety and road transport legislation. Most of these are changes to the Road Safety Act 1986. They include changes to:

make improvements to the vehicle impoundment scheme;

implement initiatives from the Arrive Alive 2008–17 road safety strategy;

introduce heavy vehicle chain of responsibility offences relating to speeding;

allow the minister to publish guidelines for assessing fitness to drive;

create offences for third party circumvention of alcohol interlocks;

authorise approved health professionals to take blood samples;

allow the minister to declare exemptions relating to the improper use of motor vehicles at certain events;

provide for enforcement of traffic infringements at level crossings;

authorise specified public authorities to use contractors to serve parking infringement notices and to increase parking fines;

create an offence for the abuse of operators of traffic enforcement cameras and speed detectors; and

the requirements in relation to the provision of oral fluid samples for the purposes of roadside drug testing.

In addition, the bill addresses a number of issues that have arisen in the implementation of the Accident Towing Services Act 2007, which commenced on 1 January 2009.

The bill also amends the Road Management Act 2004 to address some minor issues relating to the discontinuance of roads, fencing obligations of road authorities and infringement offences and corrects an incorrect reference in the Transport Act 1983.

It is considered that various provisions in the bill engage the following rights in the charter:

the right to equality before the law (section 8)

the right to freedom of movement (section 12)

the right to privacy and reputation (section 13)

the right to freedom of expression (section 15)

the right not to be arbitrarily deprived of property (section 20)

the right to be presumed innocent until proven guilty (section 25).

Of those rights, it is considered that the right to equality (section 8), the right to freedom of expression (section 15) and the right to be presumed innocent (section 25) are limited by provisions in the bill. However, the limitations are reasonable for the purpose of section 7(2) of the charter (in relation to the rights under sections 8 and 25) and section 15(3) (in relation to the right under section 15).

Human rights in the charter that are engaged by the bill

Section 8: discrimination

Section 8(2) of the charter states that 'Every person has the right to enjoy his or her human rights without discrimination.'. Section 8(3) states that 'Every person is equal before the law and is entitled to the equal protection of the law without discrimination and has the right to equal and effective protection against discrimination.'.

Clause 47 of the bill proposes to insert a new section 96B into the Road Safety Act 1986 which will allow the minister to set guidelines relating to the tests which may be used to determine whether a person is fit to drive, whether it is dangerous for that person to drive, or whether the person should have conditions imposed on his or her licence. The guidelines, and any incorporated matter, are to be published in the *Government Gazette*. Guidelines are to be tabled in Parliament and may be disallowed by either house (new paragraph 96(1)(f) of the Road Safety Act 1986 as inserted by clause 46 of the bill).

Clause 6 of the bill amends section 27 of the Road Safety Act 1986 to require that the tests must be carried out, and test results used, in accordance with any relevant guidelines.

Arguably the proposed amendments limit the rights in section 8 because they authorise the making of subordinate instruments under which persons with certain attributes may be treated less favourably than those without the relevant attributes. The definition of 'discrimination' in the charter incorporates the meaning of the term in the Equal Opportunity Act 1995, which prohibits less favourable

treatment of a person based on an 'attribute' including 'impairment'. For example, guidelines might set a level of visual acuity below which it is advisable to refuse to grant a driver's licence for obvious road safety reasons.

However, any such limitation is reasonable for the purpose of section 7(2) of the charter, taking into account all relevant factors, including those set out in paragraphs (a) to (e) of that subsection, as follows:

(a) The nature of the right being limited

While a right not to be treated less favourably due to an impairment is an important one, it may be subject to reasonable limits in accordance with section 7(2) of the charter.

(b) The importance of the purpose of the limitation

The purpose of the limitation is to ensure the safety of the person with the impairment and other road users. Driving a motor vehicle is an inherently dangerous activity, and the need to impose limits to ensure the safety of road users is well understood and universally accepted.

(c) The nature and extent of the limitation

The current legislation already allows VicRoads to limit or revoke the right to drive on fitness grounds. VicRoads officers rely on a range of standards in their assessment of a person's fitness to drive. The proposed amendments do not change the essential fitness requirements, and therefore will not lead to any greater discrimination than is already justified under current provisions. Indeed, the proposed amendments would provide greater transparency and consistency by ensuring that any guidelines used to inform a decision whether a person is fit to drive are published and subject to the disallowance procedures which apply to subordinate instruments.

(d) The relationship between the limitation and its purpose

The requirement to ensure that all drivers are able to safely drive a motor vehicle is considered to be essential to the purpose of ensuring road safety generally.

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

The limitation is mitigated to the greatest extent possible by the following:

the ability to apply for a conditional licence or permit where a medical or other condition might otherwise preclude a person from obtaining a driver licence or permit; and

the fact that the regulations already provide a right to be given reasons, and a right of internal review, in the case of a person whose licence or permit is varied, suspended or cancelled on the basis of their fitness to drive.

Section 12: freedom of movement

Section 12 of the charter states that 'Every person lawfully within Victoria has the right to move freely within Victoria …'

Three clauses of the bill may engage the right in section 12:

Impounding vehicles

Part 6A of the Road Safety Act 1986 deals with certain high risk or antisocial driving behaviour. It provides police with power to impound vehicles upon the commission of a 'relevant offence' as defined in the Road Safety Act 1986.

Clause 33 proposes an amendment to the definition of 'relevant offence' in section 84C(1) of the Road Safety Act 1986 to include the offence of dangerous driving under section 64 in circumstances involving excessive speed. This would be in addition to the current situation in which dangerous driving is a 'relevant offence' in circumstances involving the deliberate loss of traction.

It is considered incongruous that a person found guilty of excessive speeding is subject to the impoundment provisions but that a person found guilty of dangerous driving, where the danger involves excessive speeding, is not.

Tyre deflation

Clause 17 proposes to amend section 63B of the Road Safety Act 1986 to allow police to use tyre deflation devices before a pursuit commences. The Road Safety Act 1986 currently authorises the use of these devices during a pursuit. The proposed amendment would broaden the authorisation.

Licence suspension for high blood alcohol readings

Clause 10 proposes an amendment whereby the current threshold for concentrations of alcohol in blood or breath triggering immediate licence suspension will be decreased from 0.15 to 0.10.

The right to freedom of movement is not limited by the proposed amendments because the amendments only potentially limit one mode of movement (travel by motor vehicle). They do not stop people moving freely within Victoria by other means. Courts in Canada and New Zealand have considered arguments that restrictions on the ability to drive represent a limitation on the right of freedom of movement. The balance of judicial opinion in both jurisdictions suggests that this is not the case.

Section 13: privacy and reputation

Section 13(a) of the charter states that 'A person has the right … not to have his or her privacy … unlawfully or arbitrarily interfered with'.

As previously noted, clause 6 of the bill permits VicRoads to require a person to undergo tests to determine whether the person is unfit to drive, whether it is dangerous for the person to drive or whether the person's driver licence or learner permit should be subject to conditions. In order to determine these matters, a person may be required to undergo a test in relation to his or her fitness or competence or any other test VicRoads considers necessary and appropriate in the circumstances.

Clause 6 potentially engages the right to privacy insofar as bodily privacy may be limited by VicRoads' power to require testing. However, this testing will be neither unlawful nor

arbitrary and therefore the right to privacy will not be limited by the provisions under clause 6. Clause 6 clearly provides a power to test for licensing purposes. Therefore any testing by VicRoads pursuant to the provisions under clause 6 will be lawful. Moreover, testing is not arbitrary given that it is the most appropriate and least restrictive means by which VicRoads can ensure the effective and proper operation of the licensing system and thereby ensure public safety. Furthermore, while section 27(2)(c) permits VicRoads to require 'any other test', these tests must be both 'necessary' and 'appropriate' in the circumstances.

Clauses 11 and 12 also potentially engage the right to privacy insofar as bodily privacy may be limited by the power of police and authorised officers to require a driver to provide a sample of oral fluid in order to determine whether a drug driving offence has been committed. However, these powers will be neither unlawful nor arbitrary and therefore the right to privacy will not be limited by clauses 11 and 12. The clauses clearly provide authority for members of the police force and authorised officers to require drivers to provide oral fluid samples. The power to require a driver to provide a sample of oral fluid is also not arbitrary as it is a reasonable and appropriate means by which drug-driving laws can be enforced and public safety thereby secured.

Section 15: freedom of expression

Section 15(2) of the charter states that 'Every person has the right to freedom of expression which includes the freedom to … impart information and ideas of all kinds', including imparting that information orally.

Clause 23 of the bill proposes to insert section 73A into the Road Safety Act 1986, which makes it an offence to 'obstruct, hinder, threaten, abuse, insult or intimidate' an operator of a road safety camera or a speed measuring device. One of the purposes of the amendment is to provide such operators with increased protection from the verbal abuse of drivers who object to the use of these devices in relation to their vehicle.

In penalising this behaviour, the proposed amendment will restrict the right to freedom of expression in section 15(2) of the charter. However, limitations on the right may be permissible if they satisfy the requirements of section 15(3) of the charter or section 7(2). Section 15(3) provides that the right to freedom of expression 'may be subject to lawful restrictions reasonably necessary … to respect the rights and reputation of other persons, or … for the protection of … public order'.

It is considered that obstructing, hindering, threatening, abusing, insulting or intimidating an operator of a road safety camera or a speed measuring device is an attack on the operator's reputation and right to carry out his or her job freely and safely, and the creation of this offence is a reasonable and necessary measure to protect such persons and to protect public order.

This position is consistent with relevant case law. In the case of *Ferguson v. Walkley* [2008] VSC 7 Harper J applied the decision in *Coleman v. Power* (2004) 220 CLR 1, in which the High Court referred to the use of insulting words and conduct as behaviour 'so deeply or seriously insulting, and therefore so far contrary to contemporary standards of public good order, as to warrant the interference of the criminal law'. Harper J held that the effect of such an interpretation renders the offence of using insulting words and behaving in an insulting manner in a public place, as provided in the Summary Offences Act 1966, consistent with the right to freedom of expression enshrined in section 15 of the charter.

Section 20: property rights

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

Clause 33 and clauses 38 to 40 engage, but do not limit, this right:

> Clause 33, as discussed above, expands the situations in which a vehicle can be impounded, because it expands the reach of the definition of 'relevant offence' under the Road Safety Act 1986 to include dangerous driving which involves excessive speed.
>
> Clauses 38 to 40 of the bill amend section 84ZQ(2) and insert a new subdivision 3 of division 5 of part 6A of the Road Safety Act 1986. The new provisions set up a procedure whereby the Chief Commissioner of Police may sell a vehicle where proceedings relating to an offence which led to a vehicle being impounded or immobilised were adjourned because the defendant failed to appear, and a warrant was issued. Currently, section 84ZQ(2)(a) of the Road Safety Act 1986 prevents such a sale unless all proceedings regarding the offence that led to impoundment are finalised. This can require police to store vehicles for lengthy and possibly indefinite periods, as they have no authority to sell.
>
> Proposed new section 84ZX provides for the order in which the proceeds of sale are to be applied as follows: sale costs, impoundment costs, and security interests, with any remainder being deemed to be 'unclaimed money' for the purpose of the Unclaimed Money Act 2008.

The charter allows deprivation of property 'in accordance with law'. A deprivation of property will be in accordance with law when it conforms with a set of procedures established by law and is not arbitrary.

Deprivation of property under the proposed amendments must follow the set of procedures established by part 6A of the Road Safety Act 1986, including those provided in new subdivision 3, division 5.

Therefore, the amendments provide for deprivation of property in accordance with law and do not limit the right in section 20.

Section 25(1): right to be presumed innocent

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

Offence for person to assist with contravention of an alcohol interlock condition

Clause 9 of the bill inserts a new section 50AAK into the Road Safety Act 1986. New section 50AAK(1) provides that a person must not, without a reasonable excuse, bypass or disengage an approved alcohol interlock installed in a motor vehicle being, or to be, driven by another person if that other

person's driver licence or permit is subject to a condition that he or she only drive a motor vehicle which has been fitted with an alcohol interlock. New section 50AAK(3) provides that a person must not, without a reasonable excuse, blow into, or procure another person to blow into, an approved alcohol interlock installed in a motor vehicle being, or to be, driven by another person if that other person's driver licence or permit is subject to an alcohol interlock condition.

New section 50AAK(4) provides that the accused has the burden of proving a reasonable excuse for the purposes of these offences. This reverses the usual onus of proof by imposing a legal burden on the defendant to prove on the balance of probabilities that he or she had a reasonable excuse for bypassing, disengaging or blowing into the interlock in order to escape liability for the offence, as opposed to an evidential burden to only adduce or point to some evidence that puts the matter in issue. The provision may therefore limit the right to be presumed innocent under section 25(1) of the charter.

It is submitted that this limitation is reasonable for the purpose of section 7(2) of the charter having regard to the following factors:

> There are important public safety reasons underlying the creation of these offences. The Road Safety Act 1986 allows the court to impose a condition on the driver licence or permit of motorists who are relicensed after a high-level or repeat drink-driving conviction, which requires them to only drive a motor vehicle which has had an interlock fitted. This is supported by provisions making it an offence for a person to breach this condition or to bypass the alcohol interlock (section 50AAD). However, there is no offence for third parties who assist in the contravention of an alcohol interlock condition either through mechanically bypassing or disengaging the interlock or through providing a breath sample.
>
> It will only be in rare and exceptional cases where a person will have a reasonable excuse of interfering with another person's alcohol interlock or providing a breath sample in order to allow another person to drive, and those circumstances are likely to be peculiarly within the knowledge of the defendant.
>
> There is already a precedent for this position in the Road Safety Act 1986. Section 70(1A) provides that a person must not, without just cause or excuse, tamper or interfere with 'specified equipment' on a motor vehicle. 'Specified equipment' is defined in section 70(1B) to mean equipment of a type specified for the purposes of section 70(1A) by the minister in a notice published in the *Government Gazette*. A gazette notice has been published under section 70(1B) naming speed-limiting devices on heavy vehicles as specified equipment for the purposes of section 70(1A). Section 70(2) provides that the accused has the burden of proving just cause or excuse in relation to this offence. Alcohol interlocks perform a similar type of purpose to speed-limiting devices on heavy vehicles, namely the prevention of the commission of road safety offences, and the two provisions should therefore be consistent.

Chain of responsibility offences for speeding of heavy vehicles

Clause 53 of the bill inserts a new part 13 into the Road Safety Act 1986. The new part embodies a scheme in which a number of persons within a 'chain of responsibility' can be found guilty of offences related to heavy vehicles exceeding relevant speed limits.

For example, new section 276 creates an offence for an employer, prime contractor or operator to fail to take all reasonable steps to ensure that business practices will not cause the driver to exceed a speed limit. Similar duties are placed on schedulers in respect of the driver's schedule, on loading managers in respect of the arrangements for loading and unloading, and on certain consignors and consignees in respect of the terms of consignment.

New section 277 makes an employer, prime contractor or operator of a heavy vehicle (where the driver is to make a journey for the operator) guilty of an offence if the driver commits a speeding offence where the driver or the vehicle is subject to that person's control. Such persons will be guilty of an offence unless they can establish that they did not know, and could not reasonably be expected to have known, of the conduct, and:

> they took all reasonable steps to prevent the conduct from occurring; or
>
> there were no such steps they could reasonably be expected to have taken.

New sections 284 and 285 set out matters to be considered in relation to the existence of the reasonable steps defence.

The burden placed on the defendant in these provisions is a legal burden, as the defendant is required to establish that steps taken were reasonable or that no such steps could have been taken. As noted above, provisions which impose a legal burden on the accused are considered to amount to a limitation on the right to be presumed innocent.

The reasonableness of that limitation for the purpose of section 7(2) of the charter is considered below, taking into account all relevant factors, including those set out in paragraphs (a) to (e) of that subsection, as follows:

(a) The nature of the right being limited

The right to the presumption of innocence is aimed at ensuring that the burden is generally on the prosecution to prove, beyond reasonable doubt, that a defendant committed the relevant elements of the offence.

The presumption of innocence may be subject to reasonable limitations in accordance with section 7(2). Jurisprudence in other jurisdictions holds that the right may be limited.

(b) The importance of the purpose of the limitation

The limitation in clause 53 (new section 277) is designed to improve road safety by better regulating speeding heavy vehicles, recognising that there are a number of people involved in the transport of goods by heavy vehicles, who can directly or indirectly influence the conduct of drivers in relation to speeding.

The provision is part of a scheme which gives effect to policies developed by the National Transport Commission for implementation by states and territories.

It is well known that speeding heavy vehicles can result in devastating accidents, with potential commercial, economic, health and safety, public safety and environmental impacts. These issues have been considered exhaustively by the National Transport Commission in the development of the scheme, with the collection and analysis of relevant data and wide industry consultation.

The importance of the limitation satisfies the tests enunciated by Canadian courts that the limitation must address 'societal concerns which are pressing and substantial'.

(c) The nature and extent of the limitation

The nature and effect of the limitation is summarised above.

(d) The relationship between the limitation and its purpose

It is important to note that new section 277 does not make a driver's employer, prime contractor and heavy vehicle operator automatically guilty of an offence upon the commission of a speeding offence by the driver. It is a prerequisite that either the driver or the vehicle be 'subject to the person's control'. This qualification will help to ensure that only those persons who have a genuine connection to the conduct the subject of the offence will be caught.

There are a number of other factors which tie the limitation of the right to its purpose:

> Many of the matters which a person would lead as evidence to establish that he or she took reasonable steps for the purpose of establishing the defence in new section 277(7) would be matters for which evidence would not be readily available to the prosecution.
>
> It is expected that proper exercise of prosecutorial discretion will ensure that persons who might otherwise fall within the scope of the provision, but who do not bear culpability in the circumstances of the case, are not prosecuted.
>
> The offence is not directly punishable by imprisonment.

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

Unlike section 277, other provisions in the proposed scheme impose a positive duty on parties in the chain of responsibility to take reasonable steps to ensure that certain speed-related offences are not committed. This is a less restrictive means of holding parties in the chain of responsibility accountable for the actions of the driver because it does not involve a reversal of the legal onus of proof, and does not limit the right in section 25(1) of the charter.

Accordingly, a less restrictive means available would be to simply leave section 277 out of the new scheme. However, it is considered that this would be far less effective in ensuring a culture of compliance among all parties in the chain of responsibility who have a measure of control over the driver's behaviour.

Given the importance of reducing speed-related accidents involving heavy vehicles, and the factors which mitigate the limitation on the right to be presumed innocent, as outlined above, it is considered that the limitation in clause 52 (section 277) is reasonable for the purpose of section 7(2) of the charter.

Concluding statement

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities.

The bill may engage but does not limit rights conferred by sections 12, 13 and 20 of the charter. The bill may limit rights conferred by sections 8, 15 and 25 of the charter. However, any such limitations are reasonable and demonstrably justifiable having regard to the matters set out in section 7(2) and section 15(3) of the charter.

Tim Pallas
Minister for Roads and Ports

Second reading

Mr PALLAS (Minister for Roads and Ports) — I move:

That this bill be now read a second time.

This bill makes a number of amendments to road transport legislation in Victoria. The bill:

implements some Arrive Alive 2008–2017 road safety strategy initiatives;

facilitates the sale of impounded vehicles which have been abandoned;

implements the national agreement on heavy vehicle speed compliance;

introduces an offence of third-party circumvention of an alcohol interlock;

provides for flexibility concerning the requirements for the provision of oral fluid samples in relation to drug driving offences; and

makes some other minor amendments to the Accident Towing Services Act 2007, the Road Management Act 2004, the Road Safety Act 1986 and the Transport Act 1983.

Road Safety Act amendments

Arrive Alive initiatives

Victoria has a strong record of road safety. The government's Arrive Alive 2008–2017 road safety strategy builds on that impressive record. The strategy aims to reduce deaths and serious injuries by 30 per cent over the 2008–17 period. Meeting these targets will significantly reduce the emotional, physical and financial impact of road trauma on Victorian

individuals, families and communities. It will keep Victoria at the forefront of Australian and international efforts to reduce road trauma, deliver further major improvements to our road transport system and improve safety for all Victorian road users.

The bill implements a number of Arrive Alive 2008–2017 road safety strategy initiatives.

Continuing this government's tough approach to drink-driving, the bill lowers the threshold for immediate licence suspension for a drink-driving offence for full licence holders from a blood or breath alcohol concentration reading of 0.15 to 0.10, and also increases the maximum penalty for a first drink-driving offence from 12 penalty units to 20 penalty units. Drink driving contributes to around 20 to 30 per cent of driver deaths on Victoria's roads each year. Victoria continues to be a leader in initiatives to reduce or eliminate the road trauma caused by drink drivers. This initiative follows the introduction of additional drink-driving offences for young and inexperienced drivers in 2007.

The bill also provides that cyclists can be charged with serious traffic offences similar to those that apply to drivers of motor vehicles. While the risk of a serious injury or fatality as a result of careless or dangerous riding by a cyclist is low, recent incidents are a reminder that the consequences of a collision involving a cyclist may be severe. The serious traffic offences involved are: careless driving; dangerous driving; and failing to stop, render assistance, exchange details or report to police following an accident. The offences will apply to all drivers of non-motorised vehicles, not just cyclists, to ensure parity and equity. The penalties for these offences will be approximately half the penalty applying to corresponding offences for drivers of motor vehicles. This recognises that drivers of motor vehicles can cause significantly more damage to persons and property.

Vehicle impoundment reforms

In 2005, the government introduced a vehicle impoundment and forfeiture regime to deal with the menace of hoon driving. That regime tackles the small minority of drivers who habitually engage in dangerous and antisocial behaviour, such as illegal drag racing, high-level speeding, 'burnouts' and 'donuts'. Upon the commission of a relevant offence, police have power to impound or immobilise a motor vehicle used in the commission of the offence for an initial 48-hour period. Where a driver is found guilty of a relevant offence, and has been found guilty of one previous relevant offence within the past 3 years, the court may order that the vehicle be impounded or immobilised for up to 3 months. Where a driver is found guilty of a relevant offence, and has been found guilty of two or more previous relevant offences within the past 3 years, the court may order forfeiture of the vehicle.

Subject to minor operational issues, the regime has worked well. However, one issue which has arisen is the disposal of impounded vehicles that are not recovered at the end of the impoundment period. Such vehicles may be regarded as abandoned. If a relevant offender fails to appear in court at the hearing date, the charge may be adjourned to a date to be fixed. It may take years for the charge to finally be heard. This has the potential to affect significantly the space available to Victoria Police for impounded vehicles as well as the cost of storage that may not be recoverable.

To address this issue, the bill allows Victoria Police to apply for a court order for disposal of the vehicle. This only applies in the very narrow circumstances where an offender fails to appear in court in relation to a relevant offence, the proceedings are adjourned to a date to be fixed and a warrant is issued for failing to appear.

Following the payment of costs and the discharge of any security interests, the proceeds of sale of an abandoned vehicle will be dealt with under the Unclaimed Money Act 2008. There is clear benefit in treating the proceeds of sale as unclaimed money. The unclaimed money system does not require an affected third person to institute court action to make a claim in the first instance. This is in line with the government agenda to reduce the cost of justice by the utilisation of alternative dispute resolution methods where possible. Further, the making of a claim would not be dependent on the original matter being finalised, ensuring that there is no undue delay in an affected third person being able to seek recompense.

Heavy vehicle speed enforcement reforms

Following on from national heavy vehicle reforms in relation to mass, dimension and load restraint and driver fatigue management, Victoria has signed a national agreement to implement the National Transport Commission's model legislation on heavy vehicle speed compliance.

The legislation introduces 'chain of responsibility' provisions to target the cause of heavy vehicle speeding. It aims to ensure that those who are in a position to influence a decision that may result in a breach of speed limits are held accountable for their actions. The legislation focuses on parties in the transport chain other than drivers, such as the employer, prime contractor, operator, scheduler, consignor,

consignee and loading manager. Consistently with the approach taken in relation to mass, dimension and load restraint offences, and driver fatigue management offences, an employer, prime contractor and operator is required to take all reasonable steps to ensure that a heavy vehicle driver working for them does not commit a speeding offence.

Third party circumvention of alcohol interlocks

As already stated, drink driving is a significant contributor to road trauma. Victoria has an established alcohol interlock program which is intended to prevent proven high-risk drink drivers with a positive blood or breath alcohol concentration from driving. The Road Safety Act 1986 allows the court to require that an alcohol interlock condition be placed on the driver licence or permit of motorists when they are relicensed after a high level or repeat drink-driving offence. This is supported by provisions making it an offence for a person to breach this condition or to bypass an alcohol interlock. However, there is no offence for third parties who assist in the contravention of an alcohol interlock condition, through bypassing or disengaging the device or providing a breath sample.

The bill therefore introduces an offence of bypassing or disengaging an alcohol interlock installed in a motor vehicle being, or to be, driven by a person who is subject to an interlock condition, and an offence of blowing into an interlock for the purpose of enabling another person who is subject to an interlock condition to drive. This will help preserve the integrity of Victoria's alcohol interlock program.

Other improvements to the operation of the Road Safety Act

The bill also makes a number of other improvements to the operation of the Road Safety Act 1986 including to:

introduce a new offence to protect the operators of safety cameras from interference and abuse;

enable enforcement of level crossing offences by automatic detection devices;

enable use of tyre deflation devices to prevent the commencement of a pursuit;

allow public authorities other than local councils to outsource parking enforcement and impose parking fines;

authorise approved health professionals to take blood samples from persons attending a medical facility following a motor vehicle accident (currently restricted to medical practitioners);

provide a mechanism by which organised motor sports events on private land can be exempted from the offence of deliberately losing traction;

provide legislative recognition for standards used to determine fitness to drive;

confirm that excessive speeding will result in mandatory suspension of driver licences or learner permits; and

amend the requirements concerning the provision of oral fluid samples in relation to drug driving offences by allowing more flexibility in relation to those requirements.

Accident Towing Services Act amendments

The bill rectifies some inadvertent deviations from the previous arrangements under the Transport Act 1983 and improves VicRoads' capacity to enforce the legislation. These include:

clarifying that the holders of regular tow truck licences may operate tow trucks of any size;

ensuring that private towing (other than for reward) is not unreasonably restricted;

ensuring that non-licensed tow trucks are not permitted to attend accident scenes;

clarifying when demerit points will be incurred by industry participants;

clarifying when the holder of a tow truck driver accreditation must carry and/or produce his or her accreditation certificate;

ensuring that, in addition to police officers, authorised officers may sign an authority to tow in certain circumstances;

ensuring that the touting-for-repair-work offence (which ensures that inappropriate behaviour at accident scenes is prohibited) applies in both controlled and uncontrolled areas;

ensuring that attempts to obtain repair work are not made by a tow truck driver or any other person during the course of towing an accident–damaged vehicle from an accident scene to the location specified in the authority to tow;

providing for the issuing of training permits to tow truck drivers for the purpose of allowing them to gain experience and skills prior to becoming accredited tow truck drivers; and

clarifying that the driver or passenger of a broken down vehicle may travel as a passenger in a licensed tow truck.

Road Management Act amendments

Discontinuance of roads

Many road projects carried out by VicRoads on arterial roads and freeways result in the realignment, modification or removal of portions of abutting municipal or non-arterial state roads. In these cases, the redundant portions of road need to be discontinued to enable the creation of functional land parcels that are compatible with the new road network arrangements.

Currently under the Road Management Act 2004, VicRoads cannot efficiently or effectively deal with such redundant portions of municipal and non-arterial state roads. It must either wait for the relevant coordinating road authority to discontinue the road (which can result in the coordinating road authority incurring considerable costs including land surveying and transfer costs) or it can declare the portion of road to be an arterial road and then immediately discontinue the portion of road. It would be more efficient and expeditious if VicRoads, with the consent of the relevant coordinating road authority, could undertake the discontinuance.

The bill therefore provides VicRoads with the power to discontinue a road or part of a road with the written consent of the relevant coordinating road authority.

Exemption from fencing requirements

The existing provisions that excuse road authorities from fencing or contributing to the cost of fencing are currently limited to 'public highways' and the bill extends their operation to the broader category of 'roads'. This broader term will capture public highways, ancillary areas that are designated under the Road Management Act 2004, and any land declared to be a road under the act.

The policy basis for exempting a road authority from fencing a public highway applies equally to all roads. Road authorities, being responsible for the management of tens of thousands of kilometres of roads (and areas ancillary to roads), should not be obliged to expend significant amounts of public funds to fence those areas.

This amendment aligns with section 249 of the Transport Act 1983 which currently provides that VicRoads is not obliged to fence railways, tramways or roads.

The measures in this bill contribute to the safe, effective and efficient use of the Victorian road network.

I commend the bill to the house.

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

Debate adjourned until Thursday, 16 April.

HUMAN SERVICES (COMPLEX NEEDS) BILL

Second reading

Debate resumed from 12 March; motion of Mr ANDREWS (Minister for Health).

Mrs SHARDEY (Caulfield) — It gives me some pleasure to rise to speak on this multiple and complex needs legislation which has been brought before the house today. Let me say at the outset that the opposition coalition will be supporting this legislation, as it has supported similar legislation in the past. We first supported this legislation back in 2003, and in 2006 we supported the amendment to extend the life of this legislation. The sunset clause for this legislation comes into being on 31 May this year; that is why this piece of legislation has come before the house at this time.

By way of background to the current complex needs legislation, the act was passed in 2003 and was formulated to facilitate, in a sense, the coordination of services for eligible people with multiple and very complex needs. This group of people have been in the sights of welfare workers and government for a very long time. It is hard to provide individual services to a person without trying to bring those together, and that is what this piece of legislation does.

It provides a holistic and case management approach to the treatment of people with very complex needs who invariably have issues around accommodation, employment, mental illness, and often drugs and alcohol. A lot of these people may have intellectual impairment and may have acquired brain injury, and a lot may have very serious alcohol problems. Some of them exhibit violent or dangerous behaviour and cause harm to themselves or can cause harm to others. It is this kind of behaviour that can put these people at risk

and so they need a collection of services brought together to help them manage their lives.

It is because of this holistic approach that I personally support this legislation. The program is completely voluntary for those who are participating. A person can self-refer or they can be referred by a service, but they have the option to opt out at any time. That is as it should be in a democratic society. Even though we are there to offer assistance and support for those in need, they have to be able to demonstrate that they have a right to either accept or reject the level of service that is being offered.

I will now discuss the previous piece of legislation and how it will be changed. The original act allowed for the establishment of a panel which operated at a central level through the Department of Human Services. Its functions were set out in the original piece of legislation. The legislation also provided for an assessment service, and outlined the assessment and care plan development process, because each one of these people had to have a care plan that was followed through and that addressed all their issues. It also provided express authority for the disclosure of relevant personal and health information from one service to another.

We respect the privacy of individuals, but if a group of services is to assist one individual, there has to be the capacity to share information across those services so that everybody is on the same platform in understanding the needs of a particular individual. The previous legislation also provided for clients to be notified of information disclosure and procedures of the central panel. It established a process for clients to communicate their refusal to participate in the service, and it provided for appropriate safeguards and penalties in relation to the privacy of client information. The act was amended in 2006 because the sunset clause that was put in place meant that the act would come to an end in 2006. We supported, without any qualms at all, that legislation which provided that the program could operate for another two years.

How the whole system works is that the multiple and complex needs initiative is underpinned by the Human Services (Complex Needs) Act. Each region across Victoria has a multiple and complex needs coordinator, and referrals for clients are made through these coordinators. As I have said, clients can refer themselves or they can be referred through family or other services. Local services are then brought together if possible at a regional panel to decide what kind of care is needed.

On average there are about 160 clients cared for through this process either at a local level or, if no local solution can be found, through a central panel which organises their care plan and assessment. If the case has to be managed centrally, a case plan is drafted, a care plan coordinator is identified and a case manager is assigned. These case managers do very intensive work. Each case manager has only two or three clients, which means they can provide very intensive care for these people who have some very difficult problems.

As I said earlier, a central referral occurs if there is no local solution. Usually about 75 clients go through this central organisation. Currently there are about 35 clients who are active in this way. Since the introduction of this program to June 2008, there have been something like 559 client-related consultations at a regional level, most of which have been resolved locally. That is a credit to those who have been providing the service.

I have been informed that a third of clients have graduated after just 12 months treatment, which is a good outcome; two-thirds have required an extension into two years. What this piece of legislation does, apart from removing the sunset clause, is provide for three years of treatment. This will give much more flexibility to the system and will mean that clients with ongoing problems can be helped in a very positive way. The cost of this program is something like $4.3 million per annum. This includes client-attached funding but does not include the funding already allocated to the particular person.

The main provisions of the bill provide for the removal of the sunset clause, as I have mentioned, as well as the removal of the statutory panel. It moves the responsibilities that rested with that panel to the secretary of the department. It is felt that this will perhaps make the system less cumbersome and give it more flexibility. We hope that is going to be the case, because the panel did have a very strong role in doing assessment and monitoring and the allocation of care plans and so forth. So all of this will now become the responsibility of the secretary of the department. It is a very big job. I hope this is going to work out well. It might give some flexibility to the system, and we hope it achieves that.

As I said, the statutory panel has been removed. I am told that the reason the statutory panel was established under the 2003 act was that it gave the panel the power to detain people if that was needed for the purposes of assessment. Apparently it has not been necessary to detain people. This power was with the panel, but it has

not been exercised. That is one of the reasons for the dissolution of the panel as it now stands.

The new service model, however, provides for the establishment of a non-statutory central eligibility and review group. This is comprised of mainly public servants, including senior departmental executives from the Department of Human Services and the Department of Justice and also two independent community experts. Some people are concerned that it is bureaucratising things somewhat, but the devil will be in the detail and the implementation of this. I am told that most groups have supported this change. I certainly hope it works.

The bill also allows for a mandatory review of an individual's health plan every 12 months, but as I mentioned, the health plan can be extended from 24 months to 36 months. We are told that the rigid separation of assessment and planning together with separate time frames under the 2003 act led to slower than anticipated commitment from services. The difficulty is always getting services to work together.

Other programs have been attempted, some of them very successfully. I know that when I was shadow Minister for Housing there was a commonwealth program that brought together people's accommodation needs, employment needs and other health programs. I think it was the YP4 program.

It was a program that did something very similar. It really focused on homeless people. The trigger was if a homeless person was going to lose their job. These people invariably had mental health issues or drug and alcohol problems. Then again, this whole idea of case managing, bringing services together and bundling up of money into one pot, so to speak, to provide a holistic approach is something that works very well.

There are some other issues that I wanted to raise. When you go through the bill clause by clause, apart from removing the word 'panel' and putting in the word 'secretary', most of it is exactly the same as the previous legislation.

Clause 2 removes the sunset clause. Clauses 5, 6, 7, 8 and 9 replace 'panel' with 'secretary', allowing the secretary to determine the eligibility of a person and give notice in writing to people being considered for eligibility. The only change is that the word 'secretary' is there instead of the word 'panel'.

Clause 12 provides that the secretary must cause a care plan to be developed for a person determined to be an eligible person and allows the secretary to engage a service provider to develop a plan. Under previous legislation a statutory panel made the decisions in relation to the care plans. Now it will be the secretary. Part 2 relates to eligibility and care plans. Clause 12 allows for the mandatory review, which I have referred to, to continue for 36 months instead of two years.

As I have said, the coalition supports this legislation, and the rationale for that is we supported the previous legislation. Also it has been noted that there has been a reduction in presentations of these people to emergency departments by some 76 per cent, a 34 per cent reduction in the number of admissions to hospital, and a 57 per cent reduction in hospital admission bed days. So it looks as though this program has met with success. It does provide for the needs of people with very complex problems.

Some of our consultation turned up a couple of issues, which I would like the minister to take on board. One is from National Disability Services (NDS). It is suggesting a couple of things:

> … widening of the eligibility in clause 7 to include people with severe neurological (MS, motor neurone disease, etc) and also people with disabilities particularly those who have high physical support needs.

Those people may be able to be included with the application of the eligibility criteria, but that would probably need to be clarified.

The other aspect not mentioned in the bill but brought up by Kerry Presser, state manager of NDS, is how the legislation is to be effected or how it affects the powers of the public advocate. Kerry Presser writes:

> If an eligible person has a guardianship order taken out before or during the time of the care plan (which means in effect that the person is unable to make decisions about their health and only the guardian has that ability), who then has responsibility for the care plan? It would be useful if this —

could be clarified.

There was a submission from the Victorian Healthcare Association. It has raised a couple of matters. It says that in rural communities issues associated with the HealthSMART implementation and the lack of electronic records continues to stymie the type of information sharing that this bill necessitates. We are all aware of the huge difficulties the government has had in managing the implementation of HealthSMART.

A lot of these difficulties and the failures have been raised by the Auditor-General. The implementation of this program to provide an integrated solution has been going on for many years, and the cost has been skyrocketing. Apparently this is affecting the capacity for information sharing, which makes it much more difficult to treat these clients.

The second issue the association raised relates to clause 4(d). It stated:

> There is often an issue around 'ownership' of the patient within the system. The VHA membership has highlighted a lack of flexibility in service delivery, referral pathways and funding criteria. Prescriptive funding and service agreements … often do not allow flexibility in service delivery or support the development of partnerships across the service areas highlighted in the bill.

I think what the association is raising here is fundamental to the operation of this program. If there cannot be an appropriate bringing together of services for the good of a particular client, then of course that would be a huge problem.

Finally, in terms of eligibility and care plans, the association stated:

> The bill identifies eligibility as those aged 16 years and greater. At present, the VHA is aware that linkages between child and youth services and adult services are problematic.

I think it is focusing on the fact that it is only really aimed at people over the age of 16 and on what is happening to younger people. I assume the parents of younger people take some responsibility for their care, and they would probably have to apply to other services for assistance. Perhaps this is something that can be looked at.

If children under the age of 16 are developing complex problems, then maybe they can be identified as people who could do with some assistance, or at least their parents might be able to do with some assistance through a program like this. It is with pleasure that I support this piece of legislation, and I wish it a speedy passage.

Mr LANGUILLER (Derrimut) — It gives me great pleasure to speak today on the Human Services (Complex Needs) Bill 2009. Clause 1 of the bill sets out the purpose of the legislation, and clause 2 provides for the commencement of the act on a day to be proclaimed; it states that if the act does not come into operation before 31 May 2009, it comes into operation on that day.

This is good legislation. It is indeed legislation that this government is particularly proud of because it demonstrates again that the government is serious about the improvement of care and the provision of quality care and services to those individuals in the community who may need it.

It is important to put the bill into context, Acting Speaker. You would be aware that our state revenue is of the order of $35 billion annually, and it is important to recognise that since it has come into office the Labor government — and indeed the Brumby Labor government now — has made a very serious commitment to health generally and to the provision of services to Victorians right throughout the state. As I said, our state revenue annually is in the order of $35 billion, as members would be aware, and the government commits 27 per cent of that $35 billion to health and health services.

It is an outstanding commitment. It is the most important item in our budget year in and year out, and it ought to be recognised that we are doing everything we can to ensure that we improve the services and the care provided to Victorians no matter where they are.

The bill deals with and aims to address the needs of the most vulnerable people in our community, who are indeed often the most marginalised individuals in our community. In 2003 Victoria led the nation in developing the multiple and complex needs initiative with the proclamation of the Human Services (Complex Needs) Act 2003. This new legislation is required if the multiple and complex needs initiative is to continue to coordinate the services that are available to people with multiple and complex needs because the current bill, as members would be aware, has a sunset date of 31 May 2009.

The multiple and complex needs initiative will coordinate the care of a very small number of people who pose challenges to traditional services — as the saying goes, they push the boundaries of traditional services. These clients are people over 60 years of age and who have had two or more high-care issues such as a mental health illness, substance abuse, an acquired brain injury, intellectual impairment, housing difficulties or indeed a history of involvement with the criminal justice system.

The model for the initiative is one under which people can access services on a voluntary basis. We have learnt in the process thus far that when and if services are flexible, tailored to people's needs and centred around the individual, the majority of people choose to opt in and participate in the system. That has been the lesson we have learnt since the introduction of the model. As I said, this is a service and a model that addresses the needs of the most marginalised and disadvantaged community members, who are likely to pose a risk to themselves or to their community.

The multiple and complex needs initiative has delivered real changes to people's lives. By coordinating care, the current initiative has achieved considerable benefits for clients, including a reduction of 76 per cent in the

number of presentations to emergency departments, a reduction in the order of 34 per cent in the number of admissions to hospitals, and a reduction of 57 per cent in bed days.

To build on this success the bill incorporates a number of improvements that have been identified through the practice and indeed the experience and evaluation of the initiative. These changes include removing the statutory multiple and complex needs panel and its prescriptive time lines for assessment and care planning, as its processes are seen to be overly rigid and to slow the commencement of initial services.

The lesson we are learning is that we need to be more flexible, and we need to be more centred around the needs of the individual. Following an assessment, the judgement has been that we need to move in that direction. The bill will address this concern by establishing a model that increases the responsibility of local regional panels in decision making while still maintaining a central gateway for oversight and eligibility. These changes will enable coordination to continue, but they will allow services to be delivered to clients in a very flexible approach, to commence in a timely manner and to have regular reviews.

The bill does not include a sunset clause, as the model has proved successful in providing coordinated care to those in need. It is important to register the fact that this model is one that has led the nation and indeed is one that has attracted international attention. I am aware that other jurisdictions have actually looked into what we are doing in Victoria and looked at the improvements we have introduced to address the needs of a small number of individuals who are marginalised and who are the neediest in our community. I am very proud of the fact that the minister and the government have now introduced this legislation which will secure the future of the model we have on foot.

The bill will continue to guide eligibility for assessment and care planning, and it will also guide disclosure between health services of personal information regarding clients of the multiple and complex needs initiative. The initiative will continue to be an opt-in model where participation is voluntary.

That has been an important element of the success of this model because, as members would be aware, discussions have been had in relation to the voluntary nature or otherwise of this initiative, and empirical evidence has shown that when it is voluntary, when it is flexible and when it is centred around the needs of the client, then clients in fact opt in and choose to participate.

I am a member of the Scrutiny of Acts and Regulations Committee, which is a committee that is exemplarily chaired by the member for Brunswick. We have gone through this legislation. I wish to commend the statement of compatibility delivered in relation to the Human Services (Complex Needs) Bill, because once we had gone through it, we concurred that we had no issues with it.

Briefly, if I may, I will now refer to the human rights protected by the charter that are relevant to the bill. Section 8 refers to recognition and equality before the law. We have no issue with that, and we confirm and concur with the statement produced by the minister and his office. Section 13 relates to privacy and reputation. All of those matters have been taken into account, considered and properly addressed. The consideration of reasonable limitations is set out in section 7(2).

This is good legislation. It is consistent with the commitment made by the government to continue to make improvements in the provision of services and care to Victorians. The government is doing it throughout the state and is providing services to everyone, no matter where they live or come from in the state. I reiterate that I am particularly proud of the fact that since this government has come to office, health has been its no. 1 priority, with record funding and a record number of patients treated. Importantly, of the $35 billion annual revenue the state accrues, 27 per cent is committed to health services. I wish the legislation a speedy passage.

Ms WOOLDRIDGE (Doncaster) — I am very pleased to speak on the Human Services (Complex Needs) Bill 2009, which is a very important bill. As the shadow Minister for Community Services, I think it is important to have the perspective of my portfolio areas on the record in relation to this bill.

The bill seeks to provide a continuation of the Human Services (Complex Needs) Act 2003 after the sunset clause, which comes into effect on 31 May this year. The act was formulated to facilitate and coordinate services for eligible people with multiple and complex needs. Previous speakers have given some detail in relation to who is eligible.

The main provisions of the bill are threefold: firstly, the removal of the sunset clause so that the act can be ongoing; secondly, the establishment of the central eligibility and review group and the removal of the statutory multiple and complex needs panel; and thirdly, allowing for a mandatory review of the care plan and extending the ability to deliver this initiative from 24 months to 36 months. I want to comment on a

number of those main provisions and other issues that should be taken into consideration in my contribution today.

I want to kick off by saying that it is very curious that the lead minister is the Minister for Health. This bill is about multiple and complex needs of people with mental health issues, alcohol and drug dependency, an intellectual disability or an acquired brain injury. Previously the Minister for Health had responsibility for mental health and alcohol and drug services and the Minister for Community Services had responsibility for intellectual disability and acquired brain injury. Now we have a minister who is solely responsible for each and every one of these areas — the Minister for Mental Health, who is also the Minister for Community Services — yet she does not have responsibility for the bill. I find it absolutely astounding that the minister is not even in the chamber today to hear the debate and to be part of this very important discussion the house is having.

Does the government not think she is up to it? Is the government trying to protect her? If it is, it is quite ironic that she is being protected by a minister who is now seen as the most vulnerable minister in this place — that is, the Minister for Health. It is incredibly disappointing that the minister with responsibility for all aspects of this bill is playing second fiddle to her more senior colleague.

I move now to the substance of the bill, which warrants support; the opposition is pleased to support it today. Indeed all three bills in relation to multiple and complex needs have been supported by the opposition. These clients are the most complex, and it is good to see the positive outcomes of this initiative. The intention is to target a relatively small group — 650 consultations, 160 referred to local panels, and 75 referred to the central multiple and complex needs panel.

An evaluation has shown that emergency department presentations have been reduced by 76 per cent, hospital admissions have been reduced by 34 per cent and bed days have been reduced by 57 per cent. There is also a reported reduction in offending behaviour and homelessness. They are very important and valuable outcomes.

The second-reading speech refers to coordinated, flexible and responsive services to Victorians with multiple and complex needs. This good approach and these good outcomes are in contrast to the government's broader approach to mental health, alcohol and drug services and disability services, which are in fact uncoordinated services, inflexible in their approach and unresponsive to their clients' needs.

When one looks at the mix of the clients who have participated in this program and who have been deemed eligible by the panel, one sees that 88 per cent had a mental disorder, 74 per cent were alcohol or drug dependent, 41 per cent had an intellectual impairment and 29 per cent had an acquired brain injury. The majority had mental health and drug and alcohol problems, which is commonly referred to as a dual diagnosis.

The Minister for Community Services likes to talk about 'no wrong door', but the reality for this group in mainstream services is that they are largely characterised by a revolving door where neither mental health nor alcohol and drug services are prepared to take the lead role for clients with a dual diagnosis, and staff are largely unskilled in dealing with them.

In fact, the evaluation of the multiple and complex needs initiative done by KPMG goes on to describe it. The minister appears to be stating more an objective of the initiative rather than the current state when referring to coordinated, flexible and responsive services. Page 67 of the KPMG report, under a category entitled ' What doesn't work', states:

> A number of respondents also identified the engagement of area mental health and disability services as a problem. Respondents perceived these services as operating within a silo mentality and that the culture of holistic assessment and intervention had not yet filtered through to them.

Clearly there is a lot more work to be done. It is important that the government learns from this initiative for the benefit of not just the 75 Victorians involved but all vulnerable Victorians who need these multiple services across multiple service sectors.

I would like to talk about the removal of the panel. At page 157 the KPMG evaluation says:

> Concurrent with any strategies to streamline the initiative is the requirement to ensure that the initiative remains targeted and achievements to date are sustained. A key function of the statewide panel has been to ensure that care planning is client focused, how the system responds to the needs of clients with complex needs is held to scrutiny and care plan managers are supported. This and the potential of the statewide panel to monitor overall demand and ensure equity in resource allocation across clients are key considerations in any future service model.

But unfortunately we are removing the panel. We are removing a group of experts who have been described as having extensive expertise and experience in relevant fields, such as mental health, disability and drug and alcohol dependency, and replacing them with a large

group of bureaucrats. Instead of 13 experts with extensive experience we now have a large group of departmental officials and 2 experts. The problem-solving capacity that was previously around the table has gone and will no longer be able to be utilised for the benefit of clients.

I was pleased to be able to discuss this bill with Margaret Hamilton, the chair of the multiple and complex needs panel. She has some concerns which warrant raising but which do not warrant our opposing the bill. We must ensure that the multiple and complex needs initiative remains a focus at the highest level of the department and is not relegated over time to more junior bureaucrats. She has described sometimes having to use the authority of the statutory body to get action, and has also said that the panel had an independence that perhaps enabled it to more freely work in the best interests of the client rather than getting caught up in any internal Department of Human Services dynamics when trying to solve issues.

I would also like to talk briefly about the care plans, because it has been a very good move to extend them to three years if needed. The reality is that sometimes care plans have proven hard to get operational. In fact the previous act had a requirement that the assessments be done in 90 days under section 21, but this has been removed. I believe it is not surprising it has been removed because that section of the act was not being complied with. The reality was that it was taking up to 18 months to get these assessments done, and it is estimated that perhaps only 1 of the 75 multiple and complex needs clients fulfilled the 90-day legislative requirement.

The panel also drove a regular review of care plans and acted as a quasi supervisor for their successful implementation. However, the provisions for review are far weaker in this bill. A paper prepared last August by panel members states:

> … care plan coordination is conceptually underdeveloped and there are no practice guidelines, standards or training packages. It is still a fragile practice and given the findings of the review a clear commitment to its development is now appropriate.

There will no longer be this panel with the independence and a mandate to make things happen. We want to ensure there is a commitment from the government that the replacement eligibility and review group will be encouraged and supported to adequately continue to develop this important initiative and continually raise the bar to ensure its evolution.

The bill places a lot of responsibility back on to local areas, which is appropriate. The problem is that local services are under pressure and struggling to deliver to the demand they have every day. There is no light at the end of the tunnel. Instead of relieving that pressure with the new mental health strategy, what we have is few commitments, no time lines, no measurement of outcomes and no new money for mental health services. Local services are needed for these complex clients, and at present the government is not ensuring that they have the funding and support to do so. Disability services are similarly underfunded, as I mentioned earlier today.

I am pleased to be able to support the bill, but I raise a number of matters for the consideration of the government. We still need to break down the silos, not just for the multiple and complex needs clients but for all dual diagnosis clients. It is critical this stays at a high-level in the focus of the department to drive coordination, problem solving, review and evaluation so the initiative can evolve. Basic mental health, alcohol and drug dependency, and disability services are screaming out for more support. I commend this important bill to the house.

Ms BEATTIE (Yuroke) — It gives me great pleasure to talk on the Human Services (Complex Needs) Bill 2009. As some members have already alluded to, Victoria back in 2003 — —

Not recorded 11.39 a.m. until 11.44 a.m.

Sitting suspended 11.44 a.m. until 11.58 a.m.

Ms BEATTIE — I thank all those members who have flocked into the chamber to hear my contribution. As I was saying before I was so cruelly nobbled by the sound system, I was addressing the point that the member for Doncaster made in relation to which minister's jurisdiction this bill falls under. I think she raised a very trivial point on a very important bill. Of course the bill falls under the jurisdiction of the Minister for Health. The bill affects a broad range of portfolios but is now in the hands of the most senior minister in the health sector, the Minister for Health. If the member for Doncaster had gone out and talked to people in the sector, she would have found that that was what the sector wanted. The sector wanted the bill to fall under the portfolio of the most senior minister in the health sector. That is a very important matter. The bill does come under the health portfolio. We listened to what the sector wanted and did not just come into the house and raise trivial issues.

The changes also include removing the statutory and multiple complex needs panel and its prescriptive time lines for assessment and care planning as its processes were seen to be overly rigid and they slowed the delivery of the initial phase of services. The prescriptive time lines have been taken away. The bill also addresses this concern by establishing a model that increases the responsibility of local regional panels in the decision-making process while still maintaining a central gateway for oversight and eligibility. I know those local regional panels are very popular, because members who represent rural electorates in particular want those panels in their regions — and it is very important that things are put back out into the regions. The changes will allow coordination to continue but will also allow services to be delivered to clients through a more flexible, phased approach, with services commencing in a timely manner and regular reviews.

The bill does not contain a sunset clause, and that is very important indeed. There is no sunset clause because the model has proved successful in providing coordinated care to those in need.

I am also pleased that the chairman of the Scrutiny of Acts and Regulations Committee has come into the chamber to listen to my contribution, because this bill was considered by SARC; it has no issues with the bill, so it is considered that it looks after the human rights of people. I want to thank SARC for the work it has put into examining the bill.

The bill will continue to guide eligibility for assessment and care planning and also for disclosure between health services of personal information regarding health and complex needs, but it also maintains privacy. As has been said by other speakers, it is an opt-in model where participation is voluntary, which amounts to another very important human right.

This bill is leading the way. It demonstrates the government's commitment to addressing disadvantage amongst Victoria's most vulnerable and marginalised clients, so they can fully participate in our community. The human rights issues have been sorted out. I have explained why the most senior minister across the health portfolio should be handling the bill, and I think all those issues have been fully explained. I wish the bill a speedy passage.

Mr CRISP (Mildura) — It appears that the sound system came good at the end of the member for Yuroke's contribution.

I rise to make a contribution on the Human Services (Complex Needs) Bill 2009. The Nationals in coalition are supporting this bill, as we have supported those with complex needs in the past. The purpose of the bill is to provide a continuation of the Human Services (Complex Needs) Act 2003 after the expiration of the sunset clause, which comes into effect on 31 May.

The background has been well covered, but it really hinges on some key criteria for people who meet complex needs. The eligibility criteria remain the same in this bill as they do in the act. They include a person who is 16 years of age and who appears to have two or more of the following: a mental disorder, an intellectual impairment, an acquired brain injury, is alcoholic or drug dependent and has exhibited violent or dangerous behaviour that has caused serious harm to himself, herself or some other person or is exhibiting behaviour that is likely to place himself, herself or some other person at risk, and is in need of intensive supervision that would support and would derive a benefit from receiving coordinated services. It is a completely voluntary service and this is one of the key changes — that is, to move it fully into the voluntary realm.

It also does a number of others things in the way the program is administered. The member for Caulfield has outlined in detail a lot of the workings and some of the data involved, and similarly the member for Doncaster has made a contribution on some of the statistics, pointing out where these key areas are. However, how multiple and complex needs is delivered and how it works provides some difficulty in country areas.

Clients can refer themselves; they can be referred by service providers; and they can be referred by families, but in country areas these services are not as strong as elsewhere, and local services generally handle the coordination. Most of these services do not require central referral. However, in regional areas one would expect that there would be a higher referral because of the lack of services there.

How it works is that a care plan is drafted, a care coordinator is identified and a case manager is assigned, and there are currently 75 of those in Victoria. Central referral occurs if there is no local solution. One could well assume that the local solutions, when they are lacking, will be in country areas. That looks okay, but in practice difficulties occur with this process.

What I have observed — and I am sure it is the case in country areas other than Mildura — is that those needing complex-care plans challenge the system, and I note that many need to have their care plans run beyond the two years that is currently proposed — and I welcome the move to three years. But because they challenge the system, and the system is most vulnerable

in country areas, the various bodies involved tend to be hands-off and tend to pass the case management and coordination around. There seem to be difficulties in someone really taking control of this, and I think this is a resource issue.

It is a difficult area, as we discussed earlier, with where this sits between the Minister for Health, the Minister for Mental Health and the others in the treatment circle. Not only is there a difficulty in just where this sits at the legislative and ministerial responsibility level, but I have observed that there is a difficulty in where this sits out there at the community level. This is a difficult issue for all workers.

If you cross that with that other difficult area, which is the human rights issue, where people, in drafting plans, must take into account the Charter of Human Rights, this is a difficult balance. It is even more difficult in the country. Also balancing the human rights charter with other community treatment orders has been a challenge for our workers.

This is difficult for all those involved, and I respect everyone who works in this area. These areas — the four key criteria that we have listed for qualifying for this — challenge all of us in life and challenge those who work in it particularly. I think they are wonderful people doing a very difficult job. I would like to acknowledge the work by Sharen Digby from Bendigo Health, Mildura Base Hospital mental health, in particular David Kirby and Cath Murphy, and many others who brought me up to speed on this issue.

Once someone is assessed, then a plan must go to a selection process. Now the secretary and a committee will determine the criteria for someone, to see whether they actually get a care plan. It is interesting to me how these care plans are developed and how people are assessed. Given the criteria, I would expect there to be more than 500 plans in the last three years, particularly with the challenging people out there, so it could be argued, 'Do the resources available challenge the number of plans?' or, 'Does the criteria challenge the number of plans?'. That is a very difficult area.

This is very much how clause 7 is interpreted. One particular example of that concerns the multiple difficulties people face. If the intellectual impairment test is IQ-based, when it is crossed with the other criteria you have a real challenge as to who gets the plans. If someone does not get a plan because they drop just short — particularly with an IQ test on intellectual impairment — what becomes of such people? They then go on to continue to challenge the whole mental health, police and emergency department systems by going through the revolving door. They go backwards and forwards. One could argue that this whole eligibility program is a chicken-and-egg problem forever, but it must be resolved.

What is required is government action to look at those criteria and make sure that people who are falling short get the care they need. While they continue to walk through the revolving door — the term I use is 'rebound' — they are very expensive in terms of resources to this community through their use of mental health, police and emergency department services and services in other areas.

It is again a question of which is the problem: the criteria or the budget? However, I think it has been well established that these care plans save money in the health system as a whole, and therefore those savings need to be invested.

Mildura has only 10 adult mental health beds. It has a service population of 70 000. It has no capability for bypass effectively because it is too far away. We do not have room for a revolving door approach to this problem. What would help enormously both those with and without care plans would be a step-up and step-down facility. We could do even better at saving the health system money if we were to invest the saved dollars in a step-up and step-down facility for those people who are challenging our health system. I think that would be very valuable. What do step-up and step-down facilities do? They are preadmission facilities, rehabilitation facilities; they help people get back into life by working on their life skills.

Particularly with only 10 beds in Mildura, it is a problem that people are being put out of services only to rebound right back to them. With step-up and step-down facilities people can get out of the revolving door between services and the community. If we are going to get value out of complex-care plans, the government should roll out more step-up and step-down facilities to support these plans and support those who are just short of meeting the criteria to be on the plans.

Mildura's need for this style of facility is urgent. I am happy to support this bill, but we need to do more. Mildura deserves better for those people who need complex care, whether they have plans or not. There are needs out there to be met, and Mildura, as I said, cannot pass them on to anywhere else; we have to effectively deal with them in the first instance. With those comments I wish the bill a speedy passage, and I wish those with the plans God's blessing.

Mr DONNELLAN (Narre Warren North) — Is it not lucky that the Labor Party is prepared to take a risk and put such an initiative in place? The opposition has been talking about all the problems there are with the bill but the Labor Party, with the public service, took on the initiative and put it through, and it is a very good initiative. I would have thought that instead of saying it is not good enough, it is not this, it is not that, at the end of the day members would recognise that if it were not for the Labor Party, the legislation would not be here in the first place. Let us be very clear about this: it is the Labor government that has put this initiative forward. This whingeing and whining that it is not perfect does not recognise that the legislation represents a substantial move forward.

We are dealing with people who have these multiple and complex problems and are dealing with them as proper human beings in a responsible, flexible way. They are the most marginalised and disadvantaged people in the community. We are making sure that we are providing a world-leading service. The opposition is carrying on about who the lead minister is. What on earth has that got to do with the seriousness of this bill in terms of what it delivers to the people? The question about the lead minister is a juvenile bit of carrying on by the opposition because it is trying to make this about 'getting' a minister or something. This bill is about assisting people. It is a serious bill dealing with serious issues, and at the end of the day the opposition should stop its silly carrying on about who the lead minister is. We are not babies, we are not kids in this house. We deal with these things seriously because these are serious issues that need to be dealt with.

This is a great initiative. It is a joint initiative of the two departments — the Department of Human Services and the Department of Justice. A lot of research has gone into this matter. I think 75 people are currently clients. I understand these clients are voluntary. The system will work only if it is voluntary, from what I understand, because people are very happy to get involved with it.

This bill needs to be introduced because there is a sunset clause in the current act of May 2009. We need to legislate to continue the initiative. Generally I suspect the house will support the bill, which is good.

The program will build on some of the experience that we have had along the way to improve service delivery. To suggest that this is anything but amongst the best service delivery systems in the world for people like this is wrong; it is one of the best in the world, and it is world recognised. It is very much due to the initiative of the Labor government and the risks it has been prepared to take that that program is there. With those comments I commend the bill to the house.

Mrs FYFFE (Evelyn) — I am pleased to rise to speak on the Human Services (Complex Needs) Bill 2009. I will not spend too much of the short time that I have available outlining the purpose of the bill, but its background is that the Human Services (Complex Needs) Act 2003 has been in operation for four years. The current legislation has a sunset clause that comes into effect in May 2009 and this legislation is to allow the continuation of that service. I support it, as do all in the opposition parties.

Much has been made of the charge that opposition members have been raising issues about this legislation and what might seem to be some deficiencies in it. The previous speaker was quite agitated about that, but the majority of our time in this place is spent on dealing with amendments to legislation. There are always ways to improve and we are always changing and amending acts because of the unforeseen consequences of new legislation.

One of the issues that I have with the bill is that while I am really pleased that the eligibility age for the program has been reduced from 18 to 16 years, my own experience and that of my community makes me wonder whether we are going to be in the house in the next year or so to reduce the age to about 14 years because of the way the teenage population is now. This view seems to be supported by research that is coming through, like the Victorian secondary school students drug use survey of 2002, which showed that cannabis was the most commonly used illicit substance among secondary school students, with 3 per cent of year 7 students using it weekly — these are 12 to 13-year-olds who are just hitting puberty — and 13 per cent of year 7 students, compared with 2 per cent of year 12 students, having used inhalants in the month before the survey. I think research is beginning to show that excessive use of cannabis is adding to the number of people presenting with mental illnesses.

I am not using it as a criticism now because I am pleased that the legislation will cover 16-year-olds, but I see that we will be back here to make changes so that even younger people can be brought under this complex-care legislation.

The fact that it is voluntary is something that those of us who have had any experience with mental health illnesses understand. But the argument that this should have been dealt with by the Minister for Mental Health resonates with me, because so much of this is about

mental health. It is not about physical health; it is about mental disorder.

An eligible person of 16 years of age has to satisfy two or more of the criteria, which are: they have a mental disorder, have an acquired brain injury, have an intellectual impairment, are an alcoholic or drug-dependent person, have exhibited dangerous or violent behaviour that caused harm to himself or herself or others, or are in need of intensive supervision and support and would derive benefit from coordinated services. All of those are mental health issues. When we talk about issues concerning the Minister for Health we think of the physical health of the whole body. Mental health issues really should be under the Minister for Mental Health, and I agree with the shadow minister that the Minister for Mental Health should have been handling this legislation.

One of the other concerns that I have — and it is not a criticism, it is a concern because I have worked very hard in my community with people who have mental health illnesses and other behavioural problems and who need that extra help from us — is whether there are enough support services on the ground to provide this care. I have heard families, local police and professional health workers frequently talk of the difficulties of people who may be experiencing a psychotic episode or may have continuous problems and who are looking for help. We are fighting to get somewhere for them to go to receive the care they need.

I know it is very difficult to supply everything that everybody wants at that moment, but I am concerned about the level of services in the Yarra Valley, particularly in the areas further out. People are quite isolated, and if they are suffering from the illnesses described in this legislation, that becomes more accentuated because of the time they are on their own, their lack of access to public transport and the lack of support networks and being able to get involved in these programs. That happens in the Yarra Valley; I should imagine that people in more remote areas of country Victoria would also be having difficulty in accessing the services.

The bill is supported by the opposition, although there are some questions about it. We can all add to and improve legislation like this. I wish this bill a speedy passage, but I envisage that legislation will come in to make amendments to this legislation perhaps once, and maybe twice, before the end of this term of Parliament.

Ms DUNCAN (Macedon) — I rise in support of the Human Services (Complex Needs) Bill 2009. I was pleased to hear the member for Mildura acknowledge that we are for the most part dealing with a small number of people who are likely to be part of this program but that they are people who are usually the most complex to deal with and often have had a long association with both the Department of Human Services and the Department of Justice. These are complex people with very complex needs — hence the name of the initiative.

We should acknowledge that the initiative which has operated for four years is seen as one of the best in the world, and a lot of interest has been shown from around the world in it. But as the legislation sunsets next month, it was always seen as a way of trying to streamline complex needs and better coordinate across agencies, of starting this program, of setting up review processes, and of looking at ways in which we can learn from and improve it in the future. That is what this bill seeks to do.

The whole program is a very intensive one; it cuts across a number of different programs and will now include people aged from 16 years. I noted the point made by the member for Evelyn, wondering whether we might be back here at some future time to reduce that age to 14. I sought some information on this. We have some specific programs designed for people younger than 16, and it is important to acknowledge the difference between people who are younger than 16 and those who are older, although I suspect most of these clients would be above that age.

We know, through the evaluation that was conducted by KPMG and finalised in December 2007, that this overall program, this current model, improved both individual client outcomes and the collaboration and coordination across services. There has been a reduction in presentations to emergency departments in the order of 76 per cent; a reduced number of admissions to hospitals, of 34 per cent; and a reduction in hospital bed days, of 57 per cent.

The evaluation found that there was some duplication of assessment and planning processes, and that is what this amended bill seeks to overcome. It also recognised that there was scope for efficiencies through service redesign and through streamlined business processes, keeping in mind that these clients are suffering from a range of problems that can include mental health issues, acquired brain injuries and intellectual impairments, which are often complicated further by substance abuse and housing issues and can often involve a long history of involvement with the criminal justice system.

We know this initiative is working; we know we can always do better. The new legislation takes into account

the learning we have had from the previous four years of the initiative, and I wish the bill a speedy passage.

Mr FOLEY (Albert Park) — It gives me great pleasure to speak briefly on the Human Services (Complex Needs) Bill 2009; I thank the member for Nepean for his kind guidance on the schedule here.

This is a very good piece of legislation, which, I note, all sides of the house support, even though there might have been one or two unfortunate snipes from one of the shadow ministers. I will just let that slide.

As a number of speakers have pointed out, this bill will ensure that a number of our most vulnerable citizens who are dealing with some of the hardest issues our health service has to pose are dealt with in a supportive and coordinated manner. A number of speakers have discussed in great detail some of the world leading and innovative ways in which Victorian citizens who are in the unfortunate circumstance of having some of these complex and multiple needs have been assisted by the legislation that preceded this, and they will in many cases sadly continue to need ongoing assistance from this legislation.

However, I want to focus some of my comments on one aspect of the bill. Whilst it is a very good bill — and it is not so much about the content of the bill — I bring to the attention of a number of the speakers who have contributed so far that the use of the language in this debate has, frankly, given me some concern.

The reason I make that comment is that from my limited experience in this area, a number of the citizens who are the subject of many of these multiple and complex needs arrangements are either on the path to such a need or, once they are at such a status, regularly appear in my electoral district, particularly in and around the St Kilda area, where there are a number of the fantastic services that the health department, particularly through the Alfred hospital, outsource. A range of community organisations are engaged to ensure that these complex and multiple needs areas are dealt with, not just under the provisions of this legislation but in partnership with the full range of human services that those citizens need.

I suggest to the house — across both sides, frankly — that we should consider not referring to these people as clients. That suggests this is some kind of passive group of people who receive the services that are delivered to them from the experts in this set of circumstances. While there is an element of that, the whole basis of this legislative approach that has bipartisan support is to look at these people not as clients but as fully rounded human beings, in fact as citizens, who need support in a whole range of areas across their lives.

If I had one point to make to members on both sides of the house it would be to advise them not to think of these people as clients but much more as citizens who seek a synthesis of all services that are available to them to assist them through the very difficult circumstances that they find themselves in and which feed off one another — whether it is homelessness and alcohol and drug dependency, whether it is mental health, whether it is intellectual impairment, whether it is physical health issues or whether it is employment issues. All of these come together in a complex mix of arrangements that the bill seeks to deal with to ensure that some of these most vulnerable of our citizens are able to get their lives back in order and deal with their significant health and mental health problems. It needs to be dealt with in a way that will cover their entire existence.

In my view it would not hurt if the language of this debate moved from seeing the people involved as clients towards seeing them as citizens and fully rounded human beings. To my way of thinking this is an excellent piece of legislation, and I commend it a speedy passage through this house. I look forward to other members' considered contributions.

Debate adjourned on motion of Mr DIXON (Nepean).

Debate adjourned until later this day.

TRANSPORT LEGISLATION GENERAL AMENDMENTS BILL

Second reading

Debate resumed from 31 March; motion of Ms KOSKY (Minister for Public Transport); and Mr MULDER's amendment:

> That all the words after 'That' be omitted with the view of inserting in their place the words 'this bill be withdrawn and redrafted to:
>
> (1) take into account any issues arising from the examination of all documents regarding the Southern Cross station development which, for this purpose, should immediately be made publicly available; and
>
> (2) retain the remaining amendments.'.

Mr EREN (Lara) — I will be brief in my contribution. I am pleased to speak in support of the Transport Legislation General Amendments Bill 2008. The key objective of the bill is to amend the Transport

Act 1983, to abolish the Southern Cross Station Authority (SCSA), to amend the Rail Corporations Act by expanding the range of contracts involving rail operations and infrastructure under which penalties can be enforced, to amend the Rail Safety Act 2006 and to amend the Children, Youth and Families Act 2005 in relation to the Fare Enough education program and other minor amendments.

In relation to amending the Transport Act 1983 the director, public transport will consider applications by prospective authorised officers and will also consider renewal of authorisations and conduct inquiries into authorisations. When making the decision the director must be satisfied that the person in question is competent to perform the required duties and is also of good repute, having regard to character, honesty and integrity. In short, this amendment in the bill clarifies the situation by requiring the director to consider competence and good repute.

In relation to the abolition of the Southern Cross Station Authority, it is exactly as it sounds: the purpose is to abolish the authority because it has basically done what it was set up to do, which was to oversee the development of this magnificent piece of infrastructure. The abolition will take effect on a day to be proclaimed, or 1 January 2010 at the latest. At that time all functions and operations of the SCSA will transfer to the Secretary of the Department of Transport, and consultation will take place with the SCSA, staff and unions before the measure comes into force.

In relation to the Rail Corporations Act, the bill is intended to send a very strong message to third parties such as property developers that penalties apply if their works disrupt rail operations. That is appropriate. Just as rail franchisees and bus operators are levied penalties under their contracts with the director, public transport for late and non-running trains, trams and buses, the same will apply to third-party property developers that cause interruptions to public transport services, which should not be taken lightly.

In relation to the Rail Safety Act 2006, this provision will alleviate some of the problems that occur from time to time — for example, the number of interfaces between road and rail infrastructure, such as at level crossings and overhead bridge crossings, which leads to the common situation of road managers requiring access to rail land in order to carry out maintenance and upgrade works. VicRoads needs access to the rail corridor to carry out preventive maintenance, which has on occasion been prevented for various reasons by the managers of the rail infrastructure and has caused delays. This amendment will go a long way to preventing these sorts of situations from arising.

In relation to the Children, Youth and Families Act 2005, the bill's purpose is to change the young persons infringement notice system and enforce the Fare Enough education program. Having said that, I support the bill and wish it a speedy passage.

Mr DIXON (Nepean) — I just want to make a few comments this afternoon regarding the Transport Legislation General Amendments Bill and also support the amendments moved by the member for Polwarth. Because the bill abolishes the Southern Cross Station Authority and transfers its functions to the director, public transport it is an opportune time to look back at the Southern Cross station, where it is and what its future might be. Although there is no train service to my electorate, I have a place in town which is quite near to the Southern Cross station and I have taken an interest in its construction and its ongoing operation. Architecturally the station is a magnificent building and seems to work well and efficiently, but now that it has been in operation for some time it is perhaps worth looking at some other aspects of the building.

Given the magnificent architecture of the roof and the interior of the station, it is disappointing that the rest of the development as you head north up Spencer Street is just a very quick build fix — that is, the DFO (Direct Factory Outlet) and the bus terminals, the car park, the supermarkets and some shops along the street. It is a disappointment architecturally. A great opportunity was lost. It is certainly a service that is well needed at that end of Melbourne. The shops that are there were needed — the supermarkets and the DFO bring people down to that end of Melbourne and will increasingly do so as more apartment blocks are built down there. It also provides ready access to the Docklands, which is very important. It is a good piece of siting, but in the construction of that whole complex an opportunity was certainly lost to continue the great architecture of the station all the way down the street and provide something that is a bit more exciting and makes a bit more of a statement.

When I go inside the station and look at the walkway down to Etihad Stadium, which is really a continuation of Bourke Street, and see the temporary nature of some of the facilities and the cheap version of what could have been, it is a bit disappointing. We have this magnificent roof that ends abruptly in a very plain walkway, and the architecture and the surrounds of the walkway across from Bourke Street leave something to be desired. It is obvious that costs were cut.

When you look at the lighting and the decorations across the walkway, you see that halfway across it reverts to the old design — the project ran out of money. It looks great for 200 metres, and then the new design takes over, and it looks completely different. It certainly looks like a cost-cutting measure, and I think in the long run it will prove disappointing.

There is also a cost-cutting measure in the station itself. Even though the surrounds of the station and the plaza area are well paved in granite and they look good, and look like they will last the distance, it is disappointing that the platform surfaces are just cheap asphalt. I do not know what was included in the original price, because it was an over-budget construction, but I think the extra expense of having that same paving on all platforms would have been a good investment. It would have served the station a lot longer and would have held it in good stead.

There are still undeveloped areas in the plaza and the shopping areas around the station. There are still temporary television monitors on temporary stands to give information to passengers. There is no shortage of information there, but it is a pity that some of those temporary measures and the orange webbing are still around various parts of that plaza. It has that look of just not being finished. The station has probably been in operation for two years, and I would have expected the construction of the station to have been finished by now.

We have seen the retrograde refit for rainwater collection, because that roof collects a huge amount of water. That was not part of the original design and unfortunately had to be later installed, which of course was an expensive exercise. It was a worthwhile exercise, but it is disappointing that it was not done in the first place.

As you move up Spencer Street, as I said earlier, you see the bus bays. It is good to have a central location for interstate and intrastate buses, and also airport buses and hotel buses, to come to, and they are integrated very well with the railway station, but I note with some concern that the mini tourist buses that operate out of Melbourne have been relocated from Swanston Street to Federation Square.

While there are some good arguments as to why Federation Square is a good place for those buses, in terms of bringing all the services together, freeing up the area around Federation Square and making the Southern Cross precinct a real bus interchange — there is certainly plenty of room and there are certainly plenty of bus bays available down at Southern Cross — it is a bit disappointing that all the buses were not relocated down there with appropriate services in place for the various tourism operators and bus operators, and with information displays and booths for the many thousands of people who would then have travelled through that area.

The other brief comment I would like to make relates to clause 1, which amends the Transport Act 1983 in relation to authorisations, transfers of licences and the regulations relating to taxicab equipment. We have a major issue on the Mornington Peninsula in terms of taxicab provision. We have a desperate need for more taxis on the Mornington Peninsula. In fact recently I had a meeting with the youth council in my electorate, and the young people say they desperately need more taxis and more access to taxis at peak times on Friday and Saturday nights. The elderly people in the area also need that access midweek, so there is a general need for more taxi licences.

Licences are available, but unfortunately those licences are only available to new licence-holders and people who want to enter the industry as new operators. There are no people down that way with that sort of money. The existing taxi company would be prepared to buy those licences, and it has drivers who would be willing to drive those new cabs, but unfortunately under the current regulations that will not happen. The local company has made representations to me about that, and it would have been nice to have seen some sort of relaxing of that rule in this legislation.

We do not oppose this legislation, as I said originally, and we support the amendment of the member for Polwarth.

Ms D'AMBROSIO (Mill Park) — I am pleased to join in the debate on the Transport Legislation General Amendments Bill, and in doing so I wish to take some note of the major objectives of the bill. Some of those have of course been dealt with, but I am pleased to refer to them in the context of the very fine record this government has in progressing major reforms in transport.

I wish to touch on some of the objectives surrounding the bill. It will amend the Transport Act in relation to authorisations to clarify matters that the director of public transport must consider when renewing or reviewing authorised officers' authorisations. It also provides for the abolition of the Southern Cross Station Authority.

The bill covers a range of contracts involving rail operations and infrastructure under which penalties are

in force, and it amends the Rail Safety Act in relation to safe arrangements for the conduct of roadworks and ancillary works on railway land. It also makes some amendments to the Children, Youth and Families Act in relation to the children and young persons infringement notice system, to enable the diversionary Fare Enough education program to be used by registrars hearing infringement notice matters.

On the surface you could say that some of these changes are perfunctory in nature, but they tell a story of some great progress made in the refinement of our transport statute and the programs and infrastructure that have been rolled out under this government.

I wish to make mention of the Southern Cross Station Authority, and I also wish to place on the record the fine work that the management of the authority has done on the complex, which is what we used to refer to as Spencer Street but which is quite nicely now referred to as Southern Cross station. The work on the project has essentially been completed. The operation of that authority commenced in July 2000, and it has certainly delivered on the transformation of the former Spencer Street station and the surrounding station precinct.

It has meant that that part of the city has been revived and revitalised, and it has given a greater economic impetus to businesses surrounding the station, which was very much lacking for a considerable number of years in the lead-up to the formation of the authority. I believe the abolition of the authority augurs well and is a very good indication of the fine work that has been achieved for that precinct under the management of the authority and with the avid support of government.

I also wish to make some references to the authorisation of authorised officers. The director of public transport considers applications by prospective authorised officers and also considers renewals of authorisations which are required from time to time. It also conducts inquiries into authorisations. When considering initial authorisations the director needs to be satisfied about a number of matters which go to the heart of the suitability of a person to carry such authorisation and to act within the powers conveyed upon them as authorised officers. Those matters go to the competence of an individual to perform the functions of an authorised officer, and the director certainly needs to be satisfied that that person is of good repute, having regard to honesty, character and integrity.

The Transport Act 1983 is silent about the considerations that the director must take into account when reviewing an authorisation or application for renewal, although in practice the considerations as apply for the initial authorisation are taken into account. These amendments consolidate those considerations that have in practice been taken in to account in any event and give the process the same statutory weight as applies to the requirement of the director of public transport to undergo that same process regarding initial authorisation. That is a very important but perfunctory amendment.

The bill contains civil penalty provisions. It expands the existing provisions of the Rail Corporations Act to ensure that contractual penalties are able to be enforced against parties who disrupt rail operations. It is an important but discrete function and should be considered as part of the bill. There is a safety direction power whereby the director, public transport safety is given the ability through changes to the Rail Safety Act to make determinations where road authorities or VicTrack are being unreasonably denied access to a rail reserve to carry out works on purported safety grounds. That is very important in these days of heightened interest in the need to update rail infrastructure to ensure that safety is of paramount concern and is very much at the forefront of the functions of the safety personnel charged with responsibility for maintaining and upgrading public transport safety.

I wish to also refer to the children and young persons infringement notice system. A registrar under the children and young persons infringement notice system is empowered to refer a young person to attend an approved course as an alternative sentencing option when a transport offence has been committed. As a previous speaker said, we all know stories involving young people and infringements on public transport. This is the right response for the types of problems that arise which mostly involve young people. That is an important alternative sentencing option. It is important to have the flexibility that provides and to give the right response to certain offences with respect to public transport.

Pricing principle orders are an important part of the bill. The amendments reflect that the state is now the rail regional access provider and there is a change of lessee from Freight Victoria Ltd to V/Line Passenger Pty Ltd. The essential services commissioner is conducting a review into the Victorian rail access regime, and the review is required before certification by the end of 2010 as part of the government's commitment to the Council of Australian Governments settlement in April 2007. In considering the bill we need to be mindful that the government will consider further amendments that will be required following the access regime review. I am pleased to support this bill, and I wish it a speedy passage through the house.

Mr CRISP (Mildura) — I rise to make a contribution to debate on the Transport Legislation General Amendments Bill 2008. The Nationals in coalition support the reasoned amendment proposed by the shadow Minister for Public Transport, the member for Polwarth. This omnibus bill has many aspects to it, but its main purposes are to amend taxicab licence transfers, to abolish the Southern Cross Station Authority, to provide for access by road authorities undertaking works on railway land, to allow young persons to be directed to take education courses in lieu of being fined for public transport offences and to deal with other matters.

The main provisions in the bill have been outlined by the member for Polwarth, but there are a couple I want to consider. The bill abolishes the Southern Cross Station Authority and transfers all its functions, including its function as the overseer of the trade union-backed lessee, Southern Cross Station Pty Ltd, to the director of public transport.

The other area I want to address is the change of the lessee of the rural rail network. The opposition is concerned about the abolition of the Southern Cross Station Authority and the transparency of the ownership issues that have arisen and has therefore moved a reasoned amendment that seeks to have the bill redrafted to have the Southern Cross Station Authority issue removed from the bill so that it can be resolved. The storage of records for 50 years sounds an alarm with country people. Surely this is not to conceal the issues that have occurred over rainwater tanks!

I want to focus on the lessee arrangements for the rural rail network.

In his address to the Parliament, and I presume in his role as parliamentary secretary, the member for Bentleigh said:

> We have committed $53 million to upgrade the Mildura line, and of course any investment we make in freight lines will also benefit, over time, the passenger network in country Victoria.

That will give the people of Mildura, who want a passenger train service to Mildura, some great hope. However, I think the key words here are ‘over time’, and over time it is: it has been eight years since that promise to reinstate the passenger train was made. We need to know, in the minister’s summing up, what is the future of that Mildura passenger service, and what is meant by ‘over time’ — I take it to mean overdue. However, ‘over time’ does require an explanation. How long will the people of Mildura have to wait for this upgrade to occur? It has been a much-promised service and we need to know when it will be reinstated. Does ‘over time’ mean that the people must wait forever for the Brumby government to honour its word?

Another project of extreme importance to Mildura in relation to standardisation is a link north of Mildura to the transcontinental line near the town of Menindee. This link, which has been much promoted, particularly in the AusLink program, is at a critical stage in its assessment by the commonwealth. It would provide alternative links to both Adelaide and Western Australia as well as to Darwin. It would also complete a vital part of the network.

Currently the rail line to Adelaide is a single track, and should it be closed for maintenance, or over time have to have bridge or other infrastructure replacements made, access to the west would be difficult. If the Mildura line is standardised — and the commonwealth has allocated the necessary funding — with state support for the Mildura to transcontinental line link, then Victoria would have the security of an additional standard gauge link to the national network.

This project is being supported by the Mildura Development Corporation and a large number of bodies in Mildura. It is a major piece of infrastructure that would not only benefit Mildura but also the whole of Victoria by opening up this new route.

We have great expectations for the transport system and, in particular, the rail system. But I hope that in the minister’s summing up he can clarify his colleague’s comments about what ‘over time’ means for the development of the passenger train service to Mildura.

Mr STENSHOLT (Burwood) — I rise to support the Transport Legislation General Amendments Bill. I oppose the reasoned amendment because, as often is the case, I find it unreasonable.

A couple of issues are of some interest in this bill. One is the issue regarding the authorisation of authorised officers. I recall, as a member of the Law Reform Committee some seven or eight years ago, that the committee undertook a review of search, entry and seizure powers. At the time we looked at the issue of authorised officers who had such powers and found there were two groups of officers who were not public sector employees. One group was the Royal Society for the Prevention of Cruelty to Animals officers, and the other group was transport inspectors.

The recommendations of that committee in respect of RSPCA inspectors have still not been implemented, but

I believe there should be regulation of those officers. It has not occurred to date, but the regulation of the transport inspectors has been legislated for, and that includes the issue of their appointment. The Law Reform Committee made a number of recommendations in regard to how such inspectors, with the power of search, entry and seizure, should be appointed. Those recommendations have been included in the bill, but, as has been seen, there should be some clarification in the legislation of the personal attributes required of these inspectors.

The ACTING SPEAKER (**Ms Munt**) — Order! The time for lunch has arrived. The member for Burwood will have the call when the bill is next before the house.

Sitting suspended 1.00 p.m. until 2.04 p.m.

Business interrupted pursuant to standing orders.

ABSENCE OF MINISTER

The SPEAKER — Order! Before calling for questions I inform the house that the Minister for Sport, Recreation and Youth Affairs will not be here for question time today. Any questions for the minister will be answered by the Minister for Regional and Rural Development. I am sure all members of the house wish James and his wife, Meagan, the very best for the safe delivery of their second child.

QUESTIONS WITHOUT NOTICE

Hospitals: waiting lists

Mrs SHARDEY (Caulfield) — My question without notice is to the Minister for Health. What advice has the minister received regarding the number of patients who have died in the last two years whilst on the so-called not-ready-for-care hospital waiting list?

Mr ANDREWS (Minister for Health) — I thank the honourable member for Caulfield for her question. Establishing the cause of death of any Victorian is a matter for, in the first instance, a registered medical practitioner. It then may well be a matter for the Victorian coroner. I think the community has confidence in the processes that I have just outlined.

On from that, any family member or indeed any Victorian has a range of options in relation to, if you like, complaining to the Victorian coroner or raising a matter with the coroner or raising concerns with the health services commissioner. What I am saying is there is a range of other complaint processes, and I think the Victorian community has absolute confidence in them.

Bushfires: recovery

Mr HARDMAN (Seymour) — My question is to the Premier. Can the Premier outline to the house the reconstruction and recovery efforts after Black Saturday and advise the house of any support for local communities?

Mr BRUMBY (Premier) — I thank the honourable member for Seymour for his question. Earlier today with the Minister for Local Government, the members for Seymour and Yan Yean and the head of the Victorian Bushfire Reconstruction and Recovery Authority, Christine Nixon, I met with local governments from across the fire-affected areas to provide them with an update on progress to date in the rebuilding effort and also to listen to suggestions and answer any questions that they might have about the process.

As the house is aware, a number of steps have been put in place, including the establishment of the royal commission, which has hearings under way; the reconstruction and recovery authority, which is now fully fledged and operating in a very positive way; and the — —

Mr Ryan — It does not have hearings under way. It is having community consultations.

Mr BRUMBY — Informal hearings are under way — and the Victorian Bushfire Appeal Fund has now raised more than $280 million.

In terms of the rebuilding process, more than 2300 registrations have been received to have properties cleared. Multiple teams are now working across Victoria in locations including Horsham, Bendigo, Latrobe Valley, Boolarra and Mudgegonga. More than 80 000 tonnes of debris are expected to be cleared during the operation. As honourable members are aware, three temporary villages have now been set up in Marysville, Flowerdale and Kinglake, and Flowerdale is already up and running.

Five community services hubs are currently open, and I am also pleased to say there are now more than 317 case managers in place in what is an enormous task of managing more than 4000 people who have been allocated case managers. We have never applied this strategy before in terms of trying to match case managers with those who have been affected by a disaster of this type. As honourable members are aware,

there are a number of clients per case manager, but the system is developing well. It is true to say we still have further to go in this, but it is a very big project, and the early reports that are coming back are quite positive.

As I said, the informal hearings of the royal commission have been in Myrtleford, Flowerdale, Kinglake, Kinglake West, Bendigo, Wandong, St Andrews, Yarra Glen and Traralgon. Today consultations are being held at Boolarra and Labertouche, and next week the commission will visit Horsham and Strathewen. The royal commission has also called for public submissions, which it is accepting until 18 May.

On top of all of that, the Victorian Bushfire Appeal Fund advisory panel, chaired by John Landy, has done an extraordinary job working through what are some very complex issues. Again as honourable members know, the money keeps being provided to the bushfire appeal fund. It will close off in a couple of weeks time, but — —

Mr Baillieu interjected.

Mr BRUMBY — It's $285 million.

The bulk of commitments that have been made against that fund have been made in terms of emergency relief, short-term relief and medium-term relief, so the bulk of the fund has been committed. There is still a significant amount remaining, which the fund will particularly devote towards the longer term issues — for example, it might be putting money aside for education trusts for orphaned children — and the fund will focus very much on these issues over the next few weeks.

The fund has approved bereavement payments of $10 000, $50 000 for homeowners whose principal place of residence has been destroyed and up to $8000 to support local heroes who supported others during and after the bushfires. That is on top of what the government has done in partnership with the federal government — the $10 million Community Recovery Fund, $51 million in business assistance, the $10 million tourism package and meeting the cost of clean-up, which will be in the vicinity of $20 million to $40 million.

I am pleased to advise the house that the bushfire appeal fund has agreed and announced today that $9 million will be made available to councils that were affected by the 2009 bushfires. The assistance package will be used for community-based initiatives such as providing additional grief and trauma counselling and advice services for staff, volunteers and the community. It will also be used to assist with re-establishing and running disaster emergency services, responding to increased demand for rubbish removal, clearing trees from roads and public areas and purchasing revegetation flora.

Honourable members interjecting.

Mr BRUMBY — As I said, I applaud the bushfire fund because this is a fantastic announcement for the councils concerned, and I am surprised to hear the interjections opposing this money being provided to local government.

Mr K. Smith interjected.

The SPEAKER — Order! If the member for Bass had listened instead of interjecting, he would clearly have heard the Premier's answer.

Mr K. Smith — Which was?

The SPEAKER — Order! If the member for Bass wishes to ask a question, he should stand in his place at the appropriate time, and he will be given the call.

Mr BRUMBY — One of the points I made to local government this morning is that I think we have seen an extraordinary amount of goodwill across the state, the community, and local and state governments through the Victorian Bushfire Appeal Fund. I am still recording two or three video messages of thanks a week for people across Australia and across the world who are holding fundraisers and still contributing to this fund. I thank them for their generosity. I think the teamwork that we have seen across the state has been truly outstanding, and I believe the decision reached by the fund today to provide money for local government is a very positive initiative.

Hospitals: waiting lists

Mr BAILLIEU (Leader of the Opposition) — My question is to the Minister for Health. Will the minister inform the house how many patients in need of potentially life-saving surgery have been inappropriately placed on the not-ready-for-care list, and will the minister guarantee that all these patients will be treated within the next 30 days?

Honourable members interjecting.

The SPEAKER — Order! I ask members of the opposition for some cooperation. The minister has been asked a question by the Leader of the Opposition. He is yet to say one word in response but already opposition members are attempting to shout him down.

Mr Mulder interjected.

The SPEAKER — Order! I warn the member for Polwarth, and he will not be warned again.

Mr ANDREWS (Minister for Health) — I thank the Leader of the Opposition for his question. The leader asked me how many patients have been inappropriately classified. What the Leader of the Opposition and the community know is that on Monday I released an audit report by Paxton Partners at the Royal Women's Hospital, which identified 62 patients in the most recent instance who had been inappropriately classified as not ready for care. In direct response to the Paxton Partners audits I have taken action around additional spot audits. A delegate will be appointed to the board of the Royal Women's Hospital. The former public advocate, Julian Gardner, will act as that delegate. That is an appropriate step to take. I have also announced a number of other important administrative changes — for instance, whenever an elective surgery patient's status changes, they will be written to and informed of that.

Honourable members interjecting.

Mr ANDREWS — Those patients will be written to and they will effectively be able to audit their own care. In terms of the broader issue — —

Dr Napthine interjected.

The SPEAKER — Order! I warn the member for South-West Coast. He will not be warned again.

Mr ANDREWS — In terms of any broader issues that the Leader of the Opposition raised, the full elective surgery information system (ESIS) audit that I announced yesterday is the appropriate thing to do in light of the Auditor-General's report. I have committed to undertake that audit — —

Honourable members interjecting.

The SPEAKER — Order! I ask that the members for Warrandyte, Hastings and Scoresby cease interjecting in that manner.

Mr ANDREWS — The introduction of the system-wide ESIS audit that I announced yesterday is an appropriate step to take. That is why I have announced it. That audit will be done as soon as possible. Across the board these measures are an appropriate response, not only to the Royal Women's Hospital issue but also in relation to the Auditor-General's report. It is my expectation that — —

Honourable members interjecting.

The SPEAKER — Order! The Minister for Regional and Rural Development is warned. I made a statement this morning regarding telephones being brought into the chamber.

Question time will take a long time today unless the opposition agrees to cooperate. No minister in this chamber should be forced to yell across that level of interjection.

Mr ANDREWS — My expectation is that, based on clinical classifications — judgements made by doctors — every patient ought to get their surgery as soon as is possible.

Family violence: government initiatives

Mr CRUTCHFIELD (South Barwon) — My question is to the Deputy Premier in his role as Attorney-General. I refer to the government's commitment to making Victoria the best place to live, work and raise a family and I ask: can the Attorney-General update the house on measures the government is taking to address family violence?

Mr K. Smith interjected.

The SPEAKER — Order! I would like to think that the member for Bass would withdraw that remark.

Mr K. Smith — What remark?

Honourable members interjecting.

The SPEAKER — Order! Government members will not shout across the chamber.

Mr K. Smith — I withdraw it.

Mr HULLS (Attorney-General) — I thank the honourable member for his question. As he would know, governments certainly have a duty to lead by example, providing the educational and legislative push for change, and no area is in greater need of this leadership than family violence. Family violence is the leading cause of death, disability and illness in women aged between 15 and 44 years of age, and over 40 per cent of homicides by partners or former partners involve a known history of family violence.

The Victorian government certainly understands its obligations and has taken action to tackle family violence, implementing landmark legislative reforms that came into effect at the end of last year. However, targeting family violence in Victoria is much more than just being about legislative change. It is about changing culture, it is about changing attitudes and ultimately it is about changing behaviour. That is why the

government's $1.5 million Enough campaign is an essential support to our reforms. By now I am sure many in this house would have seen its confronting images on bus stops, at nightclubs, shopping centres, newspapers, on 'Facebook' and also this morning on the steps of Parliament House.

Today the Minister for Women's Affairs, the police minister and I announced that we are taking the awareness campaign to regional Victoria. We drove home the message that Victoria has had enough of family violence by arriving at Parliament in utes carrying the government's Enough billboards.

Tomorrow another minister with responsibility in relation to family violence, the Minister for Community Services, will be in Colac to host the first of six road shows consisting of community information sessions and sector forums that we hope will inform, educate and also help change the way we deal with the issue of family violence in all communities. That will be followed by forums in Swan Hill, Traralgon, Benalla, Ballarat and Dandenong. These communities, I might say, are ready to step up and say 'enough' to family violence.

While the government must and indeed does lead by example, the community really is at the heart of the fight against family violence. Alarmingly, more than half a million Australian teenagers live with violence in the home, and evidence indicates that almost one in three boys believes it is not a big deal to hit a girl. I am sure everyone will agree this is totally unacceptable, and as a community we all must play a role in tackling the issue of violence in the home by speaking up for friends and family and by also helping to shape the attitudes of young people in our community.

I am very proud to be part of these important roadshows. I know other ministers are also proud of them. I am proud to stand shoulder to shoulder with Victorian communities, because when it comes to family violence we all have a responsibility to say 'enough'.

Mr Crutchfield interjected.

The SPEAKER — Order! The member for South-West Coast will not interject in that manner.

Mr Ryan — On a point of order, Speaker, I do not think the reference was to the member for South-West Coast.

The SPEAKER — Order! A thousand pardons — it comes from the constant naming of the member for South-West Coast. The member for South Barwon, who I was clearly looking at, will not interject in that manner. My humblest apologies to the member for South-West Coast.

Minister for Health: performance

Mr RYAN (Leader of The Nationals) — My question is to the Minister for Health. I refer the minister to his repeated boasts that 'Our emergency departments continue to be the best-performed in Australia', and further, 'We are still doing the best job on elective surgery in Australia', and I ask: is it not the reality that waiting lists have not reduced, patient access to public hospitals has not improved and for years Victorian patients have suffered while this government has allowed hospitals to manipulate data and falsify waiting lists — all of this while the minister says he knows nothing about it, and all of it to prop up the Brumby government's image?

Mr ANDREWS (Minister for Health) — I genuinely thank the Leader of The Nationals for his question. Let me be very clear about this: our emergency departments across Victoria are staffed by dedicated professionals who provide high-quality care to a growing number of patients, and I stand shoulder to shoulder with them to give them the resources and support they need.

Honourable members interjecting.

The SPEAKER — Order! I seek some cooperation from the members of the opposition once again. I assume that if I cannot hear the minister, then other members cannot hear him. If there is no interest in the answer by some members of the opposition, I invite them to leave the chamber.

Mr ANDREWS — I stand shoulder to shoulder with those dedicated professionals, and I will support them, as I always have, with the resources they need to treat more patients and to provide better care. That, I think, deals with issues of emergency departments.

In relation to elective surgery, I would point out to the Leader of The Nationals that during calendar year 2008, this government had a contract with the commonwealth government to do 9400 additional episodes of elective surgery. I do not think anyone is suggesting that those operations did not occur. If that is the presentation of those opposite, then they should make it.

We did not just as a system deliver 9400 additional episodes of elective surgery across the year; we delivered more than 13 000 additional episodes of elective surgery.

Honourable members interjecting.

The SPEAKER — Order! I warn the member for Scoresby; there will be no other warning. I warn the member for Hastings; there will be no other warning for him. I warn the member for Kilsyth; there will be no other warning for the member for Kilsyth. There will be no more warnings for members who have already been warned.

Mr ANDREWS — As I was saying, we had the biggest elective surgery blitz in our state's history during calendar year 2008. I fundamentally and absolutely reject the assertion of the Leader of The Nationals that this government has not increased investment across the hospital system.

Honourable members interjecting.

Mr ANDREWS — Every single hospital in every single year has received a funding boost from this government — and make no mistake, we will continue to invest in every single hospital, and we will always ensure that our dedicated doctors and nurses and other health professionals have increased resources to treat the increasing number of patients coming forward for care in our system.

The SPEAKER — Order! I add warnings to the members for Malvern, Evelyn and Kew.

Buses: SmartBus service

Mr LANGDON (Ivanhoe) — My question is to the Minister for Public Transport. I refer to the government's commitment to make Victoria the best place to live, work and raise a family, and I ask the minister to inform the house of recent announcements of improvements to bus services across metropolitan Melbourne.

Ms KOSKY (Minister for Public Transport) — I thank the member for Ivanhoe for his question and for his great interest in public transport and bus systems around metropolitan Melbourne. Our newest bus route is SmartBus route 983, and it will be up and running in two weeks time. It will be travelling the full orbit around Melbourne and linking up local communities from Mordialloc to Box Hill, Heidelberg to Essendon and Sunshine to Altona. That is 203 kilometres of SmartBus route that this government has delivered. That is 203 kilometres more than the previous government — —

Mr R. Smith interjected.

Questions interrupted.

SUSPENSION OF MEMBER

Member for Warrandyte

The SPEAKER — Order! Under standing order 124 I suspend the member for Warrandyte for half an hour.

Honourable member for Warrandyte withdrew from chamber.

QUESTIONS WITHOUT NOTICE

Buses: SmartBus service

Questions resumed.

Ms KOSKY (Minister for Public Transport) — So that is 203 kilometres more than the previous government provided. The previous government failed to upgrade one single bus service anywhere in Melbourne.

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

Ms KOSKY — So why are people flocking to SmartBus? It is because it uses priority bus lanes and technology to get people where they need to go quickly and easily and it complements our train and tram systems in terms of timetable, so that people can use public transport right around Melbourne. That is something we have delivered that was never delivered previously. The services run more often and for longer hours. There is a 15-minute frequency of services at most times, and the buses operate from 5.00 a.m. until midnight on weekdays and Saturdays and from 7.00 a.m. until 9.00 p.m. on Sundays. The frequency is fantastic and the spread of hours is fantastic.

The SmartBus has been embraced by almost everyone in the community, it would seem, apart from those opposite. Nine million trips were made last year on the existing SmartBus routes. Many people are using the SmartBus service already, and with the extension those patronage figures will grow. For the west, route 903 will be the first SmartBus service. I know that people right around the west are very much looking forward to the service. It will travel to many places around Melbourne. I invite everyone in this chamber to be smart and use the SmartBus.

Honourable members interjecting.

The SPEAKER — Order! I ask the minister to resume her seat. I warn the Minister for Consumer

Affairs, and I ask the Deputy Leader of the Opposition to stop interjecting across the table.

Ms KOSKY — Last week I joined the member for Ivanhoe in Heidelberg and the member for Essendon in Essendon, and yesterday I joined the member for Williamstown in Altona North in launching this great new service. As I said, almost everyone in the entire metropolitan Melbourne community is supportive of the SmartBus service. The *Heidelberg Leader* thinks our newest bus route is great. Its front-page article this week was headed 'Bus link a smart move'. The Heidelberg Central manager, Kim Gibb, said that local traders were extremely supportive of the bus. Many people around the community are very supportive of the SmartBus system as it complements other public transport. I challenge others, instead of standing for nothing, to get aboard a SmartBus.

Gippsland: firewood

Mr INGRAM (Gippsland East) — My question without notice is to the Minister for Agriculture. Due to the ongoing inability of VicForests and the Department of Sustainability and Environment to resolve the dispute that has locked firewood contractors out of state forests for cutting and supplying commercial quantities of firewood, I ask: as contractors have no access to reasonably priced firewood to supply Gippsland residents, many of whom have no access to natural gas or alternative heating sources, what excuse does the minister have for pensioners and other low-income people who will go cold this winter due to the bureaucratic bungling of this government?

Mr HELPER (Minister for Agriculture) — I thank the member for East Gippsland for posing the question. As the member of course knows very well, the commercial firewood industry has been operated by VicForests across the state since some changes were made some time ago. I thank the member for his ongoing commitment to the firewood industry in his area and to the 48 000 households across Gippsland who rely on firewood in some form or another, 39 000 of them for their primary heating source. Those 48 000 households use some 90 000 tonnes of firewood a year. We can see from that that those communities rely very much on firewood. I and the government share the member's commitment to those communities.

Some time ago the member for East Gippsland invited me down to meet with the firewood industry, and I very much appreciate his arranging that. In meeting with the industry, one of the issues that came through was that the auction lot size of firewood that was being offered by VicForests was too large and too inflexible for many in an industry that ranges from larger firewood cutters to some pretty small operators, all of whom play an important part in the industry.

As a result of that meeting and some changes that VicForests subsequently put in place, the firewood auction lot sizes that were offered were reduced to large lots of 500 tonnes to take care of the part of the firewood industry that are large operators and 50-tonne lots for small operators. I think the industry welcomed those changes.

The other thing that became evident to me at the meeting arranged by the member for East Gippsland was that there is a fair bit of concern about how people react to change — their wishing to get up in the morning and hoping that the world is the same as it was when they went to bed the night before. I have to assure the member for East Gippsland that some of that change will not be turned back because some of that change is driven by the concern and the commitment that VicForests has — the concern that I know the member has, and the concern that I would hope every member of this chamber would have — for the occupational health and safety of firewood cutters or indeed of any forest workers in any of our forests. Some of that change will not be wound back in any way, shape or form.

However, I acknowledge there are a number of other issues that ought to be worked through. The most terrific and practical way of doing that is to enlist the support of the small business commissioner, Mark Brennan, who does a terrific job of mediating commercial issues. In some respects this touches on a number of commercial issues that exist between the firewood industry and VicForests as the commercial arm of forestry for the government. I will enlist the small business commissioner to try to arrive at mediated outcomes on a number of those outstanding issues.

I am also happy to inform the member for East Gippsland that I understand my colleague in the other house the Minister for Environment and Climate Change is examining the supply of firewood right across the state. On a number of fronts we are examining what the practical answers are to the issues that the member for East Gippsland has raised on behalf of the industry. What I say to him in conclusion is that none of us will compromise the occupational health and safety of forest workers, be they firewood cutters or any other workers.

Mental health: government initiatives

Mr SCOTT (Preston) — My question is to the Minister for Mental Health. I refer to the government's commitment to making Victoria the best place to live, work and raise a family, and I ask: can the minister update the house on action the government is taking to ensure Victorians continue to have access to the best mental health care and treatment available?

Ms NEVILLE (Minister for Mental Health) — I thank the member for Preston for his question and for his commitment to mental health care in our community. Last month the Brumby government launched Victoria's white paper on mental health reform entitled *Because Mental Health Matters — Victorian Mental Health Reform Strategy 2009–2019*. Over the next decade this whole-of-government reform, the first of its kind in Victoria or Australia, will transform our mental health system — from community-based services right through to specialist services — into a system that is focused on prevention, early intervention, recovery and social inclusion.

This nation-leading strategy is the single most important mental health policy initiative in this state since deinstitutionalisation. It flags concrete and practical actions to reform our system, including the appointment of Australia's first chief child psychiatrist to put children's needs first; transforming our child and youth mental health care, to be kicked off with two new youth demonstration projects — one in the Grampians and one in Melbourne's south; better mental health promotion and support in schools; a new 24/7 mental health telephone service, which will allow people to get fast information, referral and advice; centralised psychiatric triage systems; and a stronger voice for consumers and carers.

The strategy provides additional funding and support for those Victorians who are so affected from the recent bushfires, including extra mental health first aid training for workers, as well as additional post-traumatic stress experts. This strategy has been developed in partnership with the whole mental health sector, with 200 submissions and consultations with over 1200 people, including from consumers, carers, advocates and clinicians. In fact the only people who have had nothing to say on this reform, who did not put in a submission and who could not be bothered attending any consultations are those opposite. They have no mental health policy and no ideas.

Voices from right across the mental health sector have come out in support of the government's new direction, including Professor Pat McGorry, one of the world's most eminent youth psychiatrists, who has described the policy as the best he has seen in 25 years. Dr Gerry Naughtin, chief executive officer of Mind, said:

> The strategy is a forward looking move … to tackle some of the big obstacles confronting mental health services in Victoria.

The Wyndham council has come out in support of the strategy, saying it reflects the state government's consultation with the community and would lead to improved outcomes for those suffering mental health problems.

There has also been strong support from the Victorian Council of Social Service; from VICSERVE, or Psychiatric Disability Services of Victoria; from the Health and Community Services Union; and from the Australian Medical Association. These are ringing endorsements and are symbolic of the partnership this government has rebuilt with the mental health sector after the slash-and-burn years under those opposite.

The reforms we have initiated are on top of our 95 per cent increase in funding for mental health that has enabled our dedicated staff in the mental health sector to treat an extra 9000 patients each year since the 1990s. That shows that this government stands for decent mental health care.

We stand for more beds and additional capacity in our system, we stand for early intervention that helps to prevent mental illness developing and we stand for getting the right services available for people at the right time — unlike those opposite, who stand for nothing.

Minister for Health: performance

Mr BAILLIEU (Leader of the Opposition) — My question is to the Minister for Health. I refer to the fact that the minister was Parliamentary Secretary for Health for four years and has been Minister for Health since August 2007; and further, that he has been warned over the past 18 months about the scandalous manipulation of hospital waiting lists in our public hospitals — by the opposition, by the Australian Medical Association, by the Australasian College for Emergency Medicine, by countless media reports, by medical practitioners and in submissions to the upper house inquiry. Does the minister stand by his increasingly pathetic defence that throughout all of this he knew nothing and so displayed complete and utter incompetence? Or will he now admit that while Victorian patients have suffered, he has been engaging in a massive cover-up?

Mr ANDREWS (Minister for Health) — I thank the Leader of the Opposition for his question. Let me say to the Leader of the Opposition, firstly, that I have at all times acted in an appropriate way. I have not hesitated — —

Honourable members interjecting.

The SPEAKER — Order! The wall of noise coming from the opposition makes it impossible for me to hear the minister. I will ask the minister to resume his seat every time I cannot hear his response. It is in the hands of all members how long we stay here today, tonight or into tomorrow.

Mr ANDREWS — Yesterday I announced a suite of measures to complement — —

Mr Hodgett interjected.

The SPEAKER — Order! This is a very poor start from the member for Kilsyth. I will show some leeway because we have just had a moment of frivolity. There will be no more leeway.

Mr ANDREWS — Yesterday I announced a suite of measures that are important going forward — —

Mr Wakeling interjected.

The SPEAKER — Order! I think the member for Ferntree Gully was the only member — almost — of the opposition who had not been warned. He is now warned, and he will not be warned again. Just for total clarity, perhaps I should suggest to the members for Mornington, Bayswater, Narracan, Benambra and Sandringham that they also remain on the perfect behaviour that they have displayed so far through question time!

Mr ANDREWS — As I was saying, yesterday I announced a suite of measures, a statewide audit of all elective surgery data and, on from that, the appointment of a director of data integrity, a senior official to drive these reforms, to make appropriate changes and run six spot audits, as I announced on Monday —

Honourable members interjecting.

The SPEAKER — Order! I ask the minister to resume his seat. The minister, to continue.

Mr ANDREWS — together with delegates to the board of the Royal Women's Hospital and delegates to the board of the Latrobe Regional Hospital — —

Mr K. Smith — On a point of order, Speaker, during the incompetent minister's contribution to this house you have continually tried to make members on this side of the house be quiet. Whilst he continues to give us crap answers to questions that we are trying to get some answers to, it will continue from this side. It is not fair on us. He can do what he does, and you, Speaker, let him get away with it. We want answers; that is what we want — nothing more, nothing less.

Questions interrupted.

SUSPENSION OF MEMBER

Member for Bass

The SPEAKER — Order! The member for Bass was on a warning. He has deliberately defied the authority of the Chair. He knows to behave better than he did with that performance. Under standing order 124 I suspend him from the house for 30 minutes.

Honourable member for Bass withdrew from chamber.

QUESTIONS WITHOUT NOTICE

Minister for Health: performance

Questions resumed.

Mr ANDREWS (Minister for Health) — Thank you, Speaker — —

Ms Campbell interjected.

The SPEAKER — Order! The minister will resume his seat. I ask for the member for Pascoe Vale to withdraw that comment.

Ms Campbell — I withdraw.

Mr ANDREWS — There is a series of measures that are designed to improve the processes across the system to ensure that the community can have complete confidence in the data that is recorded by hospitals and in turn reported by hospitals so that any doubts that exist across the community can be dealt with. These are important measures, and I will take the appropriate action — —

Mr Baillieu — On a point of order, Speaker, the minister is debating the question. He seems to continue the idea that this is about the wellbeing of the minister; it is about the wellbeing of patients, and all he does is continue to peddle the lie.

The SPEAKER — Order! I have heard sufficient on the point of order. There is no point of order. The minister is being relevant to the question.

Mr ANDREWS — I will take that action as is appropriate, as announced yesterday and as announced on Monday. My fundamental interest is in ensuring that every patient across our system gets the care that they need when they need it.

Mr Burgess interjected.

Questions interrupted.

SUSPENSION OF MEMBER

Member for Hastings

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

Honourable member for Hastings withdrew from chamber.

QUESTIONS WITHOUT NOTICE

Questions resumed.

Gas: Korumburra supply

Ms GREEN (Yan Yean) — My question is to the Minister for Regional and Rural Development. I refer to the government's commitment to make Victoria the best place to live, work and raise a family, and I ask the minister to outline to the house the action the Brumby government is taking to provide important infrastructure such as natural gas to support families and businesses in regional Victoria.

Ms ALLAN (Minister for Regional and Rural Development) — I thank the member for Yan Yean for her question. She certainly knows firsthand of the tremendous benefits that have gone to communities in her electorate from the Brumby government's natural gas extension program. As the *South Gippsland Sentinel-Times* proclaims, last Thursday was a red-letter day with the connection of natural gas to South Gippsland under the $70 million natural gas extension program. It was a great day in Korumburra for gas lovers. I was with the Minister for Energy and Resources who, as we heard in question time yesterday, is also a very big fan of natural gas.

We were at Burra Foods at Korumburra to celebrate the town's connection to natural gas. We were also joined by local members, who are also big fans of gas: the Leader of The Nationals and the now departed member for Bass. Burra Foods is the very first business in Korumburra to benefit from the Brumby government's rollout of our natural gas program to the region. It is a great program. It is no surprise that those at Burra Foods are also big fans of gas. They love gas. As they estimate, the connection of natural gas to their company will save the company around $500 000 per annum thanks to this program. This is going to go on to assist this company with major expansion plans. The company plans to triple the size of its factory and double the size of its workforce, which will be a great boost to the local community. The *South Gippsland Sentinel-Times* says that this all because of the Brumby government's $70 million natural gas extension program.

These are the sorts of benefits that are being achieved through this program, which is the biggest rollout of natural gas in this state since the 1970s. It now sees 31 towns across Victoria cooking with gas. The South Gippsland project — and we certainly thank the Minister for Energy and Resources for his involvement in this matter — has been the biggest and most complex project of the 31 connections made to date, with over 65 kilometres of transmission pipeline and more than 220 kilometres of supply and reticulation mains going past 10 000 homes and businesses, which will be able to capitalise on these connections to natural gas. Speaker, you will be amazed at how much they love natural gas in South Gippsland.

I quote again from the *South Gippsland Sentinel-Times*:

> Thursday, 26 March 2009, could go down in history as the date when Korumburra turned the corner.

The newspaper also states:

> Gas brings jobs, savings and more.

The *South Gippsland Star* — the *Sentinel* was not the only one that celebrated the connection of gas — also enjoyed the connection with the headlines 'Burra celebrates gas' and 'What a turn-on!'.

Korumburra, along with all regional Victoria, has certainly turned the corner thanks to the efforts we on this side of the house have been making by consistently investing in our regions from day one. As members of the house will be aware, the natural gas extension program was established under the Regional Infrastructure Development Fund.

Most members of this house welcomed this fund and recognise that it has been tremendously successful. The

Brumby government has invested $610 million into the Regional Infrastructure Development Fund to deliver vital projects like this natural gas extension. Thousands of jobs are created every year thanks to this investment in the fund. To date $447 million has been committed to 215 capital projects across Victoria, and that is in turn leveraging over $1.26 billion in brand-new investment in our regions across Victoria.

The natural gas extension program is just one of a number of successes under the Regional Infrastructure Development Fund. We have already seen more than 1000 kilometres of gas pipeline laid, and 11 000 customers are now reaping the benefits through being connected to natural gas. This is just one example of how the Brumby government is working hard to deliver infrastructure, investment and jobs for regional and rural communities.

The final word on this matter goes once again to the *South Gippsland Sentinel-Times*, which states:

> …it's all go, go, go for gas in Korumburra and Leongatha.

Under the Brumby government it is all go, go, go for regional Victoria, but we know it is go, go, go nowhere when it comes to opposition policy.

TRANSPORT LEGISLATION GENERAL AMENDMENTS BILL

Second reading

Debate resumed.

Mr STENSHOLT (Burwood) — Before the break in debate I was talking about clause 5 of the Transport Legislation General Amendments Bill 2009, which relates to the authorisation of authorised officers. I am sure the member for Sandringham, who is sitting opposite, would recall the Law Reform Committee report on search, seizure and other powers of authorised officers. I was reminded of that by this bill, because we need to make sure we have consistent and good legislation in regard to the powers of those officers and in regard to when they are appointed or reappointed, and the bill does that.

For the benefit of the house I advise that between 1 January 2000 and the end of last year, some 1 145 631 tickets and transport infringement notices had been issued. I note that as of around 26 March we had 521 authorised officers employed across quite a number of operators: Connex had 350, there were 165 at Yarra Trams, 6 at V/Line, 12 at the Bus Association of Victoria and 10 at Grenda's Bus Services. There is scope to employ some more, depending on the applications. Typically a probity check is undertaken at the application stage for the position of an authorised officer, and it takes around 10 days to receive the results from the national police name and fingerprint process. The director of public transport has the responsibility for undertaking these checks.

I note that clause 5 of the bill provides that the director must not renew the authorisation of a person unless he is satisfied that he meets the requirements of section 221C(1)(a) and (b) of the Transport Act. I also note the clause inserts paragraphs (ab) and (ac) in the act after section 221L(a), and they require that an authorised officer be a person competent to exercise the necessary functions and be a person of good repute. The director of public transport has to have regard to the character, honesty and integrity of such a person. I am pleased to see that important clarification.

As I mentioned earlier, these inspectors are one of the two groups that are not public sector employees, the other one being Royal Society for the Prevention of Cruelty to Animals inspectors, so we need to have proper arrangements in place for their authorisation.

The other part of the bill I would like to make some comment on relates to the Southern Cross station. As an occasional user of the station I must admit that I think it is a magnificent building. Quite frankly it is a tribute to Victoria in the 21st century. It is a building which demonstrates rare design and insight in the way it has been built. It has completely transformed the old railway station into being an open, accessible and modern building of exceptional design.

The project, which was initiated by the Bracks Labor government and followed up by the Brumby government, has now been implemented, and it is time to move to the next stage. As the house is aware, the intention behind setting up the Southern Cross Station Authority was for it to be there while the station was being built. I am really quite surprised that we have a reasoned amendment from the opposition, particularly on a reading of the bill. Opposition members seem to be coming up with very unreasonable reasoned amendments, quite frankly.

I am not sure whether opposition members have actually read this bill. I draw their attention to clause 8 on page 8 of the bill, which states:

> (2) Nothing effected under subsection (1) or done or suffered under subsection (1) —

(a) is to be regarded as placing any person in breach of contract or confidence or as otherwise making any person guilty of a civil wrong;

(b) is to be regarded as placing any person in breach of, or as constituting a default under any act …

It goes on to list a whole range of other things under paragraphs (c), (d), (e) and (f). The delayers in the opposition want to delay this legislation. They want the bill to be redrawn and redrafted while they go out and obtain some more documents and then have a look at them. The provisions under the bill make no changes to the process. There is a transition to the secretary and to the Crown, and there is a whole raft of things listed, as I have mentioned, that will not be affected. The opposition should take full comfort from the range of balances and checks that are set down in the bill. There is a proper transition being proposed, and it is being proposed in the normal way.

Mr McIntosh interjected.

Mr STENSHOLT — Here is a good example of the opposition bleating and blathering about regulation and all these other things while at the same time wanting to keep an authority going. They want to have an inefficient government. They are not serious. They are not into fairness and equality, they are into inefficiency.

I think this is a very sensible bill. It is the end of an era with the transition and continuation of responsibilities with the Department of Transport, the Crown and the secretary. It is appropriate that this be done. I commend the bill to the house

Debate adjourned on motion of Mr WAKELING (Ferntree Gully).

Debate adjourned until later this day.

ELECTRICITY INDUSTRY AMENDMENT (PREMIUM SOLAR FEED-IN TARIFF) BILL

Second reading

Debate resumed from 31 March; motion of Mr BATCHELOR (Minister for Energy and Resources).

Mr BATCHELOR (Minister for Energy and Resources) — I thank those members who have made a contribution to the debate, in particular, the lead speaker for the opposition — the shadow Minister for Energy and Resources, the member for Box Hill — but also the members for Seymour, Mildura, Prahran, South-West Coast, Bundoora, Bayswater, Burwood, Swan Hill, Ballarat East, Evelyn, Macedon, Sandringham, Gippsland East, Preston, Murray Valley, Keilor, Benalla and Malvern. Members can see there has been very wide interest in this bill.

At the outset I indicate that I seek leave to incorporate four tables during my contribution. I have raised this matter with the opposition and I understand that leave will be granted, and I will refer to the tables during the course of my contribution.

Leave granted, see tables pages 1057–1060.

Mr BATCHELOR — The Brumby government has, in determining its position on a premium feed-in tariff, weighed up the economic, environmental and social costs and benefits for all Victorians to ensure that we have a renewable energy strategy that delivers cleaner energy in the least-cost way.

This is why in addition to assisting households through the premium feed-in tariff we are investing in large-scale solar generation. We are doing this because, despite the generous federal government rebates for solar panels, they remain very expensive to buy and do not generate much electricity.

Driving down the up-front costs so that the solar panels can compete with other forms of renewable energy is the major challenge. The photovoltaic (PV) industry must respond to the challenge. At this point in time, small-scale solar generation is about four times more expensive than large-scale solar generation.

I want to make clear the objectives that we used in establishing the policy to design the legislation before the house. The first objective was to provide some extra return to Victorian households installing small-scale solar photovoltaic systems. The second objective was to contain the cost imposed on all Victorian residential electricity customers. It needed to be fair but the government was not prepared to support a scheme that provided a windfall gain for households that could afford expensive PV systems. The system needed to be aligned with national principles; it needed to provide legal and constitutional certainty to households and also needed not to be a burden for the industry to implement.

The government believes solar energy can and should play a part in Victoria's energy future, but it also thinks the government gets better bang for its greenhouse buck by directing investment into research and development as well as funding the accelerated deployment of more efficient large-scale solar power plant. I refer members

to table 1 that has been incorporated into *Hansard*. The table shows that the Solar Systems large-scale solar power station being built in north-west Victoria will produce 154 megawatts of solar power and cost $420 million. To supply the equivalent energy to the grid by solar panels on domestic roofs would mean more than 100 000 homes would need to install solar PV systems at a total cost in excess of $1.5 billion. That is more than triple the cost of the Solar Systems large-scale plant to provide the same level of greenhouse gas abatement.

The Firecone report released earlier this week acknowledged that a premium gross feed-in tariff is an expensive and inefficient response to greenhouse gas abatement. Indeed the McLennan Magasanik and Associates report released this week identified that the cost of abatement for a 60 cent gross feed-in tariff is $679 per tonne of CO_2 abated, and members can see the impact of that in table 2.

The Brumby government understands that people want to feel that their household can be part of the solution to climate change and want to know how to reduce their own carbon footprint. That is why the government has designed a scheme that provides a modest boost to the take-up of solar PV systems but does not place an unacceptable cost burden on other Victorian electricity consumers. The challenge, as I have said, is for the industry to find ways to reduce its costs and make its product more commercially attractive to its customers.

In relation to the Liberals and The Nationals, coalition members have made a number of comments on various aspects of the bill and I will attempt to address some of those in the time allocated to me. I warn the coalition and others in the upper house not to throw the baby out with the bathwater. Amendments that breach those overall objectives will not be supported by the government, and if pursued will result in their actions leaving Victorian households without a premium feed-in tariff for solar PV.

I now wish to talk about net versus gross. Let me begin with the question of net versus gross metering for the scheme. Having explained the objectives of the government's premium feed-in tariff, the rationale for a net tariff is clear. We do not think it is fair that all Victorians should subsidise those with solar PV systems to be paid at a premium rate for all the energy that they use themselves — most people would think this is arse about.

The ACTING SPEAKER (**Mr Ingram**) — Order! The minister should keep his comments parliamentary. I believe his last comment was not quite right.

Mr BATCHELOR — As the member for Bundoora outlined to the house, why should battling Victorians pay a premium rate for electricity to run the plasma televisions and pool pumps for mansions in Toorak and Brighton? It is not right, and it is not fair. This government supports a feed-in tariff, and our model will provide far greater returns to solar PV owners than they are currently receiving under the existing standard feed-in tariff. But we support a tariff that is green and fair, not one that is greedy. We did not set out to create a scheme whereby people who can afford solar PV systems can make huge profits that the rest of the Victorian community has to fund.

I want to talk about some modelling and costs. A large amount of modelling information on this issue has been made available by the government. Let me just make a couple of comments on modelling before I proceed. Economic modelling assumes economically rational behaviour but as we have heard in the house this week, household motivation for adopting solar PV systems differs from that economic modelling. At the last count, despite the huge costs of solar PV systems, about 5000 households in Victoria have a solar PV system installed. This really does imply that financial motivation is not the main consideration. I refer members of Parliament to table 3, which I have had incorporated in *Hansard.*

This is supported by survey work commissioned by Sustainability Victoria that suggests household decisions on the installation of rooftop solar PV systems are principally driven by environmental objectives rather than financial objectives. In light of this, there may be faster take-up than that modelled. However, under all the scenarios modelled, a gross feed-in tariff is much more costly than a net feed-in tariff — $10 a year versus $38 a year for a 100 megawatt scheme.

Some people looking at the costs of the premium feed-in tariff modelling in isolation may think that the cost of the gross feed-in tariff is a cost that should be acceptable to the majority of electricity consumers, given the public interest in reducing emissions. But let me just make a few points.

Firstly, some of the modelling results averaged the costs of the scheme over a 15-year period. In reality it is likely that the cost of the scheme in some years would be much higher. The government has to ensure that the annual cost to Victorians, when the capacity is reached, is not excessive. Secondly, we did not consider the cost of this scheme in isolation from other policies and other factors which would lead to increasing electricity prices for Victorians over the next few years. These include

the ongoing impact of the drought, the commonwealth's carbon pollution reduction scheme, the expanded renewable energy target, the smart meter rollout and the energy saver incentive scheme. We want electricity to be as affordable as possible, and we took account of all these factors in considering what would be an acceptable cost burden for all Victorian families.

While I am on the issue of costs, I would just like to clear up some mischief that has been put around by some environmental groups in relation to a $100 figure they claim I said a premium gross feed-in tariff would cost. The $100 figure was the modelled cost of Environment Victoria's expensive scheme, not the modelled cost of a gross version of the government scheme. This is very clearly set out in table 4.

I now want to talk about some of the design issues, firstly, the 15-year limitation. Some members have noted the 15-year scheme period and say it is either too short or too long or lacks indexation. Our rationale for this is quite simple and transparent: we want to provide certainty to people installing solar panels but also set a fixed return for a fixed period for the duration of the scheme. Now this will encourage the solar industry to meet that challenge, to drive down the cost over time and be more cost competitive and survive without general subsidies. It also provides an incentive for householders to get in early in order to get the full 15 years of benefit.

Secondly, I refer to the size of the cap, set at 3.2 kilowatts. The federal government's current PV rebate scheme, and its new solar credit scheme from the middle of this year, will help to reduce the up-front costs but they will still remain high. Our premium feed-in tariff is designed to work with the commonwealth incentives. The new solar credits will provide an incentive for the first 1.5 kilowatts of a qualifying system.

We have gone further than that by allowing systems of up to 3.2 kilowatts to qualify. We believe this will cover more than 98 per cent of solar PV systems in Victoria. As I said earlier, we do not intend this to be a scheme under which greedy people can make huge profits that Victorian working families have to fund.

I now turn to legal certainty. There has been some initial confusion over the credit-not-cash element of the bill, and over the 12-month period. Firstly, let me explain that the scheme is designed to provide certainty to participating households and to avoid lengthy legal challenges. Section 90 of the commonwealth constitution effectively bans states from imposing duties and excises. Members have questioned why the South Australian and Queensland schemes are not covered by the same legal issues.

My response to this is very clear. Differences with the South Australian and Queensland schemes may reflect underlying differences in the contractual and institutional arrangements in those states for distributors, retailers and customers. But regardless of what is happening elsewhere, this bill has been drafted so as to provide a sound legal basis for the premium solar feed-in tariff scheme to operate right here in Victoria. We are not prepared to introduce a law that would later be revoked for being unconstitutional.

Modelling has shown that on average customers will get a benefit of about $600 per year from this scheme — $300 being the premium feed-in tariff they receive and another $300 in savings from reductions in the rest of their power bill. With an average bill of around $1200 per year and the average benefit of $600 per year, in practice the credits will be used by almost all households within a 12-month period. So the cash-or-credit issue is really irrelevant to the overwhelming majority of people. It is important to note that the bill is the legislated minimum offer only, and retailers are free to offer better terms and conditions if they choose. It could be that customers will be able to find retailers who will pay out cash if they are in the small minority that do not fully use their credits.

We believe our proposal has struck the right balance in providing a good deal for Victorian households. We believe it is fair, that it will encourage take-up and this bill ought to be supported.

Motion agreed to.

Read second time; by leave, proceeded to third reading.

Third reading

Motion agreed to.

Read third time.

TRANSPORT LEGISLATION GENERAL AMENDMENTS BILL

Second reading

Debate resumed from earlier this day; motion of Ms KOSKY (Minister for Public Transport); and Mr MULDER's amendment:

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

(1) take into account any issues arising from the examination of all documents regarding the Southern Cross station development which, for this purpose, should immediately be made publicly available; and

(2) retain the remaining amendments.'.

Mr WAKELING (Ferntree Gully) — It gives me pleasure to rise to speak on the Transport Legislation General Amendments Bill 2008. This is an omnibus bill which seeks to amend a number of provisions dealing with issues in the transport area, including taxicab licence transfers. It abolishes the Southern Cross Station Authority, provides for access by road authorities undertaking works on railway land and allows for young persons to be directed to undertake education courses in lieu of being fined for public transport offences.

I strongly support the reasoned amendment moved by the member for Polwarth, who clearly articulated his position in his contribution. The opposition has a major concern with the handling of the Southern Cross Station development with respect to the issue of documentation. It is our understanding that documents pertaining to this development have been submitted to the Public Record Office of Victoria and will not be accessible for a period of up to 50 years. It is our understanding that cabinet documents are placed in seclusion for a period of 30 years, so one has to ask why Victorians will have to wait 50 years before they can access these documents. The current Premier will be nearing his centenary before these documents are available for reading. We do not know what the government has to hide. We have called for all issues relating to this development to be taken into account by allowing all interested persons the opportunity to examine all relevant documents with regard to the development. After the documents have been made available the issues pertaining to the station authority can be dealt with.

The bill transfers all its functions, including as overseer of the trade union-backed lessee Southern Cross Station Pty Ltd, to the director of public transport. As has been mentioned by members on this side of the house, we have concerns as to the lack of transparency of process. It behoves the government to demonstrate its transparency on this issue by ensuring that all relevant documents are made available so that for the benefit of all Victorians there will be some surety as to what has transpired at Southern Cross station. As we know, Southern Cross station is the former Spencer Street station.

I recall reading in the paper that the former Minister for Transport woke up one day with a brainwave and decided he was going to change the name of Spencer Street station to Southern Cross station. With that came an upgrade of the station, and although any Victorian would certainly support any improvement to public transport infrastructure members of my community who use this station still raise concerns about the way it is being developed, the delays and the fact that it has not met all requirements. One has only to go down to Southern Cross station to see that delays are still occurring years down the track in terms of its final completion.

Furthermore, the bill seeks to provide for the transfer of taxicab licences. I know in my community there are concerns relating to the operation of maxicab licences and particularly their accessibility for people with disabilities. A number of residents in the Ferntree Gully electorate rely on these cabs to assist them in accessing daily services. It is imperative that this government act on this very important issue, which on behalf of concerned residents I have raised previously with the Minister for Public Transport. More needs to be done.

The bill provides for access by road authorities to railway land, which will allow the director of Public Transport Safety Victoria to override rail infrastructure managers if access for proposed road-related works on railway land is being unreasonably denied. It also extends the operational performance fine regime to outsiders such as contractors, so if a third party such as a contractor causes delays to rail services, that entity's contract may provide for the third party to be subject to fines.

The bill contains a provision to vary the way in which juvenile offenders are dealt with for fare evasion. It is our understanding that the bill enables the referral of offenders to Fare Enough, an educational program that is an alternative to their being fined for a public transport-related offence. We are willing to look at a range of options that are available to the judiciary to ensure that the most appropriate penalties are being meted out to offenders in this state, but we will have a watching brief on operations like this. Whilst we want to achieve outcomes according to the appropriateness of fines, we also need to ensure that at the end of the day we are not watering down the penalties meted out to Victorians who commit crime. The bill makes changes to the lessee of the rural rail network which reflects the takeover by V/Line of the rural rail network lease from Pacific National, formerly Freight Victoria, in May 2007.

As I said, the opposition has concerns with this bill, particularly with respect to the Southern Cross station development. We do not think it is appropriate for the

documents in question to be locked away from the eyes of Victorians in the Public Record Office facility in North Melbourne for 50 years. The government should make the documents public. Let us go through the process openly and honestly, and then we can deal with these issues more appropriately.

Mr SEITZ (Keilor) — I rise to support the Transport Legislation General Amendments Bill 2008. Clause 1 sets out the purposes of the bill, which are: to amend the Transport Act 1983 in relation to authorisations, transfers of licences and the regulations relating to taxicab equipment; to amend the Rail Corporations Act 1996 in relation to the pricing principles order, civil penalty provisions and the abolition of the Southern Cross station authority; amend the Rail Safety Act 2006 in relation to safe arrangements for the conduct of works on rail land; to amend the Children, Youth and Families Act 2005 in relation to programs for families and youth; and to make a consequential amendment to the Borrowing and Investment Powers Act 1987. This is an eminently sensible bill which will progress the government's development of infrastructure and education programs for children and juveniles.

Currently there is no option for that. On many an occasion that option would help a lot more than having to deal with a criminal process or a penalty which has to be paid by the offender's parents on their release. This will provide a far greater education for young people when they deviate and do not pay or behave themselves while using the public transport system. I find this education process absolutely important — we do it for drink drivers and many other people. We can start with our youth and re-educate them rather than simply saying, 'The parents will pay the fine', which allows the youths to get away with it and do it again next time; that is a disadvantage. Education is important for our society.

Rail safety is naturally an important part of this bill and particularly for people using railway land. It is an important question because at times VicRoads or other private contractors need access to do the work over the bridges on the railways or they need to liaise with shopkeepers who have land abutting railway land that was leased in years gone by and was far too close to railway stations or tracks. Private contractors need access to do maintenance work. There needs to be a fairer judgement and apportionment carried out and somebody needs to have the power to adjudicate whether people can have access to land to carry out maintenance, repairs and building works on railways, which is important.

I have been witness to that with the great grade separation at Taylors Road, St Albans, and the duplication of Kings Road, Taylors Lakes, which involved a number of private authorities and contractors who needed to access railway land. The Minister for Public Transport carried out a fantastic job in my electorate, and I thank her for that, but it also took some time for people to understand why that project took quite a while. A number of different contractors and different authorities were involved. The cooperation that took place between the authorities and the private contractors was tremendous — I monitored it very closely at all times, because these were very significant projects in my electorate.

Some of the neighbours, particularly on one section, were not too happy about having material and trucks so close to their back fences, but the fact is that their back fences abutted the railway land. It was quite appropriate that the land be used, and it was used only for the construction period. Everything has now been reinstated and everybody is quite happy and pleased, particularly the Taylors Road residents who can now drive out of their driveways onto Taylors Road without having to wait 10 to 20 minutes. That has been a tremendous job for that community and is a typical example of why this legislation is needed — to see that there are not undue delays or higher expenses for leasing or renting a yard for workers and machinery when railway land is the only land available in the area.

I commend the minister for bringing this bill into the house. With those few words I say that changing the name, abolishing the Southern Cross Station Authority and bringing it back under the director of railways is another important step in bringing it all together into one system. I commend the minister for the bill and wish it a speedy passage through the house.

Dr NAPTHINE (South-West Coast) — I rise to speak on the Transport Legislation General Amendments Bill, which other members have described quite correctly as an omnibus bill. I want to concentrate on a couple of clauses. Clause 8 abolishes the Southern Cross Station Authority, and I want to make two comments with respect to that. Firstly, the best thing we can do with Southern Cross station is change it back to its proper name. Let's go back to calling it Spencer Street station. It is Spencer Street station because it is located on Spencer Street. That is what people know it as.

Ms Kosky interjected.

Dr NAPTHINE — The Minister for Public Transport should know that around the world, stations

are generally named after their locations so people can find them easily. If the minister played Monopoly, she would understand that stations are traditionally named after their locations. The opposition believes that Southern Cross station should be changed back to Spencer Street station — because that is what it is.

Ms Kosky interjected.

Dr NAPTHINE — The minister says 'Talk about age!'. Let us talk about the 50 years of secret state the minister is introducing with this legislation. This is a government that said it was going to be honest, open and accountable. What we find under this legislation is that the financial arrangements that deal with Southern Cross station have been put under lock and key away from public scrutiny for 50 years. As the member for Polwarth said before, in 50 years time the Premier will be 105!

The member for Warrandyte, whose 40th birthday is today, will be 90. The sport minister's baby, which is supposedly being born today, will be 50. That baby will be 50 before these documents will see the light of day and reveal the dodgy funny money deal with regard to this project. In fact, the Minister for Public Transport will probably be 75 in 50 years time when these documents are finally released to the public for scrutiny.

I think the precedent that has been created here is absolutely extraordinary because the next thing you know, the government will be in here with the Frankston bypass issue, wanting to put that dodgy funny money deal into a 50-year locked vault so that people cannot scrutinise the actual cost of the scheme as opposed to the cost of public funding, public borrowings or alternative funding mechanisms. I say that is not honest, open and accountable government, and this bill ought to be condemned because of the 50-year lock-up of those documents. That is why I support the reasoned amendment moved so ably by the member for Polwarth.

I also want to refer to clause 9, which relates to the return of rail infrastructure from Freight Victoria to V/Line Passenger Pty Ltd. I want to refer to it with respect to rail standardisation. Standardisation of our rail freight lines has been an issue for a number of years in this house, and it has been an issue that has been raised with both the Brumby Labor government and previously the Bracks Labor government. On 30 May 2001 the current Premier, then the Treasurer, was quoted as saying with respect to rail standardisation:

> … a key initiative in the budget brought down in this house two weeks ago was the provision of $96 million over the next few years for the regional freight links program to provide standardisation of the rail freight gauge right across Victoria, but particularly linking Mildura to Portland.

He said further:

> This outstanding investment, dragging the rail system into the 21st century, will secure the development of the emerging mineral sands industry in Victoria's north-west. It is estimated that up to 1 million tonnes of mineral sands will be shipped from the north of the state down through the port of Portland in the next five to seven years.

Then he skited that this only took two years under the Bracks government. Guess what? That was 30 May 2001 and now we are up to nearly May 2009, eight years later, and not 1 centimetre, not 1 millimetre of track on the Mildura–Portland line has been converted to standard gauge under this program. That was supposedly the highest priority eight years ago, and it was going to happen immediately. The Premier, the then Treasurer, failed. He broke his promise to the people of western Victoria. He said it was the most important infrastructure for western Victoria and that we would have the Maroona–Mildura rail line standardised to allow mineral sands and grain to come down. I support him in those comments. The problem is that he failed to deliver. He made the promise and absolutely failed to deliver. On 18 June 2002, some 12 months later, the then Minister for Transport, in a press release, said:

> More than 300 tonnes of steel rail have already been delivered … and a further 2000 tonnes are on the way.

He went on to say that in addition to the $3 million order of steel rail 12 contracts had been awarded. He also said:

> The Liberal and National parties … failed to deliver any progress on this project during seven years …

Guess what? We are now up to seven years and the Labor government has not delivered anything on this project. We had $3 million worth of steel — 300 tonnes of steel — and we do not know what has happened to it, because it certainly has not been used in a rail standardisation project in western Victoria. It is relevant to this bill because on 4 May 2004 in this house the then Minister for Transport said:

> … there were a number of rail projects which this government wanted to proceed with for which we have not been able to conclude arrangements with Freight Australia.

He blamed the arrangements with Freight Australia. On 14 September 2005 he said:

> … we, as a government, cannot upgrade lines that are not under our control.

It did not stop them making the promise, because the rail lines were under Freight Australia's control when they made the promise. They big-noted themselves about rail standardisation, and then they blamed Freight Australia. But the then Minister for Transport was undermined by his own comments, because in the *Weekly Times* of 14 December 2005, after he had spent months and months and years blaming Freight Australia for the delays and the failure to deliver on the rail standardisation promise, what did he say in a letter to the editor? He said:

> … so far the government has enjoyed a constructive relationship with Pacific National and is engaged in constant dialogue with respect to improvements in the network and the provision of both passenger and freight services.

He is trying to have a bob each way. He says they have a great relationship, but when he is asked why he cannot deliver on the promises for rail standardisation, he blames Freight Australia and Pacific National. The reality is that the government made a promise to the people of western Victoria and to the people of Victoria that it was going to standardise the rail freight system across this state. It said it had allocated $96 million for that very purpose, but it simply has failed to deliver. It has broken its promise; it has lied to and deceived the people of Victoria, particularly the people of country Victoria. Is it any wonder that we have more trucks on the road? Is it any wonder that we cannot get a rail freight system that efficiently services the port of Portland? The Labor government simply broke its promise.

Labor made a promise in 2001 which it simply has not delivered. Now this government wants to put super-monster trucks on the roads in south-western Victoria — roads that are simply not up to the task. The government wants to put longer, heavier, larger trucks — super-monster trucks — on the roads in south-western Victoria without making sure there are adequate passing lanes and adequate shoulders and without making adequate investment in our highways and our road networks, simply because this government has failed to continue to invest in the rail network.

It is not as though the government was not aware of the need for that investment. It promised that investment way back in 2001. The then Treasurer and Minister for State and Regional Development, the present Premier, said that the budget had allocated money for rail standardisation in 2001. And here we are eight years later and not 1 millimetre, not 1 centimetre of the track on the Portland–Mildura line, which he said was the first priority, has been converted to standard gauge. The government stands condemned for its failure to deliver on rail standardisation and on rail freight services right across regional and rural Victoria.

Mrs VICTORIA (Bayswater) — I rise to speak on the Transport Legislation General Amendments Bill 2008 and want to discuss some of the major points. This is, as some have described it, an omnibus bill which has various purposes including to amend the system for taxicab licence transfers; to abolish the Southern Cross Station Authority — we will get back to that one in a second; to provide for access by road authorities undertaking works on railway land; and to allow for young people to be ordered to participate in education courses in lieu of being fined for public transport offences.

There are a couple of different matters there that I would like to talk about. One is the abolition of the Southern Cross Station Authority. Many of my colleagues have spoken about this today, and I think we all have exactly the same concern, and that is the transfer of all of the functions of the authority to the director of public transport. One of the problems here is that all of the documentation in regard to the redevelopment and the rebuilding, and indeed the building of the station, has been locked away at the Public Record Office for some 50 years. This is not standard practice. Cabinet documents are locked away for only 30 years.

One would have to ask why 50 years is a significant period to this government. What is it that is being hidden? In 50 years who is going to want to know this sort of thing? As my colleague the member for South-West Coast rightly pointed out, the member for Warrandyte is celebrating his 40th birthday today and by the time these documents are available he will be 90 years old — and will probably be a great grandpa and loving it.

You have to ask: what is the government hoping to hide by locking these documents away for 50 years? There was a change in the make-up of the consortium from when the development first started to what it looks like today. It started off as Civic Nexus and went through various changes, and it has ended up in the hands of Industry Funds Management, which most would know is a union superannuation fund. I have to say this process of transformation between the two organisations was kept deathly silent.

One thing that really worries me as a politician is that because so many people believe politicians are inherently dishonest, we are all tarred with the same brush. This inherent distrust about what governments

do with taxpayers money — this stereotype — is being fed by this type of secrecy. I believe this is something we should all stand up against. It is certainly not the way I want my children or grandchildren to remember their mother or their grandmother, as a dishonest politician, and I would think that no member of this house would want to be remembered in that way. Why on earth the government would want to hide something away from taxpayers for 50 years is quite beyond my understanding. After all, it is taxpayers money.

The government often says that it chooses to be open and accountable, and I think this is very strange because I do not see it as open and accountable.

Ms Kosky interjected.

Mrs VICTORIA — The minister would ask the question about terrorism, Acting Speaker. I am not sure that terrorism has anything to do with why the documents have been locked away for 50 years.

The ACTING SPEAKER (**Mr Ingram**) — Order! The member should not respond to interjections and the minister should help the Chair by not interjecting.

Ms Kosky — I am trying to help her understand.

Mrs VICTORIA — I am fine.

There has been further silence from the government about disbanding the authority, leaving basically nobody open to be scrutinised on past practices of the authority. Of course select committee hearings have been established and one hopes people would be accountable and able to appear at those hearings, but certain people within the authority will be taken off to different departments and then nobody will know who to blame or even to question if we seek answers on the many questions that have been brought up about the Southern Cross station. I think this is an appalling abuse of privilege. I do not back locking away any public documents for 50 years.

One of the other items in this bill is the renewal of authorised officers' authority. I think this is a good move. Certainly we need to make sure that any authorised officers are totally above board. They need to go through a scrutiny of their background and character before they are allowed into the job — although I am not quite sure why this is being legislated; it should be part of their workplace agreement or whatever it is that they have there. It seems logical that ongoing checks should be part of that process.

I want to touch briefly on the Children's Court registrars being able to refer juvenile offenders to education courses. Again, I think this is a beneficial component of the bill. Although these registrars lack full judicial powers they can now go on to refer offenders to diversion programs like Fare Enough. I am certainly a keen supporter of diversion programs where recidivism rates have been proven to drop considerably. This education program is an alternative to being fined for a public transport-related offence, but initially it was set up to deal with what were known as vulnerable transport offenders.

According to the government's 2008 report *Improving Options and Reducing Barriers — Addressing Transport Disadvantage — A Status Report,* the Fare Enough program was introduced:

> … to reach vulnerable transport offenders (such as those suffering mental illness or homelessness) who find it difficult to comply with their obligations as public transport users. The Transport Act 1983 was recently amended to allow the courts the option of sentencing public transport offenders to attend an approved public transport education program.

The report goes on to say:

> The Fare Enough! program provides a choice of two education programs aimed at instructing disadvantaged and vulnerable people on the safe and legitimate use of public transport. The course also aims to improve the understanding of both the role of authorised officers on the system as well as the expected behaviour of passengers.

As I say, I am very much in favour of diversion programs. I do not particularly want anybody to have a record for a minor misdemeanour, but I hope the increased workload this will put onto the providers of the education programs has been taken into consideration because fare evasion is incredibly high. Fare evasion accounts for something like 96 per cent of charges for the offence of deception against defendants in the Children's Court, so there could be 3000-odd young people coming through the Fare Enough system. Again, I hope the TAFE colleges that run these programs can handle the increase.

I very much support the reasoned amendment. We need to be mindful of the way we are perceived as politicians and the fact that this bill leaves us open to criticism. It certainly leaves the government open to criticism, and even though this is not an opposition bill, I believe all politicians are invariably tarred with the same brush. I commend the shadow Minister for Public Transport for putting forward his reasoned amendment, and I hope the government sees sense and withdraws this bill for redrafting.

Mr LANGDON (Ivanhoe) — It is with great pleasure that I add my contribution to the debate on the Transport Legislation General Amendments Bill. As has been said by many members, it is an omnibus bill that covers a large number of issues. One of them is the Southern Cross station, and many members have spoken at length about that station and its development. It is that aspect of the bill that I wish to concentrate my contribution on.

I am a regular user of public transport, in particular to go to the football at Docklands — I will say Docklands, because I never can keep up with the name of the stadium — to watch a great football team, although it has had better days. The station has improved enormously. The authority that was set up and the work that was done under this government have greatly enhanced what in my opinion for many years looked like a Third World station. Having caught trains to and from Sydney in the past, I can say that the old Spencer Street station was ugly. It needed a major upgrade and a new concept. I know people have commented on how the new station was designed. I think it is an outstanding design and an outstanding station. You are moving in today's society. It is a fabulous station. Getting off the train to go up to the stadium is a pleasure. As I said, this bill winds up the Southern Cross Station Authority and transfers its powers to where they belong, the Department of Transport.

Public transport has greatly improved across the state. Many things have been done. The train service from my electorate into Southern Cross station is a prime example, with the duplication of the railway bridge between Westgarth and Clifton Hill stations. In the future I am sure more trains will be scheduled to enhance the whole public transport system. I am aware that the minister wishes to sum up on the bill, so I will commend the bill to the house, reject the opposition's amendment, and wish the bill a speedy passage.

Mr MORRIS (Mornington) — It is a somewhat unexpected pleasure to be able to speak on the Transport Legislation General Amendments Bill 2008, which has a loose thread about transport in it. But it is not only about that; it is also about some issues directly related to the transport network, and the amendments to the Rail Safety Act are of that nature. It also raises a number of other issues, including the way we regulate the provision of public services by private operators — and I am of course talking about taxis — and the way we provide physical and social infrastructure, both of which need to be provided by the government, particularly the state government.

I refer to the abolition of the Southern Cross Station Authority. It also raises issues about how we enforce the laws of the state and, indirectly, how the state is able to maintain good public order and good public safety — and I refer to the changes to the children's and young persons' infringement notice system arrangements.

But there are two subtexts to the bill. One is that much of it is a series of ineffectual responses to the very real transport crisis that bedevils this state. It is more of the same, and it is too little and too late. We are fiddling at the edges, we are talking about plans — we are not really doing anything to fix the services we have. The other subtext is the culture of secrecy we see growing day by day with this government. It is a culture of locking information away and getting it out beyond the community's reach.

As other members have mentioned, the premise of honest, open and accountable government, which we heard so much of from the Premier when he was the Leader of the Opposition and from the Deputy Premier when in opposition, simply does not exist. I do not really think there was ever any intention to bring in a regime like that and to present it that way. As time has gone on, the process has unravelled even further. There is also a culture of appointing a so-called advisory body — that is, someone else to blame.

One of the basic principles of our system has to be ministerial accountability, not simply for the specific actions of the ministers but also for the actions of the people they appoint. Unfortunately that part of the system seems to have been set aside under the present regime. Nowhere is this more evident than in the arrangements that have been made for the Southern Cross station and the decision to lock away the documents for more than 50 years. As the member for Polwarth has detailed the history, and given the lack of time, I will not go into that, but there has been a chequered history with this development. The reasoned amendment that has been moved, if supported, would go some way to opening up to public inspection this whole process, and it is one that I fully support.

Whatever we think of public-private partnerships or build, own, operate and transfer processes, or whatever other mechanisms we might put in place, the reality is that they are here to stay. The precise form will vary, the mix of public and private and the mix of public investment will vary, but they are here to stay. We are dealing with public money, and we are constructing public facilities to benefit the public of this state. It is important that when those sorts of activities are

undertaken, the process is transparent, accountable, honest and clearly available for public scrutiny.

Business interrupted pursuant to standing orders.

The ACTING SPEAKER (**Mr Ingram**) — Order! The time set down for consideration of items on the government business program has arrived, and I am required to put the following questions.

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

Ayes, 48

Andrews, Mr	Kairouz, Ms
Barker, Ms	Kosky, Ms
Batchelor, Mr	Langdon, Mr
Beattie, Ms	Languiller, Mr
Brooks, Mr	Lim, Mr
Brumby, Mr	Lobato, Ms
Cameron, Mr	Lupton, Mr
Campbell, Ms	Maddigan, Mrs
Carli, Mr	Marshall, Ms
Crutchfield, Mr	Morand, Ms
D'Ambrosio, Ms	Munt, Ms
Donnellan, Mr	Nardella, Mr
Duncan, Ms	Neville, Ms
Eren, Mr	Noonan, Mr
Foley, Mr	Pallas, Mr
Graley, Ms	Pandazopoulos, Mr
Green, Ms	Pike, Ms
Hardman, Mr	Richardson, Ms
Harkness, Dr	Robinson, Mr
Helper, Mr	Scott, Mr
Herbert, Mr	Seitz, Mr
Howard, Mr	Stensholt, Mr
Hudson, Mr	Thomson, Ms
Hulls, Mr	Wynne, Mr

Noes, 33

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

Amendment defeated.

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

MAJOR SPORTING EVENTS BILL

Second reading

Debate resumed from 1 April; motion of Mr MERLINO (Minister for Sport, Recreation and Youth Affairs).

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

FAIR TRADING AND OTHER ACTS AMENDMENT BILL

Second reading

Debate resumed from 1 April; motion of Mr BATCHELOR (Minister for Community Development); and Mr O'BRIEN'S amendment:

That all the words after 'That' be omitted with the view of inserting in their place the words 'this house refuses to read this bill a second time until all stakeholders are properly consulted and serious inherent problems with the bill are resolved including:

(1) inconsistency with agreed Council of Australian Governments policy framework on uniform consumer credit law and unfair contract terms; and

(2) the lack of guidelines concerning the exercise of the director's discretion to initiate proceedings in the County or Supreme courts, including where test case funding should be made available to affected parties.'.

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

Ayes, 49

Andrews, Mr	Kairouz, Ms
Barker, Ms	Kosky, Ms
Batchelor, Mr	Langdon, Mr
Beattie, Ms	Languiller, Mr
Brooks, Mr	Lim, Mr
Brumby, Mr	Lobato, Ms
Cameron, Mr	Lupton, Mr
Campbell, Ms	Maddigan, Mrs

Carli, Mr
Crutchfield, Mr
D'Ambrosio, Ms
Donnellan, Mr
Duncan, Ms
Eren, Mr
Foley, Mr
Graley, Ms
Green, Ms
Hardman, Mr
Harkness, Dr
Helper, Mr
Herbert, Mr
Howard, Mr
Hudson, Mr
Hulls, Mr
Ingram, Mr
Marshall, Ms
Morand, Ms
Munt, Ms
Nardella, Mr
Neville, Ms
Noonan, Mr
Pallas, Mr
Pandazopoulos, Mr
Pike, Ms
Richardson, Ms
Robinson, Mr
Scott, Mr
Seitz, Mr
Stensholt, Mr
Thomson, Ms
Wynne, Mr

Noes, 32

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

Amendment defeated.

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

HUMAN SERVICES (COMPLEX NEEDS) BILL

Second reading

Debate resumed from earlier this day; motion of Mr ANDREWS (Minister for Health).

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

Remaining business postponed on motion of Mr BATCHELOR (Minister for Community Development).

ADJOURNMENT

The SPEAKER — Order! The question is:

That the house do now adjourn.

Small business: fair payments policy

Ms ASHER (Brighton) — The issue I have is with the Minister for Small Business. The action I am seeking of him is to provide a comprehensive annual report on the program called the fair payments policy. In the government's small business statement dated August 2006 one of its actions was to institute this so-called fair payments policy. It was also an election promise in 2002 and 2006. This policy ensures that the government pays its bills on time — that is, within 30 days — and if it does not, the government is liable for a penalty interest payment.

The Auditor-General reported on the government's performance on paying its bills in a report of August 2004 and found that the government's performance on paying bills was abysmal. In a study spanning the period 1 July 2003 to 29 February 2004 over 32 000 bills were paid late by the government, which represented 23 per cent of all government bills. The government clearly had a problem — certainly it had one in 2004 — regarding the payment of its bills.

It was of interest to me when I read a press release from the Minister for Small Business which said that the fair payments policy had been working effectively. In a glossy brochure put out by the minister he referred to the fact that there had been a comprehensive review — as he called it — of the first 12 months of the policy which found that late payments had 'declined significantly'.

However, the problem for the minister — and this is why I am calling for an annual comprehensive statement — is that it is impossible to know on the evidence available whether the policy is successful or not. Whilst the ministers have disclosed that there were three instances of penalty interest having been paid by government departments and authorities, one minister — and I highlighted that in the house this morning — said no information at all was available.

I do not know how the Minister for Small Business can claim this policy is a success if one minister is quite ready to disclose that there is no data available at all. Again, the issue was also disclosed by the Premier in his answer when he made it clear that the onus is on the supplier to make a claim for penalty interest payments.

I suggest also that in the report the minister might indicate how widely this information has been distributed to small businesses. I would have thought that if the policy were successful, there would have been a complete transformation of this government's behaviour. I suspect that is not so. I suspect this is another bit of spin and fudging, and I call on the minister to release an annual comprehensive report.

Frankston: reservoir park

Dr HARKNESS (Frankston) — I raise a matter for the attention of the Minister for Environment and Climate Change. The action I seek from him is that he finalise arrangements for the ongoing management of the Frankston Reservoir reserve and provide advice on this matter accordingly. As I have informed the house previously, the Frankston Reservoir reserve is a 98-hectare site located in Frankston South and surrounded by houses. The site contains a variety of important indigenous flora and fauna, some of which are endangered. The Frankston Reservoir had been used to store drinking water for Frankston. However, this has been replaced with a 53-megalitre storage tank which now provides Frankston residents with much better quality drinking water.

Appropriately, the former Minister for Water, Environment and Climate Change established a working group to investigate and report on issues and opportunities for this vitally important and ecologically significant site. Following this investigation, Frankston City Council was tasked with the responsibility of drafting a management master plan, which occurred through its officers, a consultant team and local residents and friends groups. Many residents are absolutely thrilled that Frankston will finally have a public reserve of immense significance, with perhaps a network of walking tracks so that the public can enjoy the beauty of one of the most pristine locations on the Mornington Peninsula.

Frankston City Council knows a good project when it sees one, and I am pleased it has recognised the importance of this site. I am confident that this support will continue as the project progresses and becomes a reality. The time has now arrived, however, for the Frankston council to indicate once and for all whether it is interested in being appointed as a committee of management or in being represented on a committee of management. It is appropriate that the minister provide council with an opportunity to participate in this way by managing this vital site into the future and ensuring its long-term conservation.

Should council decide not to be involved either as a committee of management or as a representative on a committee of management, the minister, through the Department of Sustainability and Environment, ought to approach other organisations and individuals to form a committee of management. A manager for this site is required as soon as possible so that much-needed hydrological works can be undertaken and other necessary requirements can be implemented, which will allow public access to this jewel in Frankston's crown.

Frankston residents are eagerly awaiting the opening of the Frankston Reservoir reserve to public access. What is needed now is a site manager to be appointed as quickly as is possible. Of course, given the strong interest of the council in this site over recent years, it is appropriate that it be provided with the opportunity to determine its involvement. However, should it not be the desire of council to manage the site, I request that the minister appoint a committee of management comprised of persons with the necessary skills, expertise and experience to ensure that the conservation values of this site are protected for many generations to come whilst also allowing public access for the first time.

Small business: government charges

Mr JASPER (Murray Valley) — I raise a matter for the attention of the Minister for Small Business and seek his urgent support to assist with the financial difficulties being faced by a huge range of small businesses across Australia but particularly in Victoria. I preface my comments by referring to an article in the *Australian* of 21 March which expresses the belief that 100 000 small businesses within Australia will go broke or out of business over the next 12 months because of the financial difficulties facing Victoria and indeed Australia.

I also refer to the front page of today's *Australian Financial Review*, where it states:

> The Rudd government will use the May budget to offer more support for the nation's 2 million small businesses in an effort to stem a decline in corporate investment and build on a $2.7 million tax break due to end this year.

I was led to bring this to the attention of the house because of a letter I received from a small business operator within the rural city of Wangaratta. I will read

the first paragraph of his letter, because I think it is important. It states:

> I am just one of the many small business operators in Australia. Over the past 20 years, both local, state and federal governments have been burdening and penalising small business with ever-increasing financial demands …

The letter then lists 18 areas of concern where there have been increases in charges and penalties for small business. I will mention some of those 18 issues the operator raised: an increase from $1500 to $3500 in state government licence fees; an increase of some 200 per cent in state government land tax; time-and-a-half pay rates for people operating on Saturdays; double-time pay rates for people working on Sundays; double-time-and-a-half pay rates for public holidays; holiday pay, plus loading; long service leave; superannuation at 9 per cent; and payroll tax on superannuation. He goes on to mention in this list of 18 issues other areas where there have been increases in penalties and charges for small business.

I believe the minister needs to have a look at what he can do to provide special assistance for small business going into the May budget, which will be presented in this house. There is urgent action that could be taken by the government to assist the thousands of small businesses across Victoria that are suffering not only because of the penalties that are described in the letter I read from but because of the financial problems being faced within Victoria and right across the world.

I ask the minister to be aware of the difficulties being faced by business, to go out and speak to the small business organisations and to the small businesses in his electorate. I am sure those businesses will vindicate my constituent's claims about the difficulties and the need for urgent government assistance for these small businesses into the future.

Road safety: hoons

Ms MARSHALL (Forest Hill) — I rise tonight to raise a matter for the Minister for Police and Emergency Services. The action I seek is for the minister to work with Victoria Police to ensure that traffic hoons are not tolerated in Forest Hill. I ask that the effectiveness of the current scheme be reviewed and changes implemented as necessary so that the Brumby government's anti-hoon laws remain effective within the Forest Hill electorate and more broadly in Victoria.

The local and state media have continued to report on hoons within and around the electorate of Forest Hill. Just two weeks ago a Burwood East resident was a victim of a traffic hoon altercation at Forest Hill Chase shopping centre. Grievances expressed to me by my constituents indicate that the many wide suburban streets adjacent to major roads make Forest Hill a popular place for hoons to hang out.

The population of Forest Hill itself includes many elderly citizens for whom safety is of paramount importance. The Forest Hill electorate has a higher proportion of people aged 25 to 59 and people who live alone than the rest of Victoria. Data from the Australian Bureau of Statistics suggests that approximately 90 per cent of households within Melbourne own at least one vehicle. It is imperative that all members of our community feel safe on our roads, in our streets and in our shopping centres, especially the elderly. I have liaised with our local police and will continue to liaise with them on any matters that involve them in the Forest Hill electorate, and I thank them for the wonderful job they do in sometimes quite difficult circumstances.

I call on the minister to ensure the continuation of the Brumby Labor government's commitment to providing safe streets for the residents of Forest Hill by continuing to work productively with Victoria Police in providing adequate police resources and numbers. Nunawading police station, which services my electorate, will by extension benefit and be able to continue to be vigilant in regard to hoon behaviour. The continued provision of resources to our police service, tougher laws and increased education in and awareness of driver safety are important to ensure the safety of the people of Forest Hill and all Victorians. I ask the minister to review the current scheme and to ensure changes are implemented as necessary so that there is a continued focus on decreasing the number of hoons on the roads in Forest Hill.

Electricity: infrastructure security

Mr CLARK (Box Hill) — I raise with the Minister for Energy and Resources the need to better protect Victoria's power supply system. I ask the minister to take action to improve threat response communications and other arrangements and to facilitate better physical security at power facilities. The need for action was highlighted by yesterday's bomb scare at a Ringwood substation and by yet another invasion of Hazelwood power station by environmental extremists on Saturday. While the police bomb squad ended up handling the Ringwood situation, media reports suggested that the power company involved was unable to get through to any designated counter-terrorism contact police officer in Victoria.

We have already had a finding by the Auditor-General in January that Victoria's terrorism response system is 'confusing to agencies and hinders coordination'. The coalition parties warned through a media release on 21 January that the government's failure to introduce proper response systems meant that a terrorism response could be undermined by poor coordination and a lack of leadership.

There has also been a series of invasions of electricity supply generators by environmental extremists, both in Victoria and interstate. These are dangerous to protesters and power station workers alike, and threaten to cut off power supplies and cause widespread blackouts. The latest of these invasions was at Hazelwood power station on Saturday, and follows previous invasions at Loy Yang on 3 September 2008 and at Hazelwood on 6 November 2008.

These invasions highlight the need to improve security at power plants and substations to protect not only against extremist protesters but also against terrorism, vandalism, theft of wire and other crucial components. The government needs to facilitate power companies in upgrading their security to appropriate standards and levels both at generators and substations. There has been a long and protracted dispute about a substation security upgrade with Moreland council. Substantial investment in upgrading that substation so as to improve power supply reliability and reduce blackouts hinges on providing proper security for the facility. However, appeals to the minister seem to have hindered the situation rather than help resolve it.

In addition to the action I am asking for this afternoon, the government also needs to introduce clear offences with tough penalties for those who invade or disrupt electricity infrastructure, rather than allow them to treat existing trespass laws with contempt. What happened yesterday and on Saturday gives further support to the calls the power industry has been making for some time on both state and federal governments for better response arrangements, for better physical security standards and for laws that reflect the seriousness of interference with facilities.

In December last year I raised similar problems with the minister. Unfortunately, while the minister at that time supported my criticism of those who invade power facilities, he refused to accept any responsibility for helping to resolve those problems. I hope he reconsiders the situation and in light of recent developments joins in efforts to improve the situation and better protect Victoria's power supplies.

Narre Warren South: women's crisis facility

Ms GRALEY (Narre Warren South) — The matter I wish to raise is for the attention of the Minister for Housing and concerns crisis accommodation for women in my electorate. I ask the minister to ensure that a new women's crisis facility in the southern metropolitan region is built and is easily and conveniently accessible for my constituents in Narre Warren South.

Family violence is a serious issue. While it is not exclusive to any one local area, it is certainly more prevalent in some areas, including in my electorate of Narre Warren South. The city of Casey has a disturbingly high incidence of reported family violence. Casey had approximately 2000 incidents of family violence in both 2006–07 and 2007–08. There are not many local government areas with rates that exceed this number.

The need for crisis accommodation for women and their children who are victims of family violence is clear and has been identified. The Department of Human Services housing and community building office is planning a new women's crisis facility in the southern metropolitan region to respond to women and children who experience family violence. The service will be operated as part of the integrated family violence services in the outer areas of the southern metropolitan region, delivered by WAYSS (Western Port Accommodation and Youth Support Services).

WAYSS is a community organisation funded by the Department of Human Services. It is a diverse organisation in terms of the services it offers. WAYSS offers a family violence crisis service, a domestic violence outreach program and a women's outreach program, to name just a few. WAYSS is already active in my electorate and provides a valuable service to those of my constituents who have found that they are in need of the sort of assistance that WAYSS can provide.

Kim Stowe, a tireless worker from WAYSS, was among the members of a group of service providers, including police, schools and community groups, who recently attended a family violence forum organised by my office. We are all determined to work together to tackle this problem. I really appreciate the efforts of the mayor of the City of Casey, Cr Geoff Ablett, in these endeavours. I look forward to the council's full support.

No woman or child should be subjected to family violence at any level. Everyone has a right to feel safe and secure in their home. The city of Casey's family

violence statistics, which I have already mentioned, speak for themselves. There is an urgent need for crisis accommodation for victims of family violence in my electorate. I ask that the minister ensure that the new women's crisis facility in the southern metropolitan region is easily and conveniently accessible by my constituents in Narre Warren South who are in need of it.

Portland District Health: maternity services

Dr NAPTHINE (South-West Coast) — I raise an issue for the attention of the Minister for Health. The action I seek from the minister is to guarantee the reopening of maternity services at Portland District Health. The people of Portland district community were shocked to read a press release from Portland District Health on 24 March, which states:

> Changes to maternity services at Portland District Health over the next six weeks will mean that delivery of babies at the hospital will stop at least temporarily.

I note the words 'at least temporarily'. This followed a recruitment campaign that failed to find suitably qualified staff; the staff, the GP anaesthetist and GP obstetrician were away on leave and undertaking further training. That was for the initial six-week closure.

The community was absolutely appalled to read a further press release on 31 March, which states:

> At this stage the service closure is temporary but the hospital has warned it will become permanent unless new specialists can be found for the 10 000 strong coastal city.

This is a large city of over 11 000 people, or 20 000 people when you include the hinterland of Heywood and district. It is absolutely unacceptable and unbelievable that when you are looking at more than 200 births a year, you cannot get a birthing service supplied at Portland hospital. The action I call for is for the minister to guarantee that a specialist obstetrician and an anaesthetist will be there to provide essential, safe birthing services for Portland district and the hospital.

The board and staff of Portland District Health are doing everything they can, but they need leadership and assistance from the minister and the government to deliver these essential services.

An honourable member interjected.

Dr NAPTHINE — It is all very well for the member for South Barwon to interject across the table 'Good luck'. The people of Portland district need more than good luck; they need decisive action from the minister to deliver these services. Women and families should not be forced to travel more than 100 kilometres for obstetric and birthing services. This is dangerous, cruel and absolutely unfair to those women and their families.

We need the Minister for Health to get involved. The minister needs to act — and act now — to secure specialists to reopen these essential maternity and birthing services. If that means in the short term the minister must use specialist obstetricians and anaesthetists on rotation from major metropolitan and regional hospitals, then that is what should be done. You cannot leave large country communities of the size of Portland and district without maternity and birthing services. It is absolutely unacceptable and is appalling in the 21st century that the Minister for Health and the government would desert the women and people of the Portland district.

Rail: Marshall car park

Mr CRUTCHFIELD (South Barwon) — I will just correct the member for South-West Coast. I said nothing. I think he needs to look behind him for that comment.

Mr Jasper — It was a good comment, though!

Mr CRUTCHFIELD — The matter I raise is for the attention of the Minister for Public Transport, and the action I seek is that she provide additional parking facilities at the Marshall railway station in my electorate of South Barwon. Marshall railway station has been a grand success ever since its inception. The residents have voted with their feet in terms of patronage of the station, which services a wide geographical area. I have friends from Anglesea who use that station, and certainly residents of Torquay and Barwon Heads commute through Marshall railway station, as do the residents of Grovedale and Marshall.

The Brumby government, and the minister in particular, has presided over significantly improved bus and rail services in my electorate. The minister has received accolades for those services, including the expansion of the platform at Marshall station to allow for a safer drop-off of passengers from the longer trains and to accommodate increased patronage by commuters. Peak hour services to Marshall have increased and there has been a dramatic increase in connections with bus services that complement the train timetable. I am confident those seamless improvements to bus connections with Marshall will continue.

However, we have been victims of our own success at Marshall. A number of residents in the vicinity of the station have complained to me in recent times about rail patrons parking their cars in residents' car parks. Cr Andy Richards, a new councillor in the area, has spoken to me about the need for increased parking facilities at Marshall, and I congratulate him on his professional lobbying of both me and the minister. The Public Transport Users Association in Geelong has also been advocating the expansion of the parking facilities. I look forward to the minister's response.

School buses: fares

Mr THOMPSON (Sandringham) — I wish to raise a matter for the attention of the Minister for Education on behalf of Mr John Clarke, an indigenous Victorian and a respected member of his community. He had earlier sought assistance in relation to bus travel for his five-year-old daughter, Tanisha, who is attending a school 15 kilometres from their home. He has two older sons who attend their closest Catholic secondary college and travel with their sister on the only bus service provided. The boys have travelled on the bus service without charge since the commencement of their secondary schooling.

The bus coordinating school accepted a booking for the three children, which was confirmed by correspondence on 10 December 2008. The letter noted that, as Mr Clarke's daughter was not attending the nearest non-government school, he was required to pay a fare of $130 per term per child. The letter went on to advise that if the bus loadings were too high at the end of the term, Mr Clarke's application may be withdrawn.

Mr Clarke has taken up the matter with both the education department and the bus coordinator and also corresponded with the minister. Mr Clarke further noted that when he was considering the school options in August last year the bus fare was not part of the equation. There was and is only one bus service in the vicinity of his home that travels into the relevant local town. The closest school is in the other direction and, it is important to note, it does not have a bus service for the youngest child to access.

Mr Clarke noted in earlier correspondence forwarded to the minister that he was seeking an opportunity to challenge the policy and the fee structure. Before that time he had not been in a position where he could present a case for the overturning of a policy that does not reflect the realities of rural transport. He went on to say that it also did not complement policies regarding Aboriginal education targets and posed a serious threat to his children's education prospects. Mr Clarke said that his sons are challenged on a daily basis to find a motivational drive to keep them at school and to keep them wanting to attend and yearning to achieve. His daughter has just begun her school life and is too young to conceptualise what this issue may mean for her. However, he fears it will be a realisation for her should she be turned away from the school bus door. Mr Clarke does not believe that is the intent of the policy.

Mr Clarke says his concerns are genuine and very real and that they exist in a home that identifies education as the primary vehicle that empowers all of them to be the best they can be when functioning both within the Aboriginal community and in the wider community in its broadest context. John is a keen and critical thinker. He would like to have the opportunity to directly discuss with the minister and any other relevant ministers how this matter might be wisely addressed in a constructive way. I note that the minister at the table is the Minister for Aboriginal Affairs, and I would be pleased to discuss with him what constructive course of action can be followed that might achieve a fair, equitable and purposeful outcome within the context of indigenous education.

Housing: affordability

Ms CAMPBELL (Pascoe Vale) — The matter I wish to raise this afternoon is for the attention of the Minister for Housing, and it is terrific that he is the minister at the table as I raise this issue. The action I seek from him is that the Victorian government work in cooperation with the commonwealth to make a substantial investment in public and social housing in my electorate.

I am very proud of the fact that the Brumby government is leading the way in expanding housing choices for low-income Victorians through investments in public housing, as well as in schemes such as the National Rental Affordability Scheme, and its commitment to grow the social housing sector across the entire state. However, I believe we need to take further action to increase the supply of affordable housing, especially in the north-western metropolitan area of Melbourne.

The significant increase in rents in metropolitan Melbourne is having a negative impact on the affordability of private rental housing, especially for lower income households. An increasing number of Victorian households are spending in excess of 50 per cent of their income on rent. In the December quarter of 2008 only 6.6 per cent of all new letting across metropolitan Melbourne was affordable to low-income

Victorians. I am sure this is a story that must exasperate the minister. He knows these facts only too well, and I am pleased he takes the matter to heart and argues the case strongly at the commonwealth level.

According to the most recent data the median rent for residences in north-western Melbourne was $300 per week at the end of 2008, and that had increased by 13.2 per cent over the course of the year. Waiting times for public housing are getting longer as increasing numbers of individuals and families fail to secure accommodation in the private rental market. Suburbs such as Pascoe Vale, Coburg, Hadfield and Glenroy are amongst the worst hit in the state, being very popular places to live. The total number of people waiting for public housing in the north-western metropolitan region is 15 208. The Office of Housing office at Broadmeadows, which does a great job, covers a number of suburbs in my electorate and currently has 3183 people waiting for public housing. It is clear to the people of my electorate, and I know it is clear to the minister, that we need to increase stock in this area substantially to meet the demand. This situation has been exacerbated by the global financial crisis, and I ask for urgent attention to the need for affordable housing in north-western Melbourne.

Responses

Mr WYNNE (Minister for Housing) — I thank the member for Narre Warren South for raising this important issue with me. I acknowledge the severity of this problem, and as a Department of Human Services minister I am committed, along with my colleagues, to providing intensive support for victims of family violence and to addressing the root causes of domestic violence. As we know, and as the Attorney-General indicated in a contribution in the house today, domestic violence is the no. 1 reason women seek crisis accommodation in Victoria. According to data from the federally funded supported accommodation and assistance program (SAAP), 62 per cent of clients seeking assistance are female, and women and children experiencing family violence make up around 20 per cent of the SAAP clientele. These figures are disturbingly high.

Whilst new legislation in the form of the Family Violence Protection Act enables more women and children to remain safely in their homes, victims of family violence are sometimes driven out of their homes because of the ongoing threat of violence against them. The most important priority for these women is to find safe and secure accommodation for themselves and their children. Without stable housing, victims of family violence cannot begin to recover from the experience and access the necessary support they need to move forward.

As I am sure the house is very well aware, the Brumby government is leading the way in assisting homeless people. Since 1999 the government has invested nearly $1 billion to address homelessness. In addition the federal, state and territory governments have committed $1.2 billion over the next four years to the national partnership agreement for homelessness, which I have talked about in the house on a number of occasions. We have very ambitious targets to reduce homelessness, in partnership with the Rudd government. However, I can assure you, Speaker, that we are up for that challenge and well on our way to progressing those outcomes.

I was at a meeting of housing ministers last Friday and felt very confident in talking with my state colleagues and federal ministers Macklin and Plibersek that Victoria is very well placed in relation to homelessness and the broader stimulus package.

I particularly want to acknowledge the WAYSS (Westernport Accommodation and Youth Support Services) organisation, which the member for Narre Warren South has indicated is an absolutely first-class service in her area. To build on the significant local accommodation and support responses already in place in the southern metropolitan region I am pleased to advise the member that a new women's crisis facility is planned for the region to respond to women and children who experience family violence. The funds for this facility have been allocated out of the housing and community building capital budget.

The service will be operated as part of the Department of Human Services-funded organisation WAYSS. I have had the opportunity to visit WAYSS on a couple of occasions. This is a fantastic organisation which provides comprehensive support to both homeless people and families who are fleeing domestic violence. I want to acknowledge and place on record my support for the fantastic work WAYSS has done. I know this facility for women in crisis will be very strongly supported in the region not only because there is a significant need there but because we have an organisation such as WAYSS, which will be providing the ongoing support. I commend the member for Narre Warren South for her continuing engagement and advocacy in relation to family violence issues, and I am delighted to have had the opportunity to provide this support to this really great organisation, WAYSS.

The member for Pascoe Vale raised with me a matter in relation to further support for public and social housing within her electorate. As she knows, the government

acknowledges the pressure on both the private rental Market and public housing, because subsequently there is always downward pressure on public housing waiting lists when the private rental market is as tight as it is now. The market has marginally improved from a 4.9 per cent vacancy rate to about a 1.2 per cent vacancy rate, but essentially that means that anywhere within 10 kilometres of where we stand today there are in effect no vacancies in the private rental market. As the member for Pascoe Vale indicated, there has also been a significant escalation in rents of the order of about 13 per cent, which subsequently, as the member quite rightly indicated, puts pressure on the public housing waiting list.

It is a very tight market we find ourselves in, but there are significant opportunities for us going forward over the next couple of years. The first of those is, as the member indicated, the national rental affordability scheme, which I have talked about in the house in the past. This is a subsidised scheme where private rental is put into the marketplace for a period of 10 years at 20 per cent below the market value. In return the investor gets a subsidy of $6000 from the federal government, $2000 from the state government and capital gain over the 10-year period. We believe the rollout of this product over the next couple of years will have a significant impact in the private rental market, and it is something the government very strongly supports.

The second opportunity is the record investment by this state government of more than $500 million in public and community housing in the budget before last, and that money is being progressively spent on projects throughout metropolitan Melbourne and regional Victoria. We should never forget that that record investment by the Brumby government has never been matched by any state government as a one-off investment. That is an extraordinary achievement of this government. I say to the house: what a great time it is to be Minister for Housing. On top of that we have committed $1.5 billion in a partnership with the Rudd government for 5000 housing units over the next couple of years. In the first stage we have $171.5 million to complete 600 units by 30 June 2010. As part of stage 2 Victoria will get $1.3 billion to complete 4400 units by 31 December 2010, so in effect there will be 5000 units of housing on the ground by November 2010. That is a very significant target and an unprecedented investment in public and social housing, and it is something that this government is up for. It is a great challenge for us but one that I can say is going to deliver major economic stimulus, major job outcomes and major social outcomes going forward.

In terms of the member for Pascoe Vale's electorate, the government is particularly looking for opportunities in the areas of Pascoe Vale, Coburg and Hadfield going forward. I think the member can be very confident she can expect substantial outcomes, both from her advocacy for public and social housing generally and also specifically in her own electorate. We are looking for opportunities in her electorate as well as in all of the electorates right across the Melbourne metropolitan area and regional Victoria.

I think we can look forward to being in a position by 2010 where we can point to substantial gains being made across Victoria. That comes on top of significant investment that, as I indicated in my earlier answer, has been made in relation to homelessness and also a maintenance package to support further enhancement of our public housing stock, which we will also be rolling out in the next few weeks. The future for public and social housing and for housing associations going forward is very bright, not only in metropolitan Melbourne and in the electorate of Pascoe Vale but indeed in many electorates across the state.

The member for Brighton raised a matter seeking an annual statement of the fair pay policy from the Minister for Small Business. I will make sure the minister is made aware of that request.

The member for Frankston raised a matter for the Minister for Environment and Climate Change seeking support for the Frankston Reservoir reserve management structure. I will make sure the minister is made aware of that.

The member for Murray Valley raised a matter for the Minister for Small Business seeking special assistance for small business in the budget given the particular issues that small businesses are dealing with at the moment in the very tough economic environment.

The member for Forest Hill raised a matter for the Minister for Police and Emergency Services in relation to hoon driving in Forest Hill, seeking that the minister closely review the current strategies that we have in place to ensure that hoon driving in her area is addressed.

The member for Box Hill raised a matter for the Minister for Energy and Resources in relation to the threat response around the electricity grid, the upgrading of that threat response and the potential for new offences to be put in place for people who seek to sabotage or attack the electricity grid. I will make sure the minister is made aware of that.

The member for South-West Coast raised a matter for the attention of the Minister for Health seeking his support for maternity services at Portland District Health. I will make sure the minister is made aware of that request.

The member for South Barwon raised a matter for the attention of the Minister for Public Transport seeking support for further car parking services at the very well-utilised Marshall railway station. I will make sure the minister is made aware of that matter.

Finally, the member for Sandringham raised a matter for the Minister for Education in relation to advocacy on behalf of a Mr Clarke, I think. The member is not listening.

Mr Thompson — We are talking about the very issue!

Mr WYNNE — Is it Mr Clarke?

Mr Thompson — Yes.

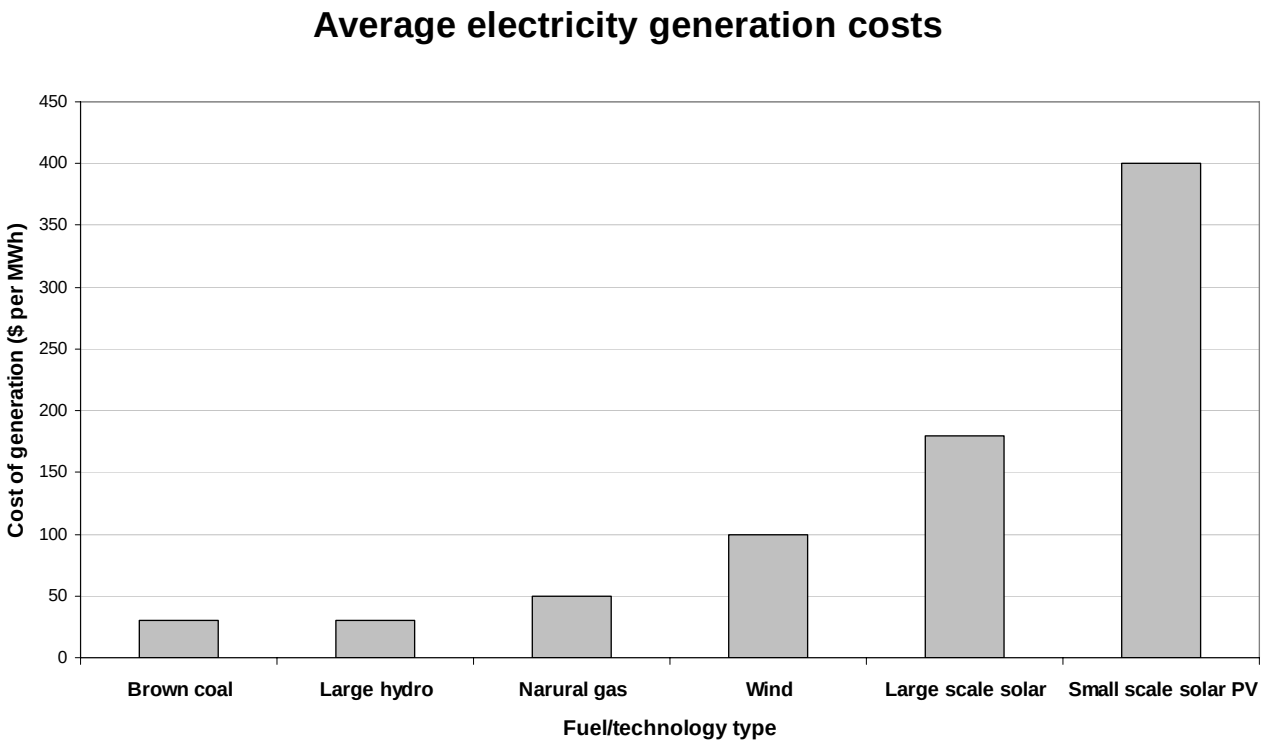
Mr WYNNE — The member raised a matter in relation to issues with access by members of Mr Clarke's family to school buses and the fee structure in relation to that matter. I will make sure the minister is made aware of that. If the member has some other advocacy in relation to this family that he wishes to discuss with me as Minister for Aboriginal Affairs, I will be happy to hear that at a separate time.

Mr Thompson — On a point of order, Speaker, I just wish to draw your attention to the fact that I was covering that very issue with the member for South-West Coast at the time the minister made a reference to my concentration on the matter.

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

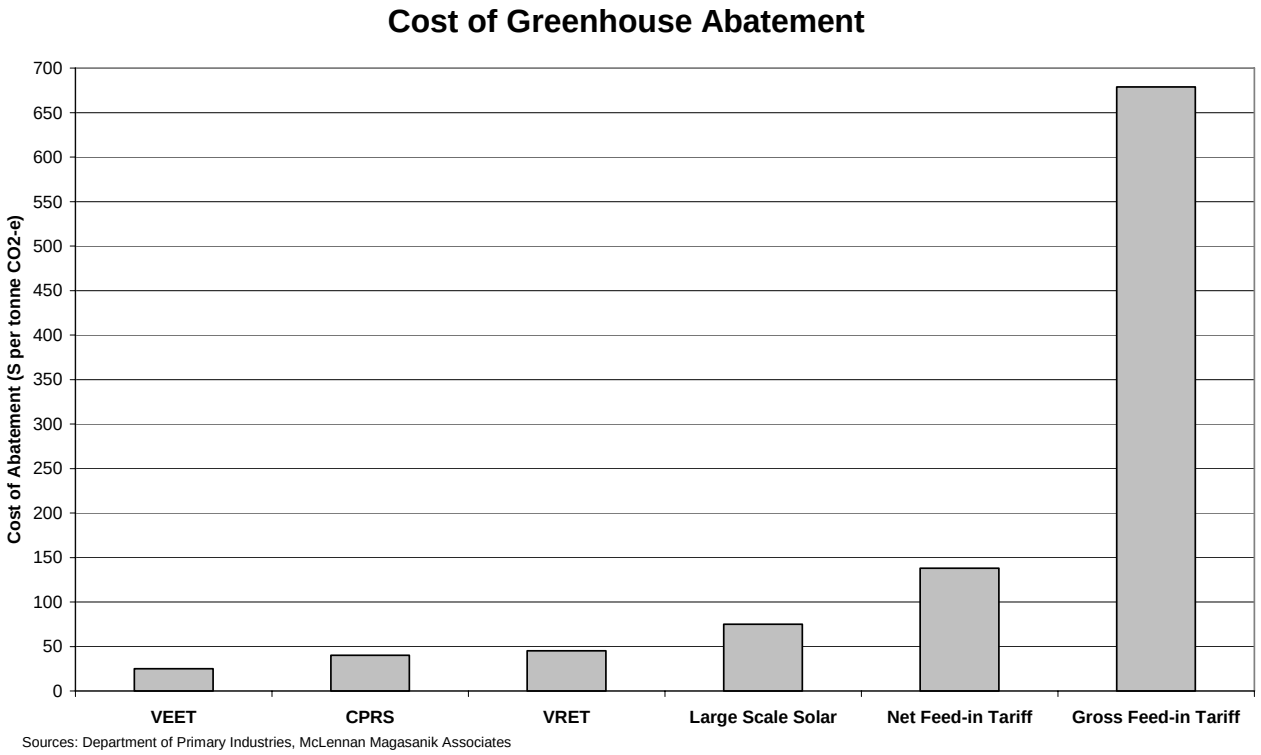
House adjourned 4.55 p.m. until Tuesday, 5 May.

Table 1



Source: Department of Primary Industries, Victoria April 2009

Table 2



Sources: Department of Primary Industries, McLennan Magasanik Associates

Table 3

Installed Solar (PV) Victoria

Year	Total No.	Residential	Community	Grid	Off Grid	Total Watts	Grid Watts	Off Grid Watts
2000	429	429	0	110	319	381,399	132,600	248,799
2001	267	259	8	73	194	281,723	112,728	168,995
2002	230	227	3	100	130	270,078	142,725	127,353
2003	250	242	8	134	116	308,174	183,250	124,924
2004	239	233	6	129	110	284,510	176,830	107,680
2005	257	251	6	139	118	338,296	211,093	127,203
2006	294	287	7	197	97	405,004	305,241	99,763
2007	685	673	12	607	78	1,049,863	965,616	84,247
2008	1,616	1,580	36	1,596	20	2,432,037	2,408,251	23,786
Total	**4,267**	**4,181**	**86**	**3,085**	**1,182**	**5,751,084**	**4,638,334**	**1,112,750**

Source: Department of the Environment, Water, Heritage and the Arts (2009) 'Solar Homes and Communities Plan' watts by month SHCP statistics viewed 27 March 2009

Table 4

DPI cost calculations for net and gross premium feed-in tariff schemes

	The Environment Victoria Model -	The Victorian Government Model
Scheme parameters		
Feed-in tariff (cents/kWh)	60	60
Production exported (%)	100%	25%
Solar PV capacity factor (%)	18%	18%
Total Vic energy customers (million)	2.4	2.4
Normal electricity cost ($/kWh)	0.16	0.16
Average annual household bill ($/year)	1000	1000
Solar installed (MW)	250	100
Installed cost ($/kW)	12,000	12,000
PVRP per customer ($)	8,000	8,000
State-wide calculations		
Solar capacity installed (MW)	250	100
Solar energy produced (MWh/year)	394,200	157,680
Total subsidy ($ million/year)	236.5	23.7
Individual Calculations for a 1kW system		
Solar capacity (kW)	1.0	1.0
PV electricity generated (KWh/year)	1,577	1,577
PV electricity exported (kWh/year)	1,577	394
PV electricity used in the home (kWh/year)	0	1,183
Net cost for 1kW system ($)	4,000	4,000
Premium feed-in subsidy		
Subsidy paid by households ($/year)	99	10
Increase in average electricity bill ($/year)	10%	1%
Subsidy received from export ($/year)	946	237
Savings from own use ($/year)	0	189
Total subsidy received ($/year)	946	426
Payback (years)	4.2	9.4

Source: Department of Primary Industries, Victoria April 2009