PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-SIXTH PARLIAMENT

FIRST SESSION

Tuesday, 3 February 2009

(Extract from book 1)

Internet: www.parliament.vic.gov.au/downloadhansard

By authority of the Victorian Government Printer

The Governor

Professor DAVID de KRETSER, AC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

The ministry

Premier, Minister for Veterans' Affairs and Minister for Multicultural Affairs	The Hon. J. M. Brumby, MP
Deputy Premier, Attorney-General, Minister for Industrial Relations and Minister for Racing	The Hon. R. J. Hulls, MP
Treasurer	The Hon. J. Lenders, MLC
Minister for Regional and Rural Development, and Minister for Skills and Workforce Participation	The Hon. J. M. Allan, MP
Minister for Health	The Hon. D. M. Andrews, MP
Minister for Community Development and Minister for Energy and Resources	The Hon. P. Batchelor, MP
Minister for Police and Emergency Services, and Minister for Corrections	The Hon. R. G. Cameron, MP
Minister for Agriculture and Minister for Small Business	The Hon. J. Helper, MP
Minister for Finance, WorkCover and the Transport Accident Commission, Minister for Water and Minister for Tourism and Major Events	The Hon. T. J. Holding, MP
Minister for Environment and Climate Change, and Minister for Innovation	The Hon. G. W. Jennings, MLC
Minister for Public Transport and Minister for the Arts	The Hon. L. J. Kosky, MP
Minister for Planning	The Hon. J. M. Madden, MLC
Minister for Sport, Recreation and Youth Affairs, and Minister Assisting the Premier on Multicultural Affairs	The Hon. J. A. Merlino, MP
Minister for Children and Early Childhood Development, and Minister for Women's Affairs	The Hon. M. V. Morand, MP
Minister for Mental Health, Minister for Community Services and Minister for Senior Victorians	The Hon. L. M. Neville, MP
Minister for Roads and Ports	The Hon. T. H. Pallas, MP
Minister for Education	The Hon. B. J. Pike, MP
Minister for Gaming, Minister for Consumer Affairs and Minister Assisting the Premier on Veterans' Affairs	The Hon. A. G. Robinson, MP
Minister for Industry and Trade, Minister for Information and Communication Technology, and Minister for Major Projects	The Hon. T. C. Theophanous, MLC
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 McIntosh, Mr Robinson and Mr Walsh. (*Council*): Mr P. Davis, Mr Hall, Mr Jennings, Mr Lenders and Ms Pennicuik.

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

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

Education and Training Committee — (*Assembly*): Mr Dixon, Dr Harkness, Mr Herbert, Mr Howard and Mr Kotsiras. (*Council*): Mr 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*): Mr Noonan, Mr Perera, Mrs Powell and Ms Wooldridge. (*Council*): Mr Finn, Mr Scheffer and Mr Somyurek.

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

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

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

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

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

Rural and Regional Committee — (*Assembly*): Ms Marshall and Mr 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

Leader of the Parliamentary Labor Party and Premier:
The Hon. J. M. BRUMBY (from 30 July 2007)
The Hon. S. P. BRACKS (to 30 July 2007)

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

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

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

Leader of The Nationals:
Mr P. J. RYAN

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

Member	District	Party	Member	District	Party
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
Baillieu, Mr Edward Norman	Hawthorn	LP	McIntosh, Mr Andrew John	Kew	LP
Barker, Ms Ann Patricia	Oakleigh	ALP	Maddigan, Mrs Judith Marilyn	Essendon	ALP
Batchelor, Mr Peter John	Thomastown	ALP	Marshall, Ms Kirstie	Forest Hill	ALP
Beattie, Ms Elizabeth Jean	Yuroke	ALP	Merlino, Mr James Anthony	Monbulk	ALP
Blackwood, Mr Gary John	Narracan	LP	Morand, Ms Maxine Veronica	Mount Waverley	ALP
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
Brumby, Mr John Mansfield	Broadmeadows	ALP	Munt, Ms Janice Ruth	Mordialloc	ALP
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

TUESDAY, 3 FEBRUARY 2009

Tuesday, 3 February 2009

The SPEAKER (Hon. Jenny Lindell) took the chair at 2.06 p.m. and read the prayer.

ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

The SPEAKER — Order! The house today acknowledges the lands of the tribes and nations of the Aboriginal people of Victoria.

ANNUAL STATEMENT OF GOVERNMENT INTENTIONS

The SPEAKER — Order! I ask the house to pause briefly to allow members of the Legislative Council to enter the chamber.

President and members of the Council entered chamber.

The SPEAKER — Order! As members know, to accommodate the members of the Legislative Council who are present, the chamber has been extended to allow the gallery to be part of the house. The statement can now be circulated.

Documents circulated.

Mr BRUMBY (Premier) — Speaker, and members of the Legislative Assembly:

I want to acknowledge the traditional owners of the land on which we stand, the Kulin nation.

I also welcome the President and members of the other house who have joined us today. I extend to them a warm welcome.

My task on this, the first sitting day of 2009, is to outline our government's agenda for the year ahead, as detailed in the 2009 annual statement of government intentions.

Copies of this document have been circulated to members.

This is only the second year an annual statement of government intentions has been presented to Parliament.

Last year's inaugural statement set out our broad legislative program for 2008 — giving all Victorians the opportunity to become better informed and more involved in the legislative process, online or in person. Audio webcasting now enables people from anywhere in Victoria to follow the proceedings of Parliament, and new websites allow for direct feedback on legislative proposals.

I am pleased to report that progress has been made on every initiative in last year's statement — with 80 per cent of the commitments for 2008 now implemented. The remainder are to be finalised as part of the national reforms agreed to by the Council of Australian Governments late last year.

Those COAG agreements will deliver an extra $2.8 billion in grant funding to Victoria over the next five years — funding that will improve health, education and housing services.

These outcomes are a direct result of Victoria's success in getting broad support for the national reform agenda.

Work will proceed throughout the year to implement the 5 new specific purpose funding agreements and 15 national partnership agreements that replace almost 100 outmoded agreements.

These new, streamlined arrangements are built around a national reform agenda that is all about:

reducing regulation;

increasing competition;

building human capital; and

driving economic growth.

But the 2009 statement of intentions will, as the tough global economic times require, go further — focusing on jobs, building our next era of prosperity and standing up for Victorian families.

The statement provides a comprehensive agenda of action.

We will deliver new jobs:

through legislation to facilitate major projects; and

through initiatives to promote skills and innovation.

We will deliver a fairer go for all families:

by continuing our record investment in schools across Victoria, and by attracting skilled and motivated people into the teaching profession, particularly in the maths and science fields;

by continuing to invest in our hospitals and by reducing disease with a cancer plan backed by tough legislation on tobacco;

through new long-term strategies to address mental health; and

a strong focus on early childhood development.

We will deliver greater livability for all communities:

through more trains, more public transport services and more roads for the outer suburbs; and

regional centres will benefit from new economic and land use plans to secure their further growth and prosperity.

We will deliver environmental sustainability in the face of the drought and climate change:

by delivering the critical water infrastructure that Victoria urgently needs — infrastructure such as the desalination plant and the food bowl modernisation project — which will ensure that all Victorians, and all Victorian communities, will not be left without secure water supplies;

we will also release a new green jobs statement to take advantage of the opportunities arising from the new climate change economy.

What I am outlining today is an agenda that will transform the way Victorian families and Victorian communities work and live.

In combination with the largest capital works program in the state's history, our agenda makes the leap into a 21st century economy where climate change and innovation will drive our prosperity and our quality of life.

Given the global economic and environmental forces we face, making that leap will not be easy — but Victoria is better placed than most to bridge the gap and to build that future.

Global financial crisis

Speaker, over the past six months the global economic outlook has deteriorated significantly, with many developed economies now in recession. Growth is also slowing markedly in critical economies such as China and India.

Over the last year more than 3 million jobs have been lost in the United States, and global share markets have lost half their value since October 2007.

The latest IMF forecasts predict world GDP growth of just 0.5 per cent, with the US economy shrinking by 2 per cent, the UK economy by 5 per cent and six of Australia's major trading partners in recession.

Two thousand and nine will be a tough and challenging year for Victorian families and businesses with the global financial crisis increasingly impacting on Australia and Victoria in terms of growth, investment and jobs.

Victoria is not immune to this global downturn, but we are better placed than most to work through this storm.

Our state is in good financial shape because of a decade of sound and prudent financial management.

Our economy remains strong with a number of positive signs in the most recent data:

for example, in the year to November, Victoria led the country with $20 billion of building approvals — up 11.2 per cent in November, in contrast to a national decline of 9.9 per cent;

Victoria also had a 3.2 per cent increase in new housing starts in the September quarter — against an average national decline of 6.4 per cent;

Victorian engineering construction activity increased by 14.1 per cent in the September quarter — ahead of a national average of 11.2 per cent;

Victorian retail trade grew by 3.4 per cent over the year to November — and that exceeds national growth of 1.9 per cent;

first home buyer demand is increasing in Victoria, thanks to what is the most generous first home owner assistance package anywhere in Australia.

Recently, as members would be aware, international financial analyst Moody's reaffirmed Victoria's AAA credit rating — an acknowledgement of the government's strong financial management.

We need to build on our strong economic fundamentals and continue to take decisive action — action that will encourage new investment in Victoria and action that will create new jobs and new opportunities for all Victorians.

Victoria needs a collective effort that puts people above partisanship, and one that puts our long-term interest ahead of short-term political gain.

I am committing our government — and calling on this Parliament — to do all we can to secure jobs and make our state stronger, safer and fairer.

We will also continue to work closely with the federal government to boost capital works and to stimulate economic recovery. Last week I presented the Prime Minister with a range of proposals for accelerated capital works in key areas such as transport, health and education.

The Rudd government's new economic stimulus package released today, which contains $42 billion of new initiatives over the next four years, contains many of these proposals and will directly stimulate activity in our state, as well as improve service delivery for all Victorians. I was delighted today, on being advised of the details of the package, to see so many of the proposals which I discussed with the Prime Minister last week as part of this major stimulus package.

Victorians need 2009 to be a year of action and delivery — and the government is committed to delivering for all Victorians.

Jobs and infrastructure

Speaker, in reaffirming Victoria's AAA credit rating Moody's said that our 'sound record of financial performance underpinned by the state's prudent fiscal practices' leaves us 'well positioned to face a more challenging economic and fiscal environment'.

Moody's also noted Victoria's rise in capital spending.

Speaker, this rise in capital spending represents a fourfold annual increase in Victorian government infrastructure spending compared to 1999. In 1998–99 $1 billion in budget sector capital works, and this year more than $4 billion — a fourfold annual increase.

Mr Wells interjected.

The SPEAKER — Order! I warn the member for Scoresby. I ask for some cooperation from the member for South-West Coast and the member for Bass.

Mr BRUMBY — Over the next four years, across all government departments and entities, we are spending $29.9 billion on infrastructure projects, including $7.5 billion in 2008–09 alone — in transport, in our schools and in our hospitals, in drought proofing the state and in our sporting, cultural and community facilities.

This represents by far the largest capital works spend in the state's history, in real and in nominal terms.

The $38 billion Victorian transport plan — released last December — includes $25 billion of state funding over the next 12 years for short and long-term improvements to our transport system.

The plan includes funding for new metropolitan trains, new V/Line carriages, new generation trains and trams, and new buses. Our government will seek to create opportunities for local industry to participate in the development of the buses, trams and train rolling stock.

Regional trains and buses are currently being built in Melbourne and plans are under way to re-establish and breathe new life into train and tram manufacturing capacity in the state.

Speaker, our government will aim to achieve at least 40 per cent local content on a whole-of-life basis for train purchases.

The scale of the procurement program will create significant opportunities for Victorian manufacturing, which the government will strongly pursue. This is in addition to the local manufacturing jobs already created by V/Line trains currently being built at Bombardier's Dandenong facility.

And I can announce today that our government will bring before the house this year the major transport projects facilitation bill.

This legislation will fast-track major transport projects by establishing a separate one-stop shop assessment and approval regime. These projects are all about transforming our transport infrastructure for the long term and creating jobs now for Victorians.

We are also drought proofing the state.

Investment in water projects is at record levels — a win for farmers, for rivers and for our cities and towns. We have once-in-a-generation projects under way to upgrade leaky irrigation infrastructure and build Australia's largest desalination plant. And later this year we will bring Tarago Reservoir back online — three months ahead of schedule.

These investments are securing our water future and creating new jobs right now. And they are transforming Victoria into an even more sustainable and more livable place.

This year will also see a number of exciting infrastructure projects take shape across the state, projects that all Victorians can be proud of. For example:

the Melbourne Convention Centre — the biggest and greenest centre of its kind in Australia will host its first convention this year;

yesterday, with Dame Elisabeth Murdoch, I opened the Melbourne Recital Centre — a truly international music venue in one of the world's great cultural precincts;

on top of that, Australia's first centre for books, writing and ideas will open later this year — cementing Melbourne as the world's second City of Literature;

on the sports front, the rectangular stadium is changing the skyline literally before our eyes — adding another spectacular landmark to what will become the world's best sporting precinct;

this year we will also complete the deepening of the bay's shipping channels — securing the port of Melbourne's position as Australia's largest container port and premier shipping hub; and

we will finish building the Dynon Port Rail Link and upgrading the Mildura rail freight corridor;

the first new metro trains will start arriving this year — and new V/Locity carriages will also continue to roll into service on regional lines;

I am also pleased to report that the Deer Park bypass is currently six months ahead of schedule — and will be open to traffic by the middle of this year;

I can also advise that we have already built 542 new units as part of our record $500 million boost to public and social housing; and

this year, we will pass the halfway mark in one of our biggest and most important infrastructure projects in Victoria — renovating or modernising 500 schools by 2010.

Speaker, the point I am making is this: 2009 is the year in which the community will see the delivery of many of the transformational, state-building, long-term projects undertaken by this government — and we will see the start of a fresh round of projects.

And it is our prudent financial management and strong budgets that have allowed our government to continue to invest in Victoria and generate new jobs and new opportunities for Victorians.

Mr K. Smith interjected.

The SPEAKER — Order! I warn the member for Bass. I will not have that level of interjection continue. The member for Bass can, as always, choose whether he stays or leaves the chamber.

Mr BRUMBY — I continue with the statement

A fairer go for families

We will also further improve services by investing in the state's health, education and training systems — and those investments will be complemented by new COAG initiatives.

Victoria will be implementing its science and maths strategy in schools, including the establishment of three specialist centres at schools in Ballarat, Geelong and in the northern suburbs of Melbourne.

As I indicated earlier today, we welcome the Prime Minister's commitment today to a major rollout of a national science building program across Australia.

We will push ahead with our plans to expand hospital elective surgery capacity, improve emergency departments and cut waiting times.

The new cancer strategy has an ambitious goal to increase survival rates by 10 per cent by 2015 — that means saving 2000 Victorian lives.

The strategy will be backed by legislation to further restrict tobacco promotion, with particular focus on protecting children.

Periods of economic uncertainty, such as these, can lead to increased levels of stress, depression and anxiety.

So it is even more important to have a plan in place to address the causes of mental health — its prevention, treatment and management.

The release of our 10 year reform strategy this year, together with the review of the Mental Health Act, will strengthen Victoria's mental health services.

More livable communities

As honourable members are aware, in recent years Victoria has become a magnet for people from other states and from overseas.

Our strong economic fundamentals and quality of life have attracted record numbers of people to our state.

Last year our state added just over 92 000 people — the strongest annual growth Victoria experienced since 1971 — and more than double the rate of a decade ago.

The government is committed to planning for growth across Victoria and has put in place the policies to manage growth in a sustainable way that results in strong local communities.

This year will see:

amendments to the urban growth boundary for Melbourne to provide more land, in accordance with our Melbourne@5million strategy; and

the development of a new blueprint for regional growth to develop strategies for each region in close consultation with regional communities.

Transport plays a critical role in linking communities, and the $38 billion Victorian transport plan makes a historic commitment to boost both public transport and road infrastructure.

We will take critical steps to begin delivery of the plan this year, including:

more regional and metro trains;

extra police to increase security on trains and trams;

extra station staff to reduce delays;

works to restore passenger rail services to Maryborough;

more buses, including more services to Doncaster and new routes in the growth corridors; and

road upgrades in regional and outer metropolitan areas.

The recent completion of new stabling at Cranbourne and the duplication of the Clifton Hill bridge is confirmation of our significant program of works under way to expand our rail system.

And major new works to commence this year include boosting track capacity at Westall, Craigieburn and Laverton.

This year we will also release a Victorian integrated housing strategy incorporating initiatives to support greater home ownership, more secure rental accommodation and better social housing. This reflects our recognition that stable housing underpins healthy and sustainable communities.

Our government understands that building stronger and more inclusive communities is about a lot more than bricks and mortar.

A key priority for our government in 2009 is our respect strategy.

The respect strategy will be developed in partnership with the community and is about encouraging more people — especially young people — to get involved in their communities and get involved in volunteer work.

Our first major action will be a round table that I will host, bringing together state government ministers, police, young people, volunteer groups, community leaders, community groups and educators. If you ever wanted a great example of the strength of our volunteers, during the last week in Victoria we have seen extreme conditions and something like 100 000 volunteers across the state have been ready and are contributing their all to build a better Victoria. We thank them. They provide an inspiration and example to so many other Victorians.

It is these people who will guide our thinking as we develop a strategy that will centre around:

community belonging;

respect in schools;

the Victorian alcohol action plan; and

community volunteering.

A key element of the strategy will be a community awareness campaign, coordinated with alcohol awareness programs run by the Victorian and commonwealth governments.

We will also work with key groups, like Step Back Think — with whom I have met twice — which is driven by a group of young people concerned about alcohol-fuelled violence in our community.

As part of the respect strategy our government will also this year seek out youth ambassadors to become advocates for their schools and broader communities and become involved in a series of leadership programs.

The programs may be about alcohol and violence, volunteerism or road safety or they may include programs to motivate more young people to think about the great benefits of volunteer work.

The peer-to-peer program will empower students interested in communicating and educating their fellow

students on community issues important to them. It will give these youth ambassadors the tools to motivate their peers to make a contribution to their communities.

Other strategies being implemented to combat excessive drinking include more resources for policing, tightened licensing laws and introducing banning powers. As the house is aware, we are also trialling innovative approaches to the problems we are seeing, including the Victoria Police time-out zone in Melbourne's central business district.

Climate change and the green economy

Speaker, the fourth big area where the community is very keen to see action and delivery is in relation to the environment and climate change.

It is easy to see why.

Over the past week, whether it has been at home in Victoria or overseas in cities like London, we have seen the devastating impact that extreme climate events can have.

After living through the longest drought on record and a succession of extreme fire seasons, Victorians know their climate is changing.

They know Australia is more exposed to the impact of climate change than most developed economies.

And they know what the Garnaut review has said — that we need to act now to reduce emissions and plan for the impact of climate change.

They know we cannot afford to wait until the global financial crisis passes by.

And they want us to strike the right balance between the competing needs of the community, the environment and the economy.

That is why here last year in April Victoria held its first climate change summit.

What was true last April is true now — the scientific fact of climate change has not been altered by the meltdown of the global financial sector.

What the global financial crisis has done is raise the bar and increase the degree of difficulty.

The margin for error is smaller, but the need for action is greater.

I am proud of the fact that, because of our government's policies, Victoria is home to the construction of the largest solar energy plant in the Southern Hemisphere, generating enough renewable electricity to power a city the size of Bendigo.

I am proud of our government's renewable energy target, which will lead to more than 3000 gigawatt hours of renewable energy by 2016 and the creation of more than 2200 new jobs.

And I am proud of the support and encouragement we are providing to energy innovation in this state, committing almost $370 million to demonstrate large-scale renewable and low-emission technologies, bringing them closer to reality.

Speaker, our government understands what is at stake with climate change.

We are not waiting for the global financial crisis to blow over. We are determined to take the action necessary today to deliver sustainable growth for tomorrow.

That is why our government will release the Victorian climate change green paper in the coming months.

That green paper will analyse the impacts of the commonwealth framework on the strategies that need to be pursued in Victoria.

Once the green paper is released, we will consult with Victorians, and we will then finalise the Victorian climate change white paper by the middle of the year.

We will, as a part of that green and white paper process, develop a plan to create opportunities for green jobs.

A green jobs and economy action plan will be developed to boost Victoria's role as a global centre for green jobs and investment and build on our reputation as a leader in the new climate change economy.

We need to continue to adapt and respond to the emerging climate change economy.

That means ensuring we have the people with the skills to deliver green buildings and green urban design, deliver water efficiency and water markets, and drive the implementation of lower emission technologies and renewable energy.

And it means acting decisively to protect our precious environment here in Victoria.

That is why the National Parks Act will be amended during 2009 to establish four new national parks along the Murray, Goulburn and Ovens rivers to protect our iconic river red gums.

Under the legislation the Lower Goulburn River, Warby-Ovens, Gunbower and Barmah national parks will be created and the Murray-Sunset and Terrick Terrick national parks will be expanded.

Along with the creation of other protected areas and the expansion of existing national parks, a massive 160 000 hectares will now be protected in conservation reserves.

Conclusion

Speaker, in conclusion let me summarise our government's broad intentions for 2009.

We intend to create new jobs by driving new investment and innovation across the whole economy — we will increase capital works spending, fast-track major projects and generate new jobs through our green jobs action plan.

We intend to take further action to deliver Victorians the services and infrastructure they need — with strategic investments in key areas such as health, education, transport and water.

We intend to build stronger communities across Victoria so that we remain the most livable place in the world — through improved urban planning, more affordable housing, better transport connections and our groundbreaking respect agenda.

And we intend to lead the way in the response to climate change — through the rollout of our renewable energy target, the solar feed-in tariff, a future energy statement and our continued strong commitment to energy innovation.

Our ambition is to make Victoria the best place in the world in which to live, work, invest and raise a family.

I invite Victorians to visit my website — www.premier.vic.gov.au — and provide feedback on the initiatives contained in this statement.

The year 2009 will be a year of significant global challenges for all Victorians. We are all in this together, so I look forward to feedback from the community on the government's priorities for the year — as we implement what will be a positive year of action and delivery.

Honourable members interjecting.

The SPEAKER — Order! Responses to the statement will be listed on the notice paper for consideration tomorrow. I ask the house to pause to allow members of the Legislative Council to withdraw.

President and members of the Council withdrew from chamber.

MINISTRY

Mr BRUMBY (Premier) — I wish to inform the house of the responsibilities that will be undertaken by ministers in the Parliament. In the Legislative Assembly the honourable member for Niddrie is Deputy Premier, Attorney-General and Minister for Racing, and he will answer for the Minister for Industrial Relations in the Legislative Council.

The honourable member for Lyndhurst is Minister for Finance, WorkCover and the Transport Accident Commission; Minister for Water; and Minister for Tourism and Major Events. He will answer for the Treasurer who is also the Minister for Financial Services in the Legislative Council.

The honourable member for Tarneit is Minister for Roads and Ports, and Minister for Major Projects.

In the Legislative Council the Honourable John Lenders is Treasurer; Minister for Financial Services; and Minister for Information and Communication Technology.

The Honourable Martin Pakula is Minister for Industry and Trade, and Minister for Industrial Relations.

QUESTIONS WITHOUT NOTICE

Essential services: government performance

Mr BAILLIEU (Leader of the Opposition) — My question is to the Premier. I refer to the government's 1999 pledge to guarantee basic services in Victoria and, despite $250 billion of government revenue over 10 years, to the utter chaos in public transport, electricity supplies and other services in recent weeks, and I ask: when will the Premier take responsibility for his total failure to deliver basic services? When will he stop making excuses, and when will he apologise to the people of Victoria?

Mr BRUMBY (Premier) — As I have just explained to the house in great detail through the statement of government intentions for this year, we are embarked upon the biggest capital works and infrastructure program in the state's history. If you look at the history of this government over all the years we have been in office — —

Mr Baillieu interjected.

The SPEAKER — Order! The Leader of the Opposition will not continue to interject while I am trying to call him to order. I suggest to members that the Premier has just commenced his answer, and I ask members of the opposition to allow him to continue his answer.

Mr BRUMBY — As I have just explained in the statement of government intentions for 2009, we are embarked on the biggest investment program in this state's history. This is an investment program — —

Dr Napthine interjected.

The SPEAKER — Order! I warn the member for South-West Coast that I will not tolerate interjections of that type.

Mr BRUMBY — As I just said, this is the biggest investment program in the state's history. It represents this year a quadrupling of capital works right across our economy as we build the best infrastructure system in Australia.

Let me put this in context, as I did today during the statement of government intentions. When we came to government, capital works budget sector spending was just $1 billion per annum; this year we will spend $4 billion. Last year we spent just under $4 billion. In our early years in government we doubled, then we tripled, then we quadrupled.

We are embarked upon the biggest hospital rebuilding program in the state's history, the biggest school rebuilding program in the state's history, the biggest investment in public transport in the state's history and the biggest investment in water projects in the state's history. When people in the north-west of the state ask which government invested in the Wimmera–Mallee pipeline scheme to secure the future of north-western Victoria, we can say it was the Labor government — it was our government.

When people ask which government invested $501 million on north-east rail standardisation, transforming that infrastructure, we can say it was our government. We have doubled spending in our hospital system. We are treating more patients by a long way then ever before in our history. In our state education system we are educating more young people than we have ever done in our history and with higher completion rates than ever before. In our apprenticeship and training systems we are training more apprentices and trainees than at any time in our history. As I said in our statement of government intentions, in terms of the latest economic data, in terms of building approvals, in terms of engineering construction and in terms of retail sales, the state which is performing better than the Australian average and better than any of the non-resource states is the state of Victoria.

Last week we faced what were the most extreme weather conditions, the hottest by far in the state's history.

Honourable members interjecting.

Mr BRUMBY — We faced what was the hottest period by far in the state's history.

Honourable members interjecting.

The SPEAKER — Order! I ask all members for some cooperation. The level of interjection is far too high. The Premier has been asked a question, which he is answering, and I ask for cooperation right across the chamber.

Mr Baillieu interjected.

The SPEAKER — Order! The Leader of the Opposition is not helping with the smooth running of question time today. I warn him.

Mr BRUMBY — We faced, as I said, what was the hottest week ever in our history. These extreme climatic events are events that people see happening around the world. I drove into work today with the radio on — —

Honourable members interjecting.

The SPEAKER — Order! The Deputy Leader of the Opposition! I will warn no further members. The Premier will be given the opportunity to conclude his answer. If I need to call anyone in the chamber, standing order 124 will be applied.

Mr BRUMBY — As I said, with extreme climatic events, whether they be heatwaves, cyclones or hurricanes, this morning the lead on the 8.00 a.m. news was the complete shutdown of the public transport system in London. It is facing its version of extreme climatic events.

Mr R. Smith interjected.

Questions interrupted.

SUSPENSION OF MEMBER

Member for Warrandyte

The SPEAKER — Order! Under standing order 124, the member for Warrandyte will leave the chamber for 30 minutes.

Honourable member for Warrandyte withdrew from chamber.

QUESTIONS WITHOUT NOTICE

Essential services: government performance

Questions resumed.

Mr BRUMBY (Premier) — At the beginning of last week I said to Victorians that the week would be a very challenging one. Amongst other things, I asked Victorians to keep a lookout for one another and particularly to look out for older people in the community and those who are sick and infirm. While the opposition may knock and criticise, the fact is that last week — —

Dr Napthine — On a point of order, Speaker, the Premier has been now giving 10 minutes of excuses after excuses. I ask you to bring him back to the question, to accept responsibility and to say sorry to Victorians.

Mr Batchelor — On the point of order, Speaker, all through the Premier's contribution opposition members have been laughing and interjecting. There are people all across Victoria who have suffered during this energy crisis, and all opposition members can do is take points of order to try to stop the Premier from identifying the issues at stake here. It is a frivolous point of order. It is designed to stop the Premier making his points, and it should be ruled out of order.

The SPEAKER — Order! I do not uphold the point of order. The Premier has been speaking with many interruptions for a considerable time. I ask him to conclude his answer.

Mr BRUMBY — Last week a huge number of Victorians made a wonderful contribution to our state, and I want to thank them, whether it was the ambulance officers, those who took the calls in the emergency services communication area — where we had on some days a 50 to 60 per cent increase in calls — or the firefighters who did such a magnificent job. I was down in Gippsland on Saturday and Sunday, and on Sunday I visited Boolarra. I would like to thank the Country Fire Authority volunteers, the Department of Sustainability and Environment employees, the St John Ambulance volunteers, the Country Women's Association of Australia, Victoria Police members, and lifesavers. We had 75 000 people on beaches on Thursday night, and we have never seen anything like that before in our history. We asked lifesavers if they would staff the beaches on Thursday night, and they did. On Thursday night there were something like 19 rescues as lifesavers got out there and protected Victorians.

The events of last week were unprecedented. Obviously the government and related agencies, such as the National Electricity Market Management Company, will be reviewing all the decisions that were taken last week and the range of information and communication that was provided to communities. When we are going through these unprecedented climatic events it is important that we ensure the community has the information it needs to make informed decisions.

In many areas, particularly with the disaggregated electricity industry that we have now with retailers, distributors and generators, there is a need for substantial improvement in the way information about electricity is put out by the operators in the market. The Minister for Energy and Resources and I are examining initiatives that can be taken to ensure that better information can be provided during these times of unprecedented climatic conditions so that the community is as informed as possible.

Infrastructure: government initiatives

Ms GRALEY (Narre Warren South) — My question is to the Premier. I refer to the government's commitment to making Victoria the best place to live, work and raise a family, and I ask: could the Premier update the house on the efforts of the state and commonwealth governments to promote infrastructure investment and jobs in Victoria?

Mr BRUMBY (Premier) — As I briefly alluded to in the statement of government intentions today, the federal government, through the Prime Minister, announced a $42 billion capital works program to take place across Australia over the next four years. This is the second plank of the Prime Minister's stimulus package — the first was last year — and it is highly likely that there will be a further package during the course of the year.

One of the key elements of what was announced today was $14 billion of expenditure on education over the next four years. Every primary school across Australia will get one piece of large infrastructure, such as a

library or a hall. There will be 500 new science labs or language learning centres and up to $200 000 scaled for every school for maintenance, which will total something like $1.3 billion over two years.

In the energy area Victorian manufacturers and households will be major beneficiaries of a plan to provide free insulation for all owner-occupied homes. In housing $6.6 billion has been announced, which is enough for 20 000 new social houses and urgent maintenance for 2500 vacant social houses.

In the area of community infrastructure there is $90 million for black spot funding across Australia and $150 million for 200 level crossing upgrades, $150 million for regional road maintenance and $500 million for community infrastructure. In March the Prime Minister will receive the final report of Infrastructure Australia, and it will contain further recommendations and priorities for major investment, including in the transport area.

If you look at Australia over the last decade, you see that the state governments have been doing all the heavy lifting in infrastructure spending and that under the Howard-Costello federal government the commonwealth contribution declined markedly. It was like falling off a precipice. What the Rudd government has done is get the federal government back into the business of working with the states on capital works projects. These are great capital works projects that the Prime Minister has funded. They will dovetail exceptionally well with the record level of infrastructure spending we have under way in Victoria.

When you think of economic infrastructure, you think of the construction of the Melbourne Convention Centre, which I have mentioned, which will be completed this year. The Melbourne rectangular stadium will open in 2010. Channel deepening will be completed this year. We have under way important investments in Victoria's cutting edge biotech facilities. There is $180 million for the Biosciences Research Centre at La Trobe University. There is $130 million for the Walter and Eliza Hall Institute of Medical Research expansion. There is $157 million for the Australian Centre for Neuroscience and Mental Health Research. There is $100 million for the life sciences supercomputer at the University of Melbourne. No other capital city in our country has these sorts of investments under way. They are supported by the state and most are due for completion in the next year.

In the health area, every time you drive down Flemington Road you are sure to be struck by the number of cranes on what is the biggest hospital project in the state. We are spending $1 billion on a great hospital project for a new children's hospital. We also have redevelopments or expansions at Box Hill Hospital, Sunshine Hospital, Frankston Hospital and the Kingston Centre. We have the development of the Olivia Newton-John Cancer Centre to bring together all facets of cancer care. We are also expanding air ambulance capabilities.

I mentioned earlier the huge rollout we have in education — a $1.9 billion plan to build new schools or modernise every existing government school by 2016. We have new technical education centres being located in Wangaratta, Berwick, Ballarat and Heidelberg.

I have a list of infrastructure projects in water, environment and transport that goes on for pages and pages. In transport there is new rail infrastructure to remove bottlenecks and boost capacity, including the commencement of upgrades at Laverton, Westall and Craigieburn. We are going to see the major redevelopment at North Melbourne station completed. We are going to see a whole range of other projects that I am sure the Minister for Public Transport will comment on. In relation to roads there is the biggest road project in the state, the Monash-CityLink-Westgate upgrade at a cost of $1.4 billion, as well as the Geelong ring-road and the Deer Park bypass. In relation to water there is the biggest investment the state has ever seen in water saving and new water generation capacity across our state.

If you put all of those things together, you see that what they mean for this year is better infrastructure, better services, better quality of life and, significantly, jobs, jobs and more jobs for Victorians. Today's announcement by the Rudd government is like a breath fresh air after a decade of neglect by the Howard federal government with no investment in capital works and no support for the states. While our capital works quadrupled, the Howard-Costello Liberal federal government just slashed capital works. We now have a genuine partnership with the commonwealth that will rebuild infrastructure in our state and across Australia.

Rail: cancellations

Mr MULDER (Polwarth) — My question is to the Premier. I refer to the cancellation of over 1000 train services last week alone, which yet again left families and business struggling to cope, and I ask: when will the Premier take responsibility for the failure to deliver basic transport services, stop the endless excuses and apologise to the people of Victoria?

Mr BRUMBY (Premier) — I thank the honourable member for his question. I think, as honourable members are aware, we have seen two factors at work in our state in recent years. We have seen huge population growth. As I said today, unprecedented — —

Honourable members interjecting.

Mr BRUMBY — It was not an issue in the 1990s, when people left Victoria in droves. They could not get away fast enough.

Honourable members interjecting.

The SPEAKER — Order! I remind the Premier that interjections are disorderly and he should ignore them.

Mr BRUMBY — We have had exceptionally strong population growth, and we have had an exceptionally strong economy. The consequence of that is that we are carrying more people on the train system than ever before in our history. We are carrying more than 200 million passenger movements — a huge increase, the biggest increase anywhere in Australia. I said when I became Premier that the delivery of our public transport and rail system needed to be better, it needed to be improved. I made that very clear.

Since I became Premier we have put in place a huge range of initiatives to try to improve the public transport system. We have completed the Clifton Hill duplication and bridge, doubling the capacity of that junction to benefit 60 000 passengers every day. We have purchased 50 new V/Locity carriages, with the first ones already put into service. We have launched the new timetable with 633 extra train services a week. We have rolled out the early bird scheme with free metro travel before 7.00 a.m.

We have 18 extra new metro trains on order, with the first to come into service at the end of this year. We have opened the new electrified line to Craigieburn and new stations at Craigieburn and Roxburgh Park, and we have added new services from Craigieburn. We have rolled out the new bus route from North Melbourne and Melbourne to Royal Melbourne Hospital, which is proving to be exceptionally popular with commuters. We have upgraded the St Kilda Road tramway, and we are soon to begin track upgrades at Westall, Laverton and Craigieburn. In addition to all of that we announced last December the $38 billion transport plan, which will see record investment in our transport system by 2020.

What occurred last week was not acceptable. It was not acceptable to me, it was not acceptable to the Minister for Public Transport, and it was not acceptable to the government. After that week of extreme heat we are seeing some improvements this week, but I am conscious of the frustration, the delays and the disappointment that many Victorians experienced as they waited for trains that were cancelled last week.

As the Parliament is aware, on Thursday evening I caught the train home. Our services were delayed. I spoke to many passengers at Parliament Station and on the train. I understand the concerns and frustrations that Victorians have. I acknowledge that what occurred last week was not acceptable, and we want to drive the level of cancellations down and provide what is the best possible service that we can. That is what we want to do.

We are putting steps in place, as I said: the announcements we have made, the improvements that are coming across the system and the $38 billion transport plan. All of these things will provide improvements through the year. I believe as we move through the year with those capital improvements plus the new rolling stock we will see a much higher standard of service provided in our system. But I understand the frustration. We all need to do better, and we will do better in this area over the weeks and months ahead.

Transport: Victorian plan

Mr HUDSON (Bentleigh) — My question is to the Minister for Public Transport. I refer to the government's commitment to making Victoria the best place to live, work and raise a family, and I ask: could the minister update the house on how the government's investment in the Victorian transport plan will boost employment?

Ms KOSKY (Minister for Public Transport) — I thank the member for Bentleigh for his question and for his support for and interest in public transport and the Victorian transport plan. The Victorian transport plan is incredibly important to the Victorian economy as well as to public transport. It will mean significant economic growth and jobs for Victorians. The transport plan will help this state to work in two ways. It will provide jobs that will arise directly from the investment that the government is making in a whole range of projects in the plan. It will also provide the transport links needed to help people get to their employment opportunities. So it will provide that greater access, getting people to their jobs.

The $38 billion of projects in the Victorian transport plan creates jobs now. It will provide a pipeline of projects that will employ, develop and skill the

Australian workforce. It will provide a significant stimulus to not only the Victorian economy but also the Australian economy. The transport plan will create up to 10 000 construction jobs per year and more than 100 000 jobs over a 12-year period. Those jobs will be for people such as engineers, construction workers, metal fabricators, electricians and signalling technicians as well as train, tram and bus drivers.

There is a whole range of projects in the plan, including 70 new suburban trains, 50 new trams and 270 new buses. So we have the building, maintenance and driving of those trains, trams and buses. It includes 74 V/Line carriages, the regional rail link, the Melbourne metropolitan link — which apparently would be scrapped under the opposition's proposal — rail extensions to South Morang and Cranbourne East, electrification to Sunbury and Melton, new train stations at Lynbrook and Cardinia in the south-east and Williams Landing and Caroline Springs in the west, and a boost to Doncaster public transport and level crossing grade separations. They are just some of the public transport projects that will create tens of thousands of jobs right around Victoria.

Our investment will generate new jobs and provide greater access to employment opportunities, particularly in the west and north of Melbourne at a time when we need the economic stimulus for the Victorian economy. This government, the Brumby government, is making that commitment and investment not only in public transport but also to jobs right around the state. It is about getting the right people to the right jobs in the right place and creating new jobs right around the state. That is what the Victorian transport plan will deliver for Victoria and the Victorian economy.

Electricity: supply

Mr CLARK (Box Hill) — My question without notice is to the Premier. I refer to the devastating power blackouts which have for five years in a row created enormous hardship for Victorian families and businesses, and I ask: when will the Premier take responsibility for the failure to deliver basic power supplies, stop the excuses and apologise to the people of Victoria?

Mr BRUMBY (Premier) — I do not have in front of me the data to which the honourable member refers, but what I do know is that since the election of our government in late 1999 we have added more than 2000 megawatts of new generating capacity in this state. I asked my office to find out how much new capacity was generated in the 1990s under the former Liberal government — —

Honourable members interjecting.

Mr BRUMBY — I think we can tell from the response of the opposition that it is a big fat zero. And you are proud of it!

As I have said, we have added more than 2000 megawatts of new electricity. Significant new generation is coming online, including the gas generation plant at Mortlake which is coming online; other investments in gas; and, as I said in my remarks today, more than a couple of thousand megawatts of renewable energy.

I think it is worth putting it in perspective. We work now, as I am sure honourable members are aware, as part of a national electricity system. As I said, in our state we have added more than 2000 megawatts. That is a 20 per cent increase in capacity during the period we have been in government. As NEMMCO advised, on all days last week there was adequate supply to meet demand. What occurred last week was a catastrophic failure in one of the major transformers and powerlines which connect the system. It was not in relation to energy generation, to which we have added considerably, it was in relation to the infrastructure system. As I said, on every day last week — and I am sure the honourable member has examined the comments made by NEMMCO through the week — we had supply to meet demand, but in the extreme conditions which occurred we had operating temperatures well beyond those for which the industry was created.

As I said over the weekend and on Friday, for anyone who lost power, we obviously understand the hardship a loss of power can cause for people. The key issue going forward in relation to electricity, because of the now private nature of the system in Victoria with retailers, distributors, SP AusNet and interstate generation, is for people to get accurate information about what is occurring. As I said earlier, the Minister for Energy and Resources and I are discussing this with the industry so that if there is a repeat of these circumstances in the future — where there is a catastrophic failure of the grid, which is what occurred — information can be provided to be community and businesses as rapidly as possible. That is what we hope to achieve in the future, and again I think improvements can be made in this area.

Typically there were some local outages. I am sure the Minister for Energy and Resources will refer to this, but

today we saw dry power poles literally incinerate in the heat, which results in local outages. What is important is that local residents know exactly who to contact. This is of course the evolution of the national system. What we want to put in place with the industry going forward is a much clearer communications protocol so that whether you are a small business, whether you are in the city or whether you are a householder, if you think there may be power issues or if you have lost power you can get accurate, up-to-date information which might indicate how long the outage is likely to be so you can plan better for the future.

I repeat that on every day last week we had more supply than demand. Demand was not the issue. The issue was the catastrophic failure which occurred on Friday afternoon when the South Morang transformer and line literally exploded in the heat.

Transport: Victorian plan

Mr HERBERT (Eltham) — My question is to the Minister for Roads and Ports. I refer to the government's commitment to making Victoria the best place to live, work and raise a family, and I ask: could the minister update the house on how the government's transport plan will boost investment and employment through road infrastructure?

Mr PALLAS (Minister for Roads and Ports) — I thank the member for Eltham for his continuing support and interest in infrastructure, particularly infrastructure that delivers prosperity, security and of course new jobs to Victorians. The Brumby government is taking action to deliver new jobs as a part of its overall infrastructure program. Since coming to office the government has invested $6.2 billion in building better roads right across our state, and $2.6 billion in roads in regional Victoria and 108 major arterial road upgrades have occurred.

The Victorian transport plan identified $38 billion worth of investment that will shape Victoria for the 21st century. It is the biggest single forward infrastructure program in this state's history. It is bigger in context, as the Premier has been want to say, than the Snowy hydro scheme, which in today's dollar terms would be between $6 billion to $8 billion worth of investment. It is an enormous investment in future prosperity. It demonstrates this government's belief in the vitality and aspiration of our transport infrastructure into the future.

The $38 billion plan will transform Victoria's transport network. It will generate up to 10 000 jobs a year. As the Minister for Public Transport has indicated, that is more than 100 000 jobs over the life of the Victorian transport plan. It creates jobs now by providing a pipeline of projects. Importantly, when we talk about a pipeline of projects, that will provide investment certainty and opportunities. The peninsula link project will create more than 1700 jobs a year and almost 2400 indirect jobs in each of the early years after construction.

EastLink, which was delivered five months early, injected an estimated $15 billion into the Victorian economy and an additional $275 million because it was finished in effect five months early, generating 7500 jobs in the construction stage and creating 6500 ongoing jobs. If we look at the M1 project, which is worth $1.39 billion, we see that 2100 jobs will be created during construction.

I am sorry, but I have to get through lots of jobs that will be created, and it might bore those opposite. We are building more lanes and capacity — an extra 50 per cent worth of capacity. We are ensuring that there will be a reduction in casualty accidents on the M1 by 20 per cent. It will save Victorians something like $14.5 billion through more efficient travel.

Our commercial ports, which sustain about 15 000 direct jobs in the Victorian economy and generate $90 billion worth of trade and exports, are vital to our economic prosperity. Around $90 million worth of exports go through the port of Melbourne alone. It is the world's 50th biggest port.

The channel deepening project, which deeply divides the opposition, will generate a further 2200 jobs and contribute $2.2 billion to the national economy, and it is now over 50 per cent of the way to completion. In 2009 we have also scheduled for completion the Dynon port rail link, which will greatly improve access to the port of Melbourne and will employ more than 220 workers.

In this financial year's budget the Brumby government committed to an average investment of $4.3 billion over the next four years in capital works. Little wonder that Access Economics recently reported that whilst New South Wales had recorded a 22 per cent drop in the value of investment projects in the December quarter last year, over the same quarter Victoria had a 2 per cent increase, citing road projects, such as the Victorian ring-road and others, as significant contributing factors.

In major projects, the Melbourne Convention Centre will soon be fully integrated with the Melbourne Exhibition Centre to create the largest combined facility of its kind in Australia. The project will create 1140 jobs during construction, and over the 25 years of

operation 2500 jobs will boost our economy by $197 million every year. I know the Minister for Sport, Recreation and Youth Affairs is a great advocate for and fan of the rectangular stadium. I too am a great fan. It is currently under construction and will create more than 1200 jobs both directly on-site and off-site during the construction phase alone.

The Brumby government's disciplined financial management is securing jobs and the economy in tough global times and is investing in all of Victoria's future opportunity, prosperity and security.

Police: numbers

Mr McINTOSH (Kew) — My question is to the Premier. I refer to the continuing tide of violence around Victoria which again has left victims struggling to survive, and I ask: when will the Premier take responsibility for the failure to provide adequate police numbers, stop the excuses and apologise to the people of Victoria?

Mr BRUMBY (Premier) — We have provided significant additional police resources. There have been — —

Mr McIntosh interjected.

The SPEAKER — Order! The member for Kew knows better than to interject in that manner. He has had the opportunity to ask his question. The Premier will be given the opportunity to answer it.

Mr BRUMBY — During our period in government we have provided more than 1400 additional new front-line police. That compares to the 800 police who were sucked out of the system during the period in office of the former Liberal government. This is a big turnaround in police resources. The Liberal government had 800 police out; our government has had 1400 police in. Across the state we have seen a significant reduction in the crime rate of something like 23 per cent, and we have funded the construction and refurbishment of more than 150 police stations across the state. I get around the state as much as any member of Parliament, particularly across country Victoria, and wherever I go there are new police stations. This is the biggest program of rebuilding of police stations in the state's history by a long way. On top of all that, as I said, the crime rate has dropped. We promised more at the last election, with 350 more police by 2010.

As I have said many times both publicly and in this house over the course of the last year, and in the last few months in particular, we have had a problem with a challenge from escalating violence in the central business district (CBD). I believe we have acted decisively to address that issue. I have said we are not going to get on top of those issues overnight. I have said, and the Chief Commissioner of Police has said, that getting on top of the CBD violence problem will take a year or two years. But we are making great progress, and the fact that we have a safe city task force, the additional police who have been brought in, the additional police over time, the banning powers, the tougher planning laws, the time-out zone and the additional resources — all of those initiatives taken by the government — is substantially driving down the rate of violence in the CBD. That is a good thing. That is what we set out to do, and that is what we are achieving.

We have achieved all of that without one iota of support or encouragement from the state opposition. Every measure that we have taken along the way has been attacked by those opposite. They cut police numbers, and we have built them up. We are tackling CBD violence, and we are making a difference.

Mineral sands: employment

Mr HOWARD (Ballarat East) — My question is to the Minister for Energy and Resources. I refer to the government's commitment to make Victoria the best place to live, work and raise a family, and I ask: can the minister outline to the house how the burgeoning mineral sands industry is providing jobs in regional Victoria?

Mr BATCHELOR (Minister for Energy and Resources) — I thank the member for Ballarat East for his question, at the heart of which is that Victoria is not only a great place to live, work and raise a family but also a great place to invest, and that is what is happening in the mineral sands industry. It is an emerging industry that is of growing importance to rural and regional Victoria. Just a couple of weeks ago we saw the start of work on the latest important project. At Iluka's $209 million Murray Basin stage 2 project we saw the expansion of its mineral sands operations in Victoria at the Kulwin mine site. As members would know, the Kulwin mine is some 30 kilometres east of Ouyen. This project will provide important jobs in a very important part of our state. Mining work began there in January, and that will provide a fantastic boost to jobs throughout the north-west.

Through the government's policy of investment attraction and its facilitation efforts it has been able to make sure this project has gone ahead. It will provide more than 250 jobs during the construction phase and about 130 ongoing jobs during the operational phase.

This is important and significant. We are in the midst of a global economic downturn, and it is fantastic to see that this sort of confidence is around and can result in the investment of up to $209 million in Victoria's economy — and not just in our economy but in our rural economy. It is through this sort of activity and the support provided by the government that we will be able to see this project through.

The new project at Kulwin builds on Iluka's success at its existing $284 million Douglas mine and its mineral separation plant. The new investment will extend mining and processing operations in the Murray Basin until at least 2023. That is a huge statement of confidence in Victoria's economy. The Iluka project is not alone. There has been growing interest in Victoria's mineral sands industry in recent years. In the 2007–08 financial year exploration expenditure reached nearly $8 million, which was more than triple the expenditure in the previous year. Donald Mineral Sands is currently planning a project near Minyip in western Victoria. If the project goes ahead, it is expected to create another 100 construction jobs, together with some 65 permanent positions over the life of the mine.

These jobs in country Victoria are important to us. Investment in rural Victoria is important to the Brumby government. These are important projects for local communities, and there is a lot at stake. They deliver jobs, they diversify regional economies and they deliver upgrades to regional services and infrastructure — all the sorts of things that are important to this government. We will continue to work with these investors and these people who want to grow the state, because that is the way we can deliver jobs and security to the people of Victoria.

Government: advertising

Mr RYAN (Leader of The Nationals) — My question is to the Premier. I refer to the continuing massive taxpayer-funded, Victoria-wide advertising campaign which seeks to hide the breakdown of basic services in this state and which has left Victorian taxpayers even more frustrated and angry at this appalling waste of public funds, and I ask: when will the Premier take responsibility for this cynical attempt at self-promotion, stop the advertising and apologise to the people of Victoria?

Mr BRUMBY (Premier) — As I have said before to the house in relation to advertising, the vast bulk of advertising which is undertaken under the general label, I guess, of government is in fact for the agencies which have responsibility particularly for health and safety. The advertisement which I have seen the most — and you would have seen it frequently if you were watching any of the tennis, which has been just fantastic and fabulous for the state, and some of the cricket — is a WorkCover ad, the homecoming ad, where you have got the mother and her children at home worried about an industrial accident and worried that their husband and father might have been lost — —

Honourable members interjecting.

Mr BRUMBY — Some other advertisements I have seen are Transport Accident Commission (TAC) advertisements, and apparently there are some anti-binge drinking ads that we are launching which I have not seen, so I have not seen the ads to which the honourable member refers. I have seen the WorkCover ads, I have seen the TAC ads, and I have seen some anti-gambling ads. These are the things you need to do to get information into the community. What we did see was $120 million spent on WorkChoices, saying what a great thing that was, supported of course by the Leader of the Opposition who still supports WorkChoices, who loves WorkChoices. If he had a chance he would bring WorkChoices back.

The SPEAKER — Order! The Premier will not debate the question. He has been speaking for almost 4 minutes and I ask him to conclude his answer. The Premier has concluded his answer.

Water: Victorian plan

Mr HARDMAN (Seymour) — 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 how the government's water plan will boost investment and employment in Victoria?

Honourable members interjecting.

The SPEAKER — Order! Before calling the Minister for Water I suggest to the member for Malvern that the level of interjection is far too high.

Mr HOLDING (Minister for Water) — I thank the member for Seymour for his question because, like all members on this side of the chamber, he recognises that this government is making a record investment in supporting desperately needed water infrastructure across Victoria. These projects are, firstly, obviously, urgently required to provide water supply for Victorian farmers, for regional communities and for urban communities. These projects are also important because they are generating investment in regional locations. They are also providing employment for many thousands of Victorian workers.

In these uncertain economic times it is more important than ever that the state government and our water authorities are investing in vitally important projects which not only secure water supplies but also provide economic security for regional communities right across the state.

Of course these projects have in each and every instance been attacked or opposed by those opposite. But I am very pleased to report to the house that works are progressing well. Firstly, with the northern Victoria infrastructure renewal project, our food bowl modernisation program, the early works program has now been completed. Over 1000 new meters and 1000 regulator gates have been installed as part of that project. More than 30 kilometres of channels have been lined and remodelled. That work alone has generated 425 jobs in regional Victoria in the food bowl modernisation area. That is creating jobs in towns like Shepparton, Mooroopna, Tatura and Ardmona. This is creating employment in towns like Echuca and places as far apart as Broadford, Kilmore, Kyabram, Cohuna, Bonnie Doon and Benalla. All of these communities are benefiting from the investment being made in food bowl modernisation.

We are seeing contracts let for earthworks, for channel remodelling and for excavation work. We are seeing contracts let for pipe construction and contracts being let for Rubicon, amongst others, to carry out works for all the channel control systems. We are seeing hundreds of jobs created; 80 per cent of the contracts that have been let have been let to companies in the local area. In the middle of this year we will see $1 million per day being spent by the on food bowl-related activities. There are another 1000 gates to go in and another 30 kilometres of channels to be remodelled this year.

This investment is generating jobs in regional Victoria and it is providing an economic bonanza in the food bowl modernisation area, which is benefiting not only from an increased availability of water resources as the savings are returned to farmers and stressed rivers but also from the economic activity being generated for thousands of Victorians who depend on this project to provide work for them.

We are seeing works proceeding with the Sugarloaf pipeline. We have now laid 8 kilometres of this pipeline. Over 700 jobs have been generated in the pipeline corridor through the investment being made by the Sugarloaf Pipeline Alliance. This project is continuing apace, and it is fantastic to see 8 kilometres of pipeline already in the ground.

The desalination project is proceeding. We have seen already some of the early works activities connected with that project. Ancon Drilling, Drilltec, Sides — a number of companies, some of them from the local area — are winning work which is generating jobs for local people. This builds on the jobs generated through projects like the goldfields super-pipe, the Wimmera–Mallee pipeline and the Gippsland Water Factory. Each one of these projects not only generates jobs during the construction phase and planning phase but each project also provides water security for Victorians, which will in the long term underpin investment and jobs creation for communities right across the state.

This government recognises how important water security is for Victorians. We recognise that in these difficult economic times it is more important than ever that the government and water authorities continue their investment in these vitally important projects. We are getting on with the job of providing water security for all Victorians. We hear nothing but platitudes and negativity from those opposite.

SERIOUS SEX OFFENDERS MONITORING AMENDMENT BILL

Introduction and first reading

Mr CAMERON (Minister for Corrections) — I move:

> That I have leave to bring in a bill for an act to amend the Serious Sex Offenders Monitoring Act, and for other purposes.

Mr McINTOSH (Kew) — I seek a brief explanation from the minister about this bill.

Mr CAMERON (Minister for Corrections) — As a result of a decision in the Court of Appeal just before Christmas the law in relation to the threshold at which someone could be placed on an extended supervision order in effect changed. The government is taking steps to rectify that to ensure community protection.

Motion agreed to.

Read first time.

GAMBLING REGULATION AMENDMENT (LICENSING) BILL

Introduction and first reading

Mr ROBINSON (Minister for Gaming) — I move:

> That I have leave to bring in a bill for an act to amend the Gambling Regulation Act and for other purposes.

Mr O'BRIEN (Malvern) — I ask the minister to provide a brief explanation of the content of the bill

Mr ROBINSON (Minister for Gaming) — The bill will give effect to numerous transitional matters associated with the government's landmark decision to move from a gaming duopoly to a venue model, as outlined largely in the December draft bill.

Motion agreed to.

Read first time.

BUSINESS OF THE HOUSE

Notices of motion: removal

The SPEAKER — Order! I wish to advise the house that under standing order 144 notices of motion 28 to 30, 135, 136 and 210 to 220 will be removed from the notice paper on the next sitting day. A member who requires the notice standing in his or her name to be continued must advise the Clerk in writing before 6.00 p.m. today.

PETITIONS

Following petitions presented to house:

Schools: Catholic sector

To the Legislative Assembly of Victoria:

The petition of Victorian residents who choose Catholic education, or support this right of choice, draws to the attention of the house that the level of funding provided by the Victorian state government to Catholic schools is inadequate and discriminates against families who choose a Catholic education for their children.

The petitioners therefore request that the Legislative Assembly of Victoria guarantee funding at 25 per cent of the average cost of educating a child in the Victorian government school system, indexed annually and to provide equal funding for children with disabilities who attend a Catholic school.

**By Ms NEVILLE (Bellarine) (86 signatures),
Mr PERERA (Cranbourne) (65 signatures),
Mr PANDAZOPOULOS (Dandenong) (2371 signatures),
Mr LANGUILLER (Derrimut) (1780 signatures),
Mr HERBERT (Eltham) (959 signatures),
Mrs MADDIGAN (Essendon) (1194 signatures),
Ms LOBATO (Gembrook) (942 signatures),
Mr SEITZ (Keilor) (579 signatures),
Mr ANDREWS (Mulgrave) (733 signatures),
Mr HELPER (Ripon) (21 signatures),
Dr NAPTHINE (South-West Coast) (34 signatures), and
Ms GREEN (Yan Yean) (147 signatures).**

Police: numbers

To the Legislative Assembly of Victoria:

The petition of the residents of Victoria draws attention to the house the lack of police resources in the fight against street crime.

The petitioners therefore request that the Legislative Assembly of Victoria allocate the necessary funding to provide for the urgent recruitment of 3000 additional police officers necessary to secure the safety of the Victorian community.

By Mrs MADDIGAN (Essendon) (12 signatures).

Water: catchment logging

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

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

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

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

By Ms LOBATO (Gembrook) (809 signatures).

Electricity: Gippsland powerline

To the Legislative Assembly of Victoria:

The petition of the people of Victoria and particularly those landowners, occupiers and residents within the corridor of the proposed high voltage line from Tynong to Wonthaggi and who collectively draw to the attention of the house the gross imposition upon them of the implementation of the subject proposal and its appalling consequences in many forms if it were to proceed.

The petitioners therefore request that the Legislative Assembly of Victoria calls upon the government to abandon the proposal.

By Mr RYAN (Gippsland South) (232 signatures).

Rail: Mildura line

To the Legislative Assembly:

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) (32 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) (15 signatures).

Walpeup research station: future

To the Legislative Assembly of Victoria:

This petition of residents of Victoria draws to the attention of the house the impending closure of the Walpeup research station as a result of a restructure of the Victorian Department of Primary Industries (DPI).

The petitioners register their opposition to the closure of Walpeup research station, on the basis that it will result in job losses, and have serious ramifications for the community, services and environment.

The petitioners therefore request that the Legislative Assembly of Victoria rejects the DPI restructure and calls on the state government to keep the Walpeup research station as a fully funded and functional DPI facility.

By Mr CRISP (Mildura) (18 signatures).

Sacred Heart School, Morwell: funding

To the Legislative Assembly of Victoria:

We, as parents, would like you to consider our petition for Sacred Heart primary school for funding for our school. Just because we are a Catholic school does not mean we should miss out on much needed funding. Our children miss out on as much as $500 per student compared to public school educated children. Our children are being penalised, it is discrimination and it should be stopped.

By Mr NORTHE (Morwell) (30 signatures).

Rail: Lardners Track level crossing

To the Legislative Assembly of Victoria:

The petition of the undersigned road users of the Lardner's Track level crossing between Warragul and Drouin draws to the attention of the house the great concerns and danger felt by users of this level crossing.

In particular concern surrounds the lack of warning signs and safety systems to ensure the safety of vehicles using the crossing. The crossing is currently only controlled by signal alert. Road users fear this does not provide adequate safety measures to ensure their wellbeing when using the crossing.

The petition therefore requests that the Legislative Assembly of Victoria direct the government to take immediate action to install greater safety measures including the installation of boom gates and the repositioning of current and additional warning signs at the Lardner's Track level crossing.

By Mr BLACKWOOD (Narracan) (73 signatures).

Vision Australia: school closure

To the Legislative Assembly of Victoria:

The petition of the VA VIEU sub-branch supported by the general public draws to the attention of the house that with the sudden decision of Vision Australia to permanently close its school facility, dispense with the visiting teacher service and its staff of specialist teachers, and teacher aides at the end of 2009, the futures of many vision-impaired children with or without additional disabilities are in peril.

The RVIB School, now Vision Australia School, and its visiting teachers, have assisted generations of children who are blind or have low vision in reaching their potential, supported many through the integration process into mainstream schooling and provided training and help for those schools.

We understand that Vision Australia will not overturn its sudden change of policy after 142 years and will not reconsider offering the full range of services, believing education to be the sole responsibility of government.

The petitioners therefore request that the Legislative Assembly of Victoria implement as quickly as possible a vital and effective centre for education which will carry on and expand the essential work of the current school.

The petitioners also request that the Legislative Assembly of Victoria fully provides every state-funded school with appropriate services and equipment as well as suitable training for teachers and aides in preparation for the unique challenges faced by each child who is blind or has low vision.

By Mr DIXON (Nepean) (13 signatures).

Lake Purrumbete: boat ramp

To the Legislative Assembly of Victoria:

The petition of residents of Victoria draws to the attention of the house that public boating access to Victoria's premier trout fishing lake, Lake Purrumbete, has not been available for more than 18 months. Parks Victoria officials agreed to provide public boating access to Lake Purrumbete at a stakeholder meeting held in Geelong on 27 May 2008, but have so far failed to fulfil this commitment.

The petitioners therefore request that the Legislative Assembly of Victoria direct the managing authorities to urgently provide boating access to Lake Purrumbete.

By Mr MULDER (Polwarth) (1705 signatures).

Motorcycles and scooters: registration tax

To the Legislative Assembly of Victoria:

This petition of the residents of Victoria draws the attention of the house to the $50 tax, levied through the Transport Accident Commission (TAC), on scooter and motorbike registrations in this state. This tax was introduced without proper consultation with stakeholders. This tax singles out and penalises a small but legitimate part of our community based on choice of personal transport. The majority of insurance claims show the car driver was at fault. Thirty-eight per cent of hospitalisations from bike crashes are car licence-holders riding off road. Driver awareness programs, which benefit pedestrians and bicyclists too, did not feature. The 'unrider' problem was not addressed. The tax promotes unriding. More than $10 million has been taken from the motorcycle community but it has not been spent on effective bike safety initiatives or facilities. The tax is unfair, particularly for riders with more than one machine. The tax makes motorbikes and scooters more expensive so harder to own. This is bad for the industry and the economy. The tax discourages energy and space efficient, environmentally friendly vehicles which is bad for all Victorians. The tax was to be reviewed in October 2005.

We request that the unfair $50 TAC tax be abolished.

By Dr NAPTHINE (South-West Coast) (11 signatures).

Tabled.

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

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 Bellarine be considered next day on motion of Mr CRUTCHFIELD (South Barwon).

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

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

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

Ordered that petitions presented by honourable member for South-West Coast be considered next day on motion of Dr NAPTHINE (South-West Coast).

Mr McIntosh — On a point of order, Speaker, last year, and again today, a number of members tabled petitions relating to the funding of Catholic schools. I understand that a large number of people have sought to sign that petition and have it lodged here.

It has come to my attention over the Christmas vacation that a number of pages from petitions — in my case one page was rejected, and I am told by the member for Nepean that he has a number of other examples — have been returned to members with the notation that they were not in accordance with the rules of the house. The reason — and it is quite clear — is that there was material on the back of the documents and it may have also been on the front, as it was in my case.

An honourable member interjected.

The SPEAKER — Order! I ask the minister for some cooperation.

Mr McIntosh — Certainly in my case there was material on the back of the petition and the document was rejected because of that material. The rules are silent as to what should be on a petition but you cannot have any letters or attachments. Indeed it is a common practice that if something is photocopied, the petition would be rejected.

Speaker, I ask you to look at a ruling of Speaker Maddigan, which appears at page 107 in the most recent *Rulings from the Chair*. Speaker Maddigan made the point and reiterated the rule about clear pages. The reason for that is there should be no other material that would go to derogate a petition because it is the prayer for relief that should be the full argument of the petitioners. The most important thing here is that the former Speaker allowed a page to be submitted where there was a name and address to whom the petition should be forwarded, and ultimately to be lodged in the Parliament. Most importantly, that opens the door to say that there should be a rule that common sense perhaps will be applied.

Speaker, I ask you to look at those pages that have been rejected to see whether material that refers to the sporting results of a particular Catholic school would deviate from the substance of the petition. It is in no way embarrassing in many cases; in no way does it add anything to the political debate about the funding of Catholic schools; it is something that just happened to be on the back of a document. In my submission it is a

position where it does not derogate the petition itself. It does not create any further controversy. It is quite innocuous. I would be happy to resubmit the page for your consideration and I know the member for Nepean would be happy to provide, as might other members, pages for consideration. It is only one or two pages in a large petition. In my case there are some 10 or 12 people who have signed the petition in good conscience, and that page should be accepted by this house. I ask you to consider that, and I would be happy to provide it to you in due course.

The SPEAKER — Order! The best course of action at the moment would be for members who have had signed sheets returned to them, where they believe it is not appropriate that the signatures have been ruled out, to forward those to me with their concerns. I will certainly have a look at that. It is in no-one's interest to put more financial burden on people who are wanting to submit petitions and put general information on one side of the page and the petition clearly on the other side. In times when we need to think about the sustainable nature of how we continue to live our lives, it makes sense to have double-sided printing. I am quite open to having a look at those petitions. I ask that those petitions be directed to me with just a covering letter.

ABORIGINAL AFFAIRS VICTORIA

Indigenous affairs report 2007–08

Mr WYNNE (Minister for Aboriginal Affairs), by leave, presented report.

Tabled.

EDUCATION AND TRAINING COMMITTEE

Effective strategies for teacher professional learning

Mr HOWARD (Ballarat East) presented report, together with appendices and transcripts of evidence.

Tabled.

Ordered that report and appendices be printed.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 1

Mr CARLI (Brunswick) presented *Alert Digest* No. 1 of 2009 on:

Assisted Reproductive Treatment Bill
Associations Incorporation Amendment Bill
Bus Safety Bill
Criminal Procedure Bill
Duties Amendment Bill
Equal Opportunity Amendment (Governance) Bill
Fair Trading and Other Acts Amendment Bill
Liquor Control Reform Amendment (Enforcement) Bill
Melbourne Cricket Ground Bill
Occupational Health and Safety Amendment (Employee Protection) Bill
Relationships Amendment (Caring Relationships) Bill
Resources Industry Legislation Amendment Bill
Salaries Legislation Amendment (Salary Sacrifice) Act
Transport Legislation Amendment (Driver and Industry Standards) Act
Transport Legislation General Amendments Bill
Transport Legislation Miscellaneous Amendments Bill
Workplace Rights Advocate (Repeal) Bill

together with appendices.

Tabled.

Ordered to be printed.

DOCUMENTS

Tabled by Clerk:

Agricultural Industry Development Act 1990 — Order under s 8

Auditor-General — Preparedness to Respond to Terrorism Incidents: Essential services and critical infrastructure — Ordered to be printed

Border Groundwaters Agreement Review Committee — Report 2007–08

Coastal Management Act 1995 — Victorian Coastal Strategy 2008

Crown Land (Reserves) Act 1978 — Orders under s 17D granting leases over:

Mordialloc-Mentone Beach Park Reserve

Sandringham Beach Park Reserve

First Mildura Irrigation Trust — Report period ended 19 August 2008

Interpretation of Legislation Act 1984 — Notices under s 32(3)(a)(iii) in relation to Statutory Rules 99, 165, 166/2008

Land Acquisition and Compensation Act 1986 — Certificate under s 7

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

Major Events (Crowd Management) Act 2003 — Order declaring a managed access area under s 7

Medical Practitioners Board of Victoria — Report year ended 30 September 2008

Murray-Darling Basin Commission — Report 2007–08

Parliamentary Committees Act 2003:

Government response to the Road Safety Committee's Inquiry into Vehicle Safety

Government response to the Rural and Regional Committee's Inquiry into Rural and Regional Tourism

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

Ballarat — C102, C130

Banyule — C54, C62

Bass Coast — C59

Baw Baw — C60

Bayside — C74

Boroondara — C85, C89

Campaspe — C56, C65

Cardinia — C105 Part 2

Casey — C106

Central Goldfields — C18

Corangamite — C22

Darebin — C94, C97

Frankston — C24, C45

Gannawarra — C17, C21, C22

Glenelg — C42

Golden Plains — C29, C39

Greater Dandenong — C97

Greater Geelong — C17, C118, C119, C138, C139, C148, C154 Part 1, C160, C161, C170

Greater Shepparton — C90, C120

Hobsons Bay — C33, C62 Part 1

Horsham — C25 Part 1

Hume — C98

Kingston — C75, C77, C107

Loddon — C16

Manningham — C72, C80

Maroondah — C65, C72, C73

Melbourne — C105, C147

Mitchell — C52, C63

Moira — C39, C47

Monash — C59, C73, C84

Moonee Valley — C86

Mornington Peninsula — C108

Port Phillip — C76, C100

Pyrenees — C19, C20

South Gippsland — C9 Part 2, C41

Stonnington — C64, C87, C92, C99, C110

Strathbogie — C43

Swan Hill — C27, C29, C30

Victoria Planning Provisions — VC50, VC52

Wellington — C46

West Wimmera — C17

Whitehorse — C78, C80, C107, C116

Whittlesea — C72

Wodonga — C57

Wyndham — C83, C108, C113, C119

Yarra Ranges — C43

Rail Safety Act 2006 — Notice under s 79 (*Gazette G48, 27 November 2008*)

Road Safety Committee — Inquiry into Improving Safety at Level Crossings, together with appendices and transcripts of evidence — Report and appendices ordered to be printed

State Services Authority — The State of the Public Sector in Victoria Report 2007–08

Statutory Rules under the following Acts:

Accident Towing Services Act 2007 — SR 169/2008

Charter of Human Rights and Responsibilities Act 2006 — SR 163/2008

Dangerous Goods Act 1985 — SR 166/2008

Family Violence Protection Act 2008 — SRs 153, 156/2008

Gas Safety Act 1997 — SRs 164, 165/2008

Health Act 1958 — SRs 159, 160/2008

Magistrates' Court Act 1989 — SR 157/2008

Metropolitan Fire Brigades Act 1958 — SR 155/2008

Prevention of Cruelty to Animals Act 1986 — SR 162/2008

Radiation Act 2005 — SR 167/2008

Road Safety Act 1986 — SRs 161, 168, 170/2008

Stalking Intervention Orders Act 2008 — SR 152/2008

Supreme Court Act 1986 — SRs 149, 150, 151/2008

Victorian Energy Efficiency Target Act 2007 — SR 158/2008

Victorian Workers' Wages Protection Act 2007 — SR 154/2008

Subordinate Legislation Act 1994:

Ministers' exception certificates in relation to Statutory Rules 92, 149, 150, 151, 155, 156, 157/2008

Ministers' exemption certificates in relation to Statutory Rules 99, 146, 152, 153, 159, 161, 163, 166, 168, 170/2008

Minister's infringements offence consultation certificate in relation to Statutory Rule 169/2008

Victorian Electoral Commission — Report on the Kororoit District by-election held on 28 June 2008

Victorian Law Reform Commission — Assistance Animals — Ordered to be printed.

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

Building Amendment Act 2008 — Sections 1, 2 and 16 to 25 — 1 January 2009 *(Gazette G51, 18 December 2008)*

Courts Legislation Amendment (Associate Judges) Act 2008 — Whole Act — 17 December 2008 (*Gazette S377, 16 December 2008*)

Dangerous Goods Amendment (Transport) Act 2008 — Whole Act — 1 January 2009 — (*Gazette G51, 18 December 2008*)

Energy Legislation Amendment (Retail Competition and Other Matters) Act 2008 — Section 39 — 18 January 2009 (*Gazette G51, 18 December 2008*)

Family Violence Protection Act 2008 — Remaining provisions except for Part 15 — 8 December 2008 (*Gazette S339, 4 December 2008*)

Police Integrity Act 2008 — Remaining provisions — 5 December 2008 (*Gazette S340, 4 December 2008*)

Public Health and Wellbeing Act 2008 — Part 1 and ss 246, 249, 254, 255, 263, 264, 265 and 266 — (*Gazette S365, 12 December 2008*)

Racing and Gambling Legislation Amendment Act 2008 — Whole Act other than s 29 — 1 January 2009 (*Gazette G51, 18 December 2008*)

Stalking Intervention Orders Act 2008 — Whole Act — 8 December 2008 (*Gazette S339, 4 December 2008*)

Water (Commonwealth Powers) Act 2008 — Provisions of Part 1 and Part 2 — 4 December 2008 (*Gazette S336, 4 December 2008*). Remaining provisions — 15 December 2008 (*Gazette S358, 11 December 2008*).

RESIGNATION OF LEGISLATIVE COUNCIL MEMBER

The SPEAKER — Order! I have received a message from the Governor, Professor de Kretser, regarding the resignation of a member of the Legislative Council:

> I advise that on 9 January 2009 I received a letter from Mr Evan Thornley, resigning his seat in the Legislative Council. A copy of that letter is enclosed for your reference.
>
> Upon my receipt of that letter, Mr Thornley's seat in the Legislative Council became vacant. I note that, in accordance with section 27A of the Constitution Act 1975, a joint sitting of the Council and the Assembly is required to fill this vacancy.

Dr Napthine — On a point of order, Speaker, I did not hear on what date the letter was received by the Governor or the date of the resignation. Given that we have a joint sitting tonight, I wonder if you could repeat for my information, and for the information of other members who might not have heard, the date of the resignation of the member of the Legislative Council?

Mr Helper interjected.

Dr Napthine — You cannot see *Daily Hansard* until tomorrow, I am sorry, but we are having a joint sitting this afternoon.

The SPEAKER — Order! The norms of the house are that when the Speaker is speaking members in the house pay attention. In consideration of the point raised by the member for South-West Coast, I indicate that the letter from the Governor regarding the resignation of a member of the Legislative Council states:

> I advise that on 9 January 2009 I received a letter from Mr Evan Thornley …

JOINT SITTING OF PARLIAMENT

Legislative Council vacancy

The SPEAKER — Order! I have received the following message from the Legislative Council:

> The Legislative Council acquaint the Legislative Assembly that they have agreed to the following resolution —
>
> > That this house meets the Legislative Assembly for the purpose of sitting and voting together to choose a person to hold the vacant seat in the Legislative Council rendered vacant by the resignation of Mr Evan William Thornley and proposes that the time and place of such a meeting be the Legislative Assembly chamber this day at 6.15 p.m.
>
> with which they request the agreement of the Legislative Assembly.

It is signed by the President.

Ordered that message be taken into consideration immediately.

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

> That this house meets the Legislative Council for the purpose of sitting and voting together to choose a person to hold the seat in the Legislative Council rendered vacant by the resignation of Evan Thornley and, as proposed by the Legislative Council, agrees that the place and time of this meeting be the Legislative Assembly chamber today at 6.15 pm.

Motion agreed to.

Ordered that message be sent to Council informing them accordingly.

ROYAL ASSENT

Message read advising royal assent on 11 December to:

Assisted Reproductive Treatment Bill
Coroners Bill
Courts Legislation Amendment (Costs Court and Other Matters) Bill
Health Services Legislation Amendment Bill
Multicultural Victoria Amendment Bill
Professional Standards and Legal Profession Acts Amendment Bill
Prostitution Control and Other Matters Amendment Bill
Salaries Legislation Amendment (Salary Sacrifice) Bill
State Taxation Acts Further Amendment Bill
Transport Legislation Amendment (Driver and Industry Standards) Bill

APPROPRIATION MESSAGES

Messages read recommending appropriations for:

Bus Safety Bill
Criminal Procedure Bill
Equal Opportunity Amendment (Governance) Bill
Fair Trading and Other Acts Amendment Bill
Liquor Control Reform Amendment (Enforcement) Bill
Melbourne Cricket Ground Bill
Occupational Health and Safety Amendment (Employee Protection) Bill
Resources Industry Legislation Amendment Bill
Transport Legislation General Amendments Bill
Transport Legislation Miscellaneous Amendments Bill.

ASSISTED REPRODUCTIVE TREATMENT BILL and HEALTH SERVICES LEGISLATION AMENDMENT BILL

Clerk's amendments

The SPEAKER — Order! I have received the following report from the Clerk of the Parliaments informing the house of corrections to bills:

> Under joint standing order 6(1), I have made the following corrections:
>
> (1) in the Assisted Reproductive Treatment Bill 2008, clause 153, in new section 17B(3) I have inserted 'subsection' before '(2)', so that 17B(3) begins 'The Registrar must not issue the addendum referred to in subsection (2) …'; and
>
> (2) in the Health Services Legislation Amendment Bill 2008, clause 6(3) refers to the Health Services Act 1998,1 have deleted '1998' and inserted '1988' so that the title of the act is correct.

BUSINESS OF THE HOUSE

Program

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

> That, under standing order 94(2), the orders of the day, government business, relating to the following bills be considered and completed by 4.00 p.m. on Thursday, 5 February 2009:

Criminal Procedure Bill

Equal Opportunity Amendment (Governance) Bill.

Resources Industry Legislation Amendment Bill

Superficially this appears to be a small government business program for the week, but all members must realise that we will also hear the response of the Leader of the Opposition to the annual statement of government intentions. He intends to do that on Thursday morning, and that would precede a debate consisting of contributions from both sides of the chamber.

In scheduling terms Thursday is a day that, by and large, will be used for the early consideration of the statement of government intentions. As members would have heard from the Minister for Police and Emergency Services, there is also an important but urgent piece of legislation that will be dealt with this week. There has been an agreement to facilitate that. It also adds to the legislative component of this week. There is also the planning scheme amendment, which may or may not come forward for active consideration but will be dealt with this week, and it is likely that it will be tomorrow.

In the scheme of things the government business program consists only of these three pieces of legislation, but that is because significant slabs of this week are being devoted to other matters, primarily the statement of government intentions. That is likely to be the case not only in this week but in the following legislative week to give the maximum number of members the greatest opportunity to make their parliamentary contributions in response to the statement that the Premier so eloquently delivered today.

Mr McINTOSH (Kew) — In relation to the government business program, the opposition does not oppose it. Obviously, as the Leader of the House has just indicated, Thursday will be dedicated to contributions from members in response to the Premier's statement of government intentions, commencing with the Leader of the Opposition's contribution which will be straight after members statements on Thursday. It is envisaged that the remainder of Thursday will be taken up with those contributions.

Essentially there are three government bills on the legislative program this week. That may seem a bit sparse, but in the last 24 hours the government has made it clear to the opposition that it wishes to not only introduce but also second read and debate the bill dealing with monitoring serious sex offenders sometime during the course of the next 24 hours. There is still a discussion going on as to whether that will occur later today or tomorrow, but at some stage that will be dealt with either today or tomorrow enabling enough time for both houses of Parliament to deal with that bill. The opposition has indicated, given the importance of this bill, that it will facilitate the bill's passage through both houses of Parliament, but there is an Independent member in this chamber and there are members of the Greens and a Democratic Labor Party member in the upper house that have to be accommodated. That is a government responsibility.

I envisage that while the time of the house will be occupied by the three bills that are on the government business program, certainly the bill dealing with the monitoring of serious sex offenders will divert the attention of the house at some stage. Then Thursday will be used for responses to the Premier's statement of government intentions.

The pattern is that a few bills will be dealt with over the next few weeks because of responses to the statement of government intentions. I want to try to avoid what happened at the end of the legislative sitting last year. At that time we had to deal with a number of bills and we were ramming through 8, 9 and at one stage 10 bills during sitting weeks. Over the last five sitting weeks there was one bill or two bills and at one stage four bills which had to be put to the guillotine without proper debate. I implore the government to ensure that that does not occur. We understand at times that there are things that will divert us, like the statement of government intentions, the budget or otherwise, but the legislative program should be quite clear. I do not want to see these bills rammed through this house, as we saw in unseemly fashion at the end of last year. Apart from those matters, the opposition will not be opposing the government business program.

Mr LUPTON (Prahran) — I would like to make some comments in support of the motion moved by the Leader of the House in relation to this week's government business program. I note that the three bills which are outlined for inclusion in the government business program — the Criminal Procedure Bill, the Equal Opportunity Amendment (Governance) Bill and the Resources Industry Legislation Amendment Bill — are all important and significant pieces of legislation.

Clearly the house is capable of dealing with them in an expeditious and satisfactory manner. But we also have another important piece of amending legislation which is not part of the government's business program — the Serious Sex Offenders Monitoring Amendment Bill — and we are pleased the other parties in the chamber have indicated they will facilitate its speedy passage

through this place. Responses to the Premier's statement of government intentions will commence on Thursday morning and through the course of that day members will have an opportunity to make their contributions in relation to that important matter. Overall this is a well-balanced program. In addition to the formal government business program those two other matters will allow some significant contributions in relation to the matters they deal with. It is an appropriate and satisfactory amount of debating time for these matters this week, and I am happy to support the motion moved by the Leader of the House.

Mr DELAHUNTY (Lowan) — Like my coalition colleague the member for Kew, The Nationals will not be opposing the government business program, but because of the way the parliamentary sitting ended last year when the house rammed through 10 bills we are a little surprised that there are only three bills on the program this week. The Leader of the House stated that we will start our responses to the statement of government intentions on Thursday.

Around the chamber we hear that this is an action and delivery government. If the government wants action and delivery it needs to facilitate major projects which I know are on the business program, but there is a matter sitting on the notice paper from 2006 — three years ago — relating to the Water Amendment (Critical Water Infrastructure Projects) Bill. Whether it is water, transport, health or primary industries, the government cannot plan.

This week there are only three bills on the government business program. The member for Prahran said they are three important bills, and we do not deny that, but the government had 10 other bills to select from. I am sure the Fair Trading and Other Acts Amendment Bill is very important, and I am sure the Liquor Control Reform Amendment (Enforcement) Bill is very important; in fact the Premier talked about it at question time today. He said it would take two years to get on top of liquor control and the problems in Melbourne's central business district. The problem is not only in Melbourne's CBD; there are similar problems across Victoria. We need to make sure we look at those issues.

The Primary Industries Legislation Amendment Bill has been returned from the Legislative Council. There are 10 bills sitting on the notice paper, 2 from the Council and another which will be introduced today. In total there are 13 bills. The member for Kew said it was important that the government planned an appropriate business program if it wanted the support of the other parties. There are three bills which I believe can be handled in the next couple of days, and responses to the statement of government intentions on Thursday. I think it is a fair program, and for those reasons The Nationals will not be opposing this week's program.

Mr STENSHOLT (Burwood) — I speak in support of the government's business program. Previous speakers have said there are three bills on the government business program, an urgent bill which needs to be debated as a result of a court decision, as well as responses to the statement of government intentions which has now become a very important yearly feature of our legislative agenda. I know government members are looking forward to making their contribution, and like the rest of us I am sure opposition members are looking forward to working very hard to ensure the government's intentions are implemented. Therefore I support the government business program.

Mr WELLS (Scoresby) — I rise to acknowledge the comments made by the member for Kew in not opposing the government business program. However, I would like to raise a point of concern and ask why the Duties Amendment Bill is not part of that business program.

The reason I ask is that it is obviously causing enormous anxiety across the Victorian community. We have been inundated with phone calls from businesses, pensioners and retirees who have no idea what is going on with regard to this bill. To make matters worse, it looks like it also affects student accommodation and retail and residential leases.

We are very concerned about this. We have been trying to get a briefing on this bill since 18 December. We wrote to the minister's office on 12 January, and we still have had no reply. We have real concerns about this bill, and we will seek at an appropriate time in the chamber an explanation as to why the bill is not part of the government business program.

Motion agreed to.

MEMBERS STATEMENTS

Electricity: workers

Mr BATCHELOR (Minister for Energy and Resources) — I rise to draw Parliament's attention to the sensational efforts of the power workers across Victoria who worked tirelessly to reconnect those households and businesses that lost power during the 1-in-100-year heatwave that occurred last week. As members would know, last week a number of localised power outages were caused by the extraordinary heat,

which blew fuses and transformers in scattered locations across Victoria. As the distributors became aware of problems with their networks, crews attended and worked in horrendously hot conditions to rectify the faults.

I heard grateful Victorians calling talkback radio this week to recognise the crews for the long hours they put in and the good work they did in restoring power. All the distributors planned as far as possible for such an event and had all their crews out in the field trying to restore power. Some companies had workers from Queensland, the Australian Capital Territory and Tasmania assisting in this important task. There were more than 1000 workers out in the streets fixing localised outages, and most constituents had their power restored within a few hours. It is worth remembering that restoring power is dangerous work, and while every effort was being made to progress as quickly as possible, that work was being undertaken in extraordinary heat and safety was always a priority. These power workers deserve our praise and our thanks, and on behalf of Parliament I offer them that.

Economy: performance

Mr WELLS (Scoresby) — I condemn the Brumby government for its continuing failure to keep Victorians properly informed of the true state of the economy. The Brumby government is simply all over the place when it comes to its economic forecasts and the state of the Victorian economy.

The government's December 2008 budget update revised forecast of 1.5 per cent growth in gross state product (GSP) for 2008–09 and its forecast budget surplus of $382 million are looking particularly shaky in light of recently released and increasingly gloomy negative outlooks for the Australian and Victorian economies by a number of major economic forecasters. The list of forecasters predicting either a recession or a serious economic slowdown grows by the day, while the government arrogantly sticks by its now overly optimistic budget update numbers.

Access Economics is forecasting a GSP movement of minus 1.1 per cent for Victoria in 2008–09, and only last week the International Monetary Fund heavily revised down its forecast growth of the world economy in 2009 from 2 per cent to 0.5 per cent. With Victoria consistently performing worse than the Australian average in economic growth rate over the past few years, these forecasts point to Victoria sliding into more difficult economic times. However, all we get from the Brumby government is more spin and deception. Just last week the Premier stated that he stood by the budget update figures, including the forecast growth in GSP of 1.5 per cent. The Brumby government must immediately stop treating Victorians with contempt.

George Schofield

Ms BEATTIE (Yuroke) — Today I would like to offer my congratulations to my constituent Mr George Schofield, OAM, who on Australia Day was awarded a Medal of the Order of Australia for his service to the greyhound racing industry and to the health and welfare of dogs, and for his work as an animal chiropractor.

At 90 years of age, Mr Schofield has had a lifelong involvement in the greyhound industry and has provided a canine chiropractic manipulation service since the 1960s. Mr Schofield's manipulation services are provided from his residence, where he continues to work six days per week, relieving the discomfort and pain of our four-legged animal friends. This service is provided for a nominal fee of a gold coin donation on a first come, first served basis. Uniquely, he does not do this for the money; rather Mr Schofield provides this service to assist those who need it simply because of his love for animals.

Mr Schofield is held in very high regard, as is evidenced by his clientele, which includes not only pet owners but members of the greyhound industry, the Victoria Police dog squad, the Australian customs dog detector unit and the Corrections Victoria dog squad. Mr Schofield is an inspiration. He is a fine example of one living one's passion to the full. He is to be commended for dedicating nearly half a century to relieving pain and improving the lives of our animal friends. I congratulate Mr George Schofield, OAM, a very deserving recipient of the Medal of the Order of Australia.

Bushfires: Gippsland

Mr RYAN (Leader of The Nationals) — Last week Gippsland was again burning. It was not to the scale of the alpine fires of 2003 and 2006 but terrible nevertheless, particularly for those who were caught up in it. The fires destroyed 29 homes and 72 outbuildings, and much other property has now gone. Towns such as Boolarra, Darlimurla and Yinnar bore the brunt of the fires.

I attended the community meeting at Mirboo North on Saturday morning and the subsequent meeting at Churchill that afternoon. The shock and worry evident in the faces of the people in attendance was something to behold. It was truly terrible to see them so worried, to see the shock and concern on the faces of the old,

young and infirm. I pay particular tribute to the extraordinary efforts of the many volunteers who have participated in fighting these fires, be that through the Country Fire Authority, the Australian Red Cross or the State Emergency Service. I also recognise the efforts of the personnel of the Department of Sustainability and Environment. As a matter of protocol, on Saturday I travelled with Peter McHugh from the Traralgon office of the DSE. He is an experienced firefighter, and it was up to him to deliver the briefings to the public at Mirboo North and Churchill. I acknowledge his efforts and those of his colleagues.

These fires were deliberately lit. The people affected by the fires are entitled to be extremely angry, and they are. We have to resolve this in the long term.

Jack Pompei

Ms MUNT (Mordialloc) — Vale Jack Pompeii. Jack Pompei was born on 31 July 1923 in Sicily, the son of a fisherman. He came to Australia when he was three years old. He passed away on 30 December 2008. Jack Pompei was a legend to the community of Mordialloc and surrounds. He built his first boat before he was 12 years old and went on to build thousands, producing around 90 per cent of the clinker-built boats on Port Phillip Bay. They were beautiful wooden hand-built pieces of exceptional craftsmanship that were individually designed by Jack.

Although Jack could not swim, he saved thousands of boaters from the bay. He taught local kids to fish, hired his boats to generations of bay users, saved the Mordialloc pier, and worked tirelessly for the environment of Mordialloc Creek. Jack was awarded the Order of Australia in 1987 for his services to marine search and rescue in Port Phillip Bay. Jack married Gwen in 1951 and together they raised their family on the banks of Mordialloc Creek. As the *Herald Sun* said on 26 January, Jack 'lived and breathed salty air all his life'.

Jack's life was a life well lived. He lived for his community and his family and his boats and the sea. Pompei Nepean Highway Boatworks was renamed Pompei's Landing in 2007 as a lasting honour to Jack. Mordialloc Creek bridge should be renamed the Jack Pompei bridge. My condolences to Jack's family on behalf of our community. Thank you, Jack. Rest in peace.

Racing: picnic meetings

Dr NAPTHINE (South-West Coast) — This statement calls on the Minister for Racing to stand up for and protect country racing, particularly picnic racing clubs. The Brumby government and Racing Victoria have threatened the very future of picnic racing clubs at Omeo, Tambo Valley, Buchan, Merton, Alexandra and Yea. They have also proposed to take away very successful picnic race days from Healesville, Woolamai, Balnarring, Yea and Alexandra. These proposals are extremely short-sighted. They are without any reason or logic. They will do long-term harm to racing. They will hurt local voluntary committees, and they will hurt those terrific rural communities. Many of these picnic race clubs have histories going back well over 100 years. They are in great locations and are fantastic community and tourism events, and put many dollars into the pockets of local charities.

These grassroots, fun-packed picnic race days provide many people with an excellent introduction to the excitement of racing. The picnic racing circuit has its own horses and jockeys. Each race meeting costs Racing Victoria only $12 000 to $15 000, which is a great investment in the future of racing. These race days are the grassroots of racing. They should be protected, nurtured and encouraged, not cut off at the knees by the Minister for Racing and the Brumby Labor government. It is simply ludicrous, short-sighted and unfair to these country communities that the state Labor government and Racing Victoria are now putting up irrelevant 'sustainability tests' to force these picnic race meetings to close.

Harness racing: Pearl Kelly award

Mrs MADDIGAN (Essendon) — The Victorian government is doing great things for Victorian racing at the moment. As I frequently attend Moonee Valley racecourse I get many comments from people from the country and from other racing areas about what a great job we are doing. That also covers harness racing. On Thursday night I was very pleased to present the 2009 Pearl Kelly award to D'Arne Bellman. This is an award for women in harness racing. The Pearl Kelly award presentation was held at Moonee Valley Racing Club. I have been there on a number of occasions and I am terribly impressed by the great amount of work and the great influence women now have in harness racing.

Over the years some fascinating women have won this award. They have shown that they are taking a leading role in harness racing, not only in driving but also in training and breeding. Many of these women have done a great deal over the years without any public acknowledgement. The Pearl Kelly award is now in its 11th year. It has been a great recognition of women who have made significant advances in the harness racing area. The Angelique Club, which sponsors the

award, is a club that recognises the contribution of women to harness racing. I would like to congratulate the committee of the Angelique Club for this year, as in previous years, staging a great event.

Lake Purrumbete: boat ramp

Mr MULDER (Polwarth) — Over 1700 Victorians have signed a petition to have a boat ramp built at Lake Purrumbete, and that petition was tabled in the house today. This is not a bridge over the Yarra. We are not talking about a grade separation project in the central business district. It is a simple recreation boat ramp at Lake Purrumbete to provide access to one of the few lakes in Victoria that still provides families with a weekend of fishing and other boating activities. The Victorians who signed the petition are not asking for a lot; it is just a simple boat ramp.

I raised this issue with the Minister for Roads and Ports during the adjournment on 10 April last year in order for funding to be made available. Today I received a letter from the Minister for Environment and Climate Change dated 27 January. It thanks me for my letter of 19 December in regard to access to Lake Purrumbete and informs me that Parks Victoria appreciates how important access is for individual anglers and the community and businesses and that it will continue to invest the required staff resources to ensure the issue is resolved as quickly as possible. We want the boat ramp built, and we want it built as soon as possible. We do not want to wait any longer. The people who use Lake Purrumbete have waited a long time. It is important that the minister intervene and push this project forward.

Victorians are sweltering in the heat, with cancelled trains and failing electricity supplies. Melburnians would love nothing more than to be able to go to Lake Purrumbete on a weekend, drop a line over the side of a boat and forget about the miserable time they have had in Melbourne. As the weeks go by the opportunity for summer recreation is decreasing. I ask the minister to intervene and get this up and running quickly.

Corporations Law: regulation

Dr HARKNESS (Frankston) — Over the recent break my thoughts turned to Australians affected by the global economic crisis. I know that for some people in Frankston the Christmas-New Year period was marred by anxiety about their financial situation. Fortunately Australia is in a good position to be spared the worst of this global crisis. This is thanks in no small part to our sound financial regulations and more broadly a robust corporate law framework. In the current economic climate it is important that these regulations are strictly enforced. It is an unfortunate fact that many violations of the commonwealth Corporations Law are not fully pursued by the Australian Securities and Investments Commission.

Many people would be shocked to learn, for example, that only a small proportion of directors who appear to be trading while insolvent are ever prosecuted. Unpunished, some of them go on to set up new companies and swindle even more innocent creditors, who lose out through no fault of their own. This has certainly been the unfortunate experience of a group of people who have fallen victim to a company called Trimble Construction and Design, run by a Mr Alistair Trimble, which I spoke about in some detail in this place last year. Among the many things that are to be learnt from this global crisis, I hope that one lesson is that corporate crime is immensely damaging. It should be viewed with the same degree of moral outrage as common theft. While Australians are rightly thankful for the strength of our corporate regulations, we must recognise that we have some way to go in pursuing those who do not respect them.

Bushfires: Gippsland

Mr NORTHE (Morwell) — The Gippsland bushfires of last week have caused substantial devastation in the Boolarra and Yinnar communities. In Boolarra 30 homes were destroyed, and to rub salt into the wound it appears these fires were deliberately lit. It is hard to imagine how much damage one incredulous act of cowardice can bestow upon a community. It was therefore pleasing to learn today of the police commissioner announcing a reward of $100 000 for information in relation to the cause of these fires.

Having attended various community meetings over the last week, I have witnessed an array of emotions including fear, relief, gratitude and anger — gratitude to emergency service personnel and in particular local Country Fire Authority crews who performed miracles in many circumstances. On behalf of the Morwell electorate I want to acknowledge the efforts of all CFA volunteers and staff, supported by those magnificent aerial appliances and their crews. I also acknowledge Department of Sustainability and Environment personnel, Victoria Police, Latrobe City Council, the State Emergency Service, the Red Cross, Lifeline, the Country Women's Association, ABC local radio and the Boolarra and Yinnar community associations and all other support services that played a key role during the bushfires and continue to do so at the present time as the long road to recovery begins.

The Gippsland Emergency Relief Fund is now in operation to assist those persons most adversely affected by this emergency event. I encourage both the state and commonwealth governments to contribute to this fund in the same manner that occurred post the Gippsland floods of 2007. Gippslanders were extremely grateful for the generosity of both governments at that time and assistance of a similar nature would be welcomed in this time of need.

Bushfires: Gippsland

Ms LOBATO (Gembrook) — On behalf of the electorate of Gembrook I wish to express my deepest sympathies to families and communities within Gippsland that have suffered so tragically over the past week. The communities of Boolarra and surrounds have lost 29 houses, stock, sheds and machinery. Families have sadly lost all material goods, but thankfully human lives have not been lost. I know the strength and determination of those affected Gippslanders will help them through this incredibly challenging time. With the support of their families and the community they will get on with rebuilding what they have lost.

I thank all the volunteers who have ensured the health and safety of Gippslanders and all other communities across the state. In Gippsland hundreds of volunteer firefighters and State Emergency Service workers have defended the community against fierce firestorms. Ambulance workers assisted those who struggled with the heat, and at hospitals staff coped with heavily increased presentations. Local organisations and individuals turned out to support our emergency services personnel.

I also want to thank the DSE (Department of Sustainability and Environment) workers and our police who continue to protect our communities by assisting at the fires and at roadblocks. Our schools opened their doors to those affected by fires; some became emergency services centres. A few days ago Monash University in Churchill — the site at which regional Parliament was held recently — became a refuge and emergency services centre to accommodate the CFA (Country Fire Authority) volunteers and DSE staff. My thoughts and best wishes are with all those affected and with those who have assisted.

EastLink: noise barriers

Ms WOOLDRIDGE (Doncaster) — Donvale residents are still waiting for EastLink issues to be satisfactorily resolved. It is clear from my many discussions and personal observations that there are some serious outstanding issues, especially concerning the noise made by truck brakes as trucks travel past residents' homes.

While noise testing has shown that average readings fall within permitted parameters, the day-to-day reality for residents is harrowing. They are constantly woken by the sound of trucks using airbrakes, and recordings show peaks of 82 decibels in the early hours of the morning. This is seriously impacting on their quality of life. They are sleep deprived and particularly worried about the impact on their children. Some have installed expensive double glazing, and at least one family has sold their much-loved home to escape the noise.

I am pleased that ConnectEast has now agreed to move an 80-kilometre speed reduction sign back towards Springvale Road in an attempt to minimise brake noises, but we will wait to see if this has an impact. The lack of noise walls on sections of the freeway near their homes is really the major source of residents' frustrations.

ConnectEast has also undertaken to review the vegetation that has been planted adjoining the freeway. I realise that Victoria is suffering from drought, but the tube stock plantings have failed to thrive; the result is at best untidy and at worst barren. It is clear that residents were led to believe that the revegetation would be much more substantial, and they are bitterly disappointed with the results.

I call on the government, ConnectEast and the Southern and Eastern Integrated Transport Authority to work to address the concerns of residents and to find solutions which enable them to maintain a reasonable quality of life.

Australia Day: Eltham electorate

Mr HERBERT (Eltham) — I rise today to congratulate a number of recent Australia Day awardees and nominees from the Eltham Electorate. Those who were awarded or nominated for recognition on Australia Day include Peter Gebert. who was awarded the 2009 Nillumbik Volunteer of the Year for his outstanding work with the Diamond Valley Prostate Cancer Support Group and his tireless efforts to raise awareness of prostate cancer among men; Maria Axarlis-Coulter. who was awarded the Australia Day Public Service Medal for her terrific work with African migrant communities, especially her role in organising the 2007 African Settlement Conference in Melbourne; and Glenda Budge, who has been nominated as a great Aussie by the local community. Glenda demonstrates a passion, which is shared by many residents in the

Eltham electorate, for helping those less fortunate with her amazing volunteer work with Berry Street Victoria.

In addition my local area had Jenny Macklin, the federal member for Jagajaga, organising the Jagajaga community Australia Day awards. I would like to recognise a number of people who received those awards: Neil Wynd from Banyule scouts; Peter Smithson from Ivanhoe Girls' Grammar; Bill Barber from Banyule Community Health; Jacquie Walsh from Greenhills Primary School; Pamela Pedersen, a Yorta Yorta Aboriginal elder; Jeannette Moore from the Banyule Support and Information Centre; Bill McKenna from the Montmorency RSL; John Ireland from St Margaret's Anglican Church; Shey Hall from Diamond Valley Baptist Church; and Darren Beauchamp from Banyule scouts. They are a great group of people who deserve the rewards they received in the Jagajaga community service awards.

Electricity: supply

Mrs FYFFE (Evelyn) — A constituent, Mrs Sandra Wollburg, is a paraplegic who has lost a leg. She relies on an inflatable air mattress to assist her movements and relieve painful pressure sores. The bed requires a constant power supply to stay inflated. Last Wednesday night at 8:30 p.m. Mrs Wollburg's power was cut, and over the next two days the power was cut and restored twice, resulting in her air bed deflating. When Mrs Wollburg finally spoke to the supervisor of SP AusNet, after two previous calls had been logged, she was told there was no prior record of her contacting its office. SP AusNet said Mrs Wollburg should have registered her status as a life-support customer to get priority service. This is irrelevant. The fact that she told the customer service representative about her condition should have been sufficient to have her call escalated as a priority. Extreme conditions are precisely when our electricity, water and gas supplies need to be working at optimal levels.

Water: north–south pipeline

Mrs FYFFE — This government and Melbourne Water's working ethics and methods on the construction of the north–south pipeline are appalling. Drinking water is being used as a dust suppressant despite a previous commitment to use recycled water. A path of destruction has been gouged through the Toolangi State Forest, destroying hundreds of trees and wildlife habitats. Pipes are being stored at a site in a phylloxera-declared vineyard, risking the transportation of the disease into non-affected areas. This will result in an extra 2600 truck movements through the township of Yarra Glen, which is awaiting works to start on a bypass because it cannot handle the current level of traffic.

Preston electorate: community festivals

Mr SCOTT (Preston) — I wish to thank the organisers of two community festivals I was lucky enough to attend last weekend. On Saturday at the Linh Son Temple in Reservoir I was the guest of the Venerable Dao, the Master of the Temple, at a Vietnamese community festival attended by over 5000 persons on that day.

On Sunday I attended a Greek community of Northcote festival organised by Mr Andy Mylonas, a former Northcote councillor, which was attended by many hundreds of people. These festivals represent the best of modern Australian community, where people from all over the world can come and celebrate their own identity, but it is part of a Victorian and Australian identity where people look to what unites individuals and families in a common, shared heritage of humanity. Therefore rather than being a threat to the rest of society community differences are celebrated.

I was struck not just by the traditional multicultural aspects of food, culture and activities but by the shared pride in their Australian identity and in their celebration as Australians across generations who have, often under difficult circumstances, made their home in Melbourne. At the Vietnamese festival I was particularly pleased to see the comfort and joy of refugees, who had literally risked their lives escaping Vietnam after the Vietnam War, in their new surroundings. I would like to honour all those who organised the festivals and their wonderful commitment to Victoria.

Victorian Environmental Assessment Council: river red gum forests investigation

Mr WELLER (Rodney) — I rise today to convey my disappointment at the government's decision to dump onto Victorian families, under the cover of Christmas, its response to the Victorian Environmental Assessment Council (VEAC) report into Murray River red gums. Not only did northern Victorian communities receive the worst Christmas present ever but the timing of the announcement meant the response could not be given the scrutiny it deserved.

The socioeconomic impacts of the government's decision to ban timber harvesting and cattle grazing will be devastating for families in the communities of Nathalia, Picola, Barmah, Cohuna and Gunbower. The last thing families needed to hear at Christmas was that

they would start the new year without a job, but that is exactly what they got from the Brumby government.

The banning of cattle grazing removes a legitimate tool for reducing fire risk and further exposes the region to potentially disastrous fires. These concerns have been raised by the Barmah community time and again, but the government has done nothing to protect the Barmah township from the risk of fire. I also express disappointment at the minister's failure to deliver on his promise made during a visit to the Barmah forest in October 2007 to return to the region to further discuss issues and concerns relating to the VEAC report. Given that the government has already announced its support for the report's recommendations, at the very least the minister now owes the Barmah Preservation League and the Barmah cattlemen a face-to-face meeting to discuss their future.

Electra community centre, Ashwood: funding

Mr STENSHOLT (Burwood) — On 21 January I joined with the mayor of the City of Monash, Cr Paul Klisaris, Cr Joy Banerji and many members of local community clubs to help turn the sod at the start of construction of the new $3.6 million Electra community centre in Ashwood. The project will house four community groups which I have supported for a number of years as part of a campaign to provide a new home for them. They include Ceres callisthenics club, which for many years has sought a centre it could call its own. Also at the new centre will be the Waverley Bridge Club, which I have visited several times, the Waverley Croquet Club, where I recently enjoyed lunch, and the Doberman Dog and Obedience Club.

The development includes a new community centre, a refurbished sporting pavilion, landscaping and car parking. The development has been made possible by several financial contributions, including a grant from the state government of $500 000. I thank the Minister for Sport, Recreation and Youth Affairs for that funding. Waverley Bridge Club has contributed $500 000 and Ceres callisthenics club has contributed $335 000. These groups are all working together with the City of Monash to fund the capital works. The centre will be an energy sustainable facility which will harvest rainwater and have a built-in building management system to control natural airflow, reducing the load on heating and cooling systems.

I congratulate Iris Carling, the president of the Waverley Bridge Club, Julie Jellis and Bob Rowett from the Ceres callisthenics club, Beryl Addis from the Monash Croquet Club and Bernie Lellyett from the Doberman Dog and Obedience Club. I expect that they will move into their new centre in December this year.

Metropolitan Fire Brigade: Croydon station

Mr HODGETT (Kilsyth) — While firemen across Victoria battle flames, the Minister for Police and Emergency Services has done the opposite; he has allowed the new Croydon fire station to sit empty over summer. The bungling and mismanaging Brumby government has botched this project from day one. As a result $3.2 million of taxpayers money has been spent on an empty building. The minister ignored the suggestions by firefighters and built the station on a contaminated site and then watched as a fire truck was nearly sideswiped during a safety assessment amid concerns over blind spots at the intersection.

The union's solution to remove the slip lane which was causing the concerns or relocate the truck exit have either been rejected by VicRoads or labelled too expensive by the Metropolitan Fire Brigade. The option currently being considered would require 30-tonne fire trucks to perform precarious U-turns or stop across three lanes of traffic while racing off to fight fires. A solution seems simple: the government can install traffic lights at the corner of Alfrick Road and Mount Dandenong Road which could be activated in an emergency and stop the traffic before it got to the intersection. However, since the minister seems incapable of acknowledging that this is his issue, it seems unlikely he will present a viable solution.

Ironically, just to cap off the totally incompetent handling of the station relocation, it seems that due to line-of-sight issues a safety report is recommending that only two of the three truck bays be used. That means $3.2 million of taxpayers money has been spent upgrading Croydon fire station from a two-bay station to a — wait for it! — two-bay station. Once again it is money well spent! This comedy of errors cannot be unmade, but the focus now needs to be on getting the hardworking Croydon firefighters into their new station as quickly as possible. Sideshow Bob needs to step in and ensure that traffic lights are built at Alfrick Road and end this nonsense which has gone on for far too long.

Sunshine Hospital: funding

Mr SEITZ (Keilor) — I rise to congratulate the Minister for Health on his announcement about Western Health and in particular the Sunshine Hospital complex, for which the community in the outer west has been waiting a long time. It has taken a Labor government to put in the money to develop stages 2 and

3 of that hospital, which will provide the community with much-needed services. It was an eagerly awaited announcement and was attended by representatives from Melbourne and Victoria universities, Maribyrnong and Brimbank councils and by the federal minister, who are all contributing towards the development of this hospital for the people in the outer west.

We have heard a lot of doom and gloom about the economy, but the Brumby government is certainly putting up the money to build and develop infrastructure in the outer west which will benefit the community. The Peter MacCallum Cancer Centre is also participating in the development, so the centre will also be able to provide radiology services to people in the west. The hospital project will not only improve living standards but also create jobs during its construction over the next two or three years. Eventually there will be a large intake of interns, doctors and nurses who will work in the hospital.

Cranbourne-Frankston Road: duplication

Mr PERERA (Cranbourne) — Recently I had the pleasure of turning the sod along the last piece of the Cranbourne-Frankston Road duplication. The $30 million duplication is the last section in a multimillion-dollar Brumby government program to duplicate the Cranbourne-Frankston Road and involves upgrading the road to four lanes between Hall Road and Western Port Highway. The Brumby government has provided more than $80 million of funding to duplicate Cranbourne-Frankston Road, and the final stage will deliver a complete four-lane road between Cranbourne and Frankston.

Environment: black balloons campaign

Mr PERERA — I also had the pleasure of launching a Brumby government climate change initiative at the Beckham residence in Skye. The Brumby government is making it easier and more affordable for households to save energy at home by offering an energy-saving action kit to help get them started.

SERIOUS SEX OFFENDERS MONITORING AMENDMENT BILL

Statement of compatibility

Mr CAMERON (Minister for Corrections) 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 Serious Sex Offenders Monitoring Amendment Bill 2009.

In my opinion, the Serious Sex Offenders Monitoring 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. I also note that I have previously provided a lengthy statement concerning the compatibility of the SSOMA, when it was last amended in the Justice Legislation Amendment Bill 2008, including follow-up correspondence with the Scrutiny of Acts and Regulations Committee. I do not propose to repeat that discussion in this statement.

Overview of bill

The bill includes two key amendments to clarify Parliament's intention in relation to the meaning of the word 'likely' in the test for making and reviewing extended supervision orders ('ESOs') under sections 11 and 23 of the Serious Sex Offenders Monitoring Act 2005 ('the SSOMA').

First, the bill clarifies that the word 'likely' in sections 11 and 23 of the SSOMA refers to a risk of the offender committing a relevant offence, where that risk is both real and ongoing and cannot sensibly be ignored having regard to the nature and gravity of the possible offending.

This form of words has been adopted by the courts in New Zealand ('NZ') in relation to the meaning of the word 'likely' in the NZ test for extended supervision (see *Belcher v. Chief Executive of the Department of Corrections* CA 184/05 19 September 2006 at [11] and *The Queen v. Peta* [2007] NZCA 28 at [8]). It has meant that courts in New Zealand have the flexibility to make extended supervision orders in circumstances where the offender is clinically assessed at a moderate level of risk, but the seriousness of harm that might be caused if sexual offending occurred cannot be ignored (see for example, *Department of Corrections v. Kingi* [2008] NZHC 63).

This is an appropriate form of words to adopt in this jurisdiction, since it provides courts with guidance as to Parliament's intention in relation to the word 'likely' in the context of the SSOMA, and ties the test back to the harm with which the scheme of the SSOMA is principally concerned and seeks to protect against.

The bill also clarifies that, for the avoidance of doubt, where sections 11 and 23 of the SSOMA refer to the word 'likely' this should be taken to permit a determination of the likelihood of relevant offending at a threshold that is lower than the threshold of more likely than not.

These amendments will apply to any applications for ESOs or reviews of ESOs that are assessed by the courts after the bill commences.

Second, the bill clarifies that, for the avoidance of doubt, sections 11 and 23 as in force before the commencement of the bill, are taken always to have permitted a determination of the likelihood of relevant offending at a threshold that is lower than a threshold of more likely than not.

The effect of this will be to override what was said in *RJE v. Secretary to the Department of Justice* [2008] VSCA 265 (RJE), in respect of the requisite degree of likelihood being

'more likely than not'; and to restore the state of the law that applied previously, in *TSL v. Secretary to the Department of Justice* [2006] VSCA 199 (TSL), to the extent that TSL refers to the requisite degree of likelihood. In RJE the Court of Appeal said that the word 'likely' in section 11 requires that an offender is 'more likely than not' to commit a further relevant offence if unsupervised; whereas in TSL the Court of Appeal held that the word 'likely' here does not require the Secretary to the Department of Justice to prove that it is more likely than not that a person will commit a relevant offence; and that there is no reason to think that [the degree of likelihood] must be more than 50 per cent.

This amendment will not affect the rights of the parties to the RJE proceeding.

Human rights issues

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

These amendments clarify the test for making an ESO under section 11 of the SSOMA, which is duplicated in the test for review of an ESO under section 23 (that is, the ESO must be revoked unless the same test is met). These sections do not directly limit rights, but could be said to authorise limitations on rights.

In relation to which rights are engaged by the making of an ESO, it is necessary to turn to the automatic conditions that attach to an ESO. These are set out in section 15(3) of the SSOMA and are designed to ensure community protection and promote the rehabilitation of the offender. According to these conditions, an offender must not commit another relevant offence; must attend any place as directed by the secretary or the Adult Parole Board for supervision, assessment or monitoring; must report to, and receive visits from, the secretary or any person nominated by the secretary; must notify the secretary of any change of name or employment; must not move to a new address without the consent of the secretary; must not leave Victoria except with permission of the secretary; and must obey all lawful instructions and directions given by the secretary or the Adult Parole Board.

In my view, these conditions engage the offender's rights to privacy, liberty and freedom of movement under the charter. I note that these were also the charter rights identified by Justice Nettle as relevant to consider in relation to section 11 of the SSOMA in the RJE decision. In saying this, I do not think the making of an ESO engages the rule against double jeopardy embodied in section 26 of the charter, as it does not involve the trial of a person twice for the same offence; and does not impose a retrospective punishment on the offender, contrary to section 27 of the charter, because the making of an ESO is protective rather than punitive in nature (see especially *Fardon v. Attorney-General (Qld)* (2004) 223 CLR 575). I will accordingly turn to examine the impact of the amendments on an offender's rights to privacy, liberty and movement.

In the RJE decision, Justice Nettle found it was necessary to construe 'likely' in section 11 of the SSOMA as conveying the meaning of 'more likely than not', given the impact of an ESO on the offender's right to freedom of movement, privacy, if not also liberty. I have carefully considered His Honour's reasoning. In my view, His Honour was considering the test of 'likely' in the absence of any consideration of the type of reoffending that might occur. Section 7(2) of the charter requires a balance between the rights of offenders as well as the rights of the community, particularly potential victims including children. Whether it is reasonable and justifiable to impose restrictions upon the rights of offenders depends not only on the likelihood of reoffending but also on the nature and gravity of the potential reoffending. In my view the test should reflect this, and enable ESOs to be made even where it cannot be proved that an individual is more likely than not to re-offend.

It should also be remembered that the restrictions imposed on offenders subject to ESOs vary depending upon the individual circumstances of the offender. In this respect, the instructions or directions given by the Adult Parole Board must be 'necessary' to achieve the purposes of adequate community protection or promoting the rehabilitation, care or treatment of the offender.

Ultimately the limitations on the rights of the offender must be assessed in light of the purpose of the SSOMA, which is to ensure the protection of the community from the likely commission of serious criminal offences. Moreover, the SSOMA contains important safeguards in relation to the operation of ESOs. These include:

an ESO is imposed by a court, independent of the executive;

an ESO is subject to mandatory periodic review every three years;

an offender subject to an ESO may apply to the court for review of the ESO at any time with the leave of the court;

an offender retains a right to appeal to the Court of Appeal in relation to the making of or refusal to revoke an ESO.

Conclusion

In these circumstances, I do not believe that the amendments will unlawfully or arbitrarily interfere with an offender's rights to privacy and liberty. Furthermore, whilst the making of an ESO will limit an offender's right to freedom of movement, this limitation is justified under the charter for the reasons set out above.

Bob Cameron, MP
Minister for Corrections

Second reading

Mr CAMERON (Minister for Corrections) — I move:

That this bill be now read a second time.

Since 26 May 2005, the Serious Sex Offenders Monitoring Act 2005 ('the monitoring act') has provided a vital measure of protection for the community against known sexual predators. Where an offender is serving a custodial sentence for a serious sexual offence including an offence against a child or adult, the monitoring act enables a court to impose an

extended supervision order on that offender for up to fifteen years, after his or her custodial sentence expires.

The community is rightly concerned about offenders who have demonstrated and been clinically assessed as having a proclivity toward this type of offending. In the cases we have seen so far, it is clear that but for their extended supervision, further sex crimes would have been committed. Many such offenders have little insight into or control of their offending, or empathy for their victims, and it is foreseeable in these cases that they will go on to offend again in the absence of appropriate supervision.

In some cases, even a moderate risk of such offending is, in the government's view, unacceptable, if it involves a risk of serious sexual offences. This is because the impacts of sex crimes are devastating for the community generally, but more importantly, for victims, who will often experience the trauma and pain of sexual assault throughout their lifetime. Where the government is aware of the risks posited by certain offenders, it is only right that steps are taken by the government to reduce those risks and prevent such enduring harm. The point also needs to be made that it is better for the government to take responsible and measured steps to minimise the risks of serious sexual predators in the community, rather than leaving it to the community to defend itself against such individuals.

Ultimately, however, the question of whether a supervision order should be imposed is one that can only, and quite rightly, be answered by a court. The test for extended supervision requires the relevant judicial officer to consider whether he or she is satisfied, to a high degree of probability, that the offender is likely to commit a further relevant offence if released into the community in the absence of an extended supervision order.

In considering whether this test is met, the judicial officer is required to take into account any clinical assessment report tendered in evidence by the Secretary of the Department of Justice or the offender. The assessment report is intended to provide an indication of whether the offender has a propensity to commit relevant offences in the future. Clinical assessments of offenders are based on a combination of actuarial risk assessment — that looks at statistical probability of reoffending — and empirically guided clinical judgement on the part of the clinical expert — which takes into account an individual's circumstances. The ultimate assessment necessarily accommodates any dynamic factors that might increase or decrease an offender's risk level, and as such, a precise mathematical estimate of risk is not generally possible. Reliance on actuarial risk assessment tools, as opposed to empirically guided clinical judgement on the part of the assessor, is also not possible in the case of persons with registered intellectual disabilities, female sex offenders and offenders whose offences are limited to possession of child pornography, as these tools have not been validated on these offenders.

In *RJE v. Secretary to the Department of Justice* the Court of Appeal recently decided that the requisite degree of likelihood under the test in section 11 of the monitoring act is 'more likely than not' to reoffend, or 'more than 50 per cent likely'. With respect, I do not consider that it was Parliament's intention that extended supervision of known serious sex offenders would only be possible in such cases, particularly given the limitations associated with clinical predictions of future conduct which may or may not occur and which cannot be reduced to a precise mathematical equation.

Rather, taking into account the gravity of the offending that the scheme contemplates and seeks to guard against, and the nature of such offending in terms of its pervasive impacts on victims and the community generally, it is appropriate that the threshold for 'likelihood' accommodates a much lower level of risk. This would be consistent with other statutory schemes, where the word 'likely' has been judicially interpreted as having a lower threshold where the relevant provision is intended to protect against harm; or to confer a public interest benefit.

Parliament is therefore called upon to support these urgent amendments to the monitoring act, so as to reinforce the measure of protection intended to be provided by the act.

In particular, it is proposed that the bill will amend the monitoring act to enable a court to impose an extended supervision order where there is a risk of relevant offending that is 'both real, ongoing and which cannot sensibly be ignored having regard to the nature and gravity of the offending'.

This form of words has been adopted by the courts in New Zealand ('NZ') in relation to the meaning of the word 'likely' in its extended supervision scheme. As in NZ, it is anticipated that it will provide courts with more positive guidance as to Parliament's intention in relation to the word 'likely' in the context of the monitoring act.

In particular, it is not intended that the test for extended supervision requires that an offender is 'more likely than not' to commit another relevant offence if

unsupervised, nor does it require a numerical estimate of the likelihood of reoffending.

Courts have also been mindful thus far of the impacts of extended supervision orders on offenders, and what is at stake for offenders if they are subject to such orders. While these matters cannot be discounted, this amendment directs the courts to also contemplate, however, what is at stake for the community if an order is not imposed.

This may mean that, in some cases even a small likelihood of reoffending could be sufficient to warrant the imposition of an extended supervision order, having regard to the gravity and nature of that possible offending and its impacts on the community and possible future victims.

While it is acknowledged that extended supervision orders have some impact on the liberty of offenders subject to such orders, it is the government's view that a curtailment of offenders' liberty in the form of an extended supervision order is a reasonable limitation of their human rights, where they continue to present a real, ongoing risk of harm to the community that cannot sensibly be ignored. This is particularly so, given that offenders on ESOs are also provided with treatment, specialist case management and intensive support to address their offending behaviour.

Consistent with the state of the law prior to the recent judgement of the Court of Appeal, the bill also clarifies that prior to its commencement, the word 'likely' in the test for extended supervision was not intended to require, and should not be taken to have required, a numerical estimate of the probability of the offender committing another relevant offence if an extended supervision order were not made; or otherwise a clinical estimate that the offender was 'more likely than not' to commit a relevant offence if an ESO was not made.

It is intended that this will validate existing extended supervision orders, notwithstanding what was said in the Court of Appeal's recent judgement in the RJE case.

I commend the bill to the house.

Debate adjourned on motion of Mr McINTOSH (Kew).

Debate adjourned until later this day.

CRIMINAL PROCEDURE BILL

Second reading

Debate resumed from 4 December 2008; motion of Mr HULLS (Attorney-General).

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

Mr CLARK (Box Hill) — The Criminal Procedure Bill is a bill to consolidate the law of criminal procedure. It is a large and complex bill, and I thank the officers of the Department of Justice for the very comprehensive briefing they provided to the opposition on the bill. We certainly hope that the bill will bring an improvement to the legal system. However, it is certainly not enough on its own to fix the chronic problems that are present in Victoria's court system, particularly in relation to criminal justice and the massive backlogs that have built up during the term in office of the current government.

Much of the bill simply re-enacts in consolidated form the existing law of criminal procedure. However, there is an extensive range of amendments, some very limited, some going to terminology and some that are substantive, and I will mention some of the key changes to existing law that are made by the bill. First of all the bill seeks to adopt more consistent terminology by, for example, using the term 'accused' rather than 'defendant', consistently using the term 'indictment' rather than 'presentment', using and the term 'attend' rather than 'appear' and by adopting a consistent definition of sexual offence. Most of those changes are effected by clause 3 of the bill.

The bill treats all stages of a proceeding, from the time at which the proceeding is commenced by filing of a charge sheet or a direct indictment or by a direction that a person be tried for perjury, as a single proceeding. That enables what were previously regarded as a multiplicity of separate but related proceedings to come under a single, unified control within the court system.

The bill introduces a new mechanism described as a notice to appear, which can be served on someone who is to be charged with a criminal offence, and that operates as an alternative way of bringing them to the court on top of the existing arrangements of use of a summons or arrest. That is achieved principally by part 2.3, division 2 of the bill.

The bill has a range of new procedural provisions in relation to summary proceedings, including those providing for preliminary activity such as mention hearings, summary hearings, briefs, case conferences

and full briefs, and it sets out an overall requirement that there be full, timely and ongoing disclosure of the prosecution case. This is in part 3.2, particularly divisions 2 and 3, of the bill.

The bill provides that upon the committal for trial of a person on an indictable offence all related summary proceedings are to be transferred to the court that will deal with the indictable offence, be it the County Court or the Supreme Court; that is achieved by clause 242 of the bill, and there is a further provision in clause 243 that in more limited terms deals with unrelated summary offences.

The bill provides a range of procedures that have been described as simple, flexible and effective case management powers and procedures, and those are set out in various places in the bill, including parts 2.3, 3.2 and 3.3.

The bill provides for a trial procedure and the power to determine both related and unrelated summary offences in conjunction with a determination of an indictable offence, and those provisions are set out in part 5.5 of the bill. There are a range of changes to trial procedures, including the ability of the trial judge to address the jury at any time as provided in clause 222 of the bill and the power for the judge to limit the length of the prosecution address in clause 224(5) of the bill or limit the response on behalf of the accused as set out in clause 231(3).

It also gives power to the trial judge to discharge the jury and enter a finding of guilty or not guilty, respectively, where the accused changes the plea or where the prosecution determines not to proceed with the case or the judge determines that there is no case to answer, and that is set out in clause 241 of the bill.

Clause 253 of the bill provides for the abolition of the procedure of indictment by grand jury. Clause 216 allows for written pleas of guilty in certain cases of multiple offences; the objective being that if the accused is going to plead guilty, he or she needs to do so in open court for at least one of the offences, but if there is a multiplicity of offences rather than necessarily having them all read out in court and having the accused plead orally to each of them, written pleas of guilty can be taken to some of the offences. Generally the bill provides a range of more flexible procedures in relation to arraignment, in part 5.7, division 2 of the bill.

There are some significant changes in relation to appeals. The bill introduces what is described as a single stage test for appeals against conviction to the Court of Appeal, and that requires the appellant to satisfy the court in all respects that the appeal should be allowed, and those provisions are set out in part 6.3, division 1 of the bill, particularly in clause 276.

The bill allows for leave for appeal against sentence to be refused if there is no reasonable prospect of a less severe sentence being imposed if the appeal were allowed, and that is in clause 280 of the bill. The bill makes clear that the Court of Appeal may set aside a sentence only if there were an error in the sentencing process which may include a sentence that was manifestly excessive or inadequate, and that is provided for in clauses 282, 286 and 294 of the bill.

The bill specifies explicitly that an element of double jeopardy in sentencing an offender again as a result of an appeal — that is, in providing a different sentence in lieu of the sentence that was originally imposed — may not be taken into account by the court in determining the appropriate sentence, and that is set out in a range of clauses, including clause 259.

The bill also provides, quite importantly, the introduction of a specified regime for the hearing of interlocutory appeals — that is, appeals that may be brought during the course of the trial process. The objective of that is that some matters may be more effectively resolved at an interlocutory stage — that is, before the original trial is concluded, rather than waiting until that trial is concluded and then having an appeal against the conviction at the end of it. However, there are some quite tight restrictions imposed on the ability to bring such interlocutory appeals.

The bill provides for electronic communication and other ways of effecting service, as set out in part 8.2 of the bill. The bill also varies provisions that govern the right of appeal in relation to a variation of a breach of a sentencing order, and that is effected by clause 379 of the bill and some changes to the definition of original jurisdiction.

The bill also reduces the normal time limit that applies for commencement of proceedings against a child in the Children's Court in relation to a summary offence from 12 months to 6 months after the offence is alleged to have been committed, unless the court approves an extension of time of up to 12 months from the time of alleged commission of the offence, and that is effected by clause 376 of the bill.

The bill also reduces the maximum sentence from three years to two years for indictable offences under the Drugs, Poisons and Controlled Substances Act 1981, where such an offence is tried summarily.

However, it is worth making the point that higher penalties can still apply if the offence is tried on indictment.

As I said at the outset, the opposition certainly hopes the codification of the law effected by this bill will provide an improvement, but it is certainly not going to overcome the chronic problems that have developed in Victoria's court system, and there are a number of specific issues relating to the bill that I will mention. It is timely that the performance of our criminal court system is being considered today because on Friday last week we had the release of the latest Productivity Commission's report on government services, and that had a very sorry tale to tell about the continued very long waiting lists and backlogs in Victoria's court system.

Within Victoria's criminal courts we have the biggest backlog in Australia for Supreme Court appeals that have not been determined, County Court non-appeal cases waiting to be tried and Children's Court cases. Unlike jurisdictions such as New South Wales, where over recent years the situation has been generally getting better, in Victoria it has been generally getting worse. As of 30 June last year there were 489 Supreme Court appeal cases waiting to be heard in Victoria compared with 432 cases as at June 2007 and 337 cases in June 2003. Over the same period, compared with 2003, the backlog of appeals in New South Wales fell from 242 to 210. Within the County Court 946 appeal cases are waiting to be heard compared with just 510 in 2003. Of those 946, 89 cases have been waiting for more than 12 months. Amongst County Court non-appeal cases there were 2341 cases waiting to be heard, up from 1722 in 2003; and 27.4 per cent of those have been waiting for more than 12 months.

The Magistrates Court in Victoria has the second largest backlog of criminal cases of any jurisdiction in Australia — 34 701 cases were waiting to be heard, up from 26 633 in 2003. The Victorian Children's Court, as I said, has the largest backlog of cases of any children's court in Australia, with 5591 cases waiting to be heard, up from 4398 last year. This compares with the jurisdiction that has the second-highest number of cases, Queensland, where there are 2374 cases waiting to be heard. Clearly there are chronic problems within Victoria's court system, and these are not just bare statistics. Behind each one of these delayed cases on a waiting list there are victims, witnesses and families waiting for some resolution of their case. In many instances there will also be accused persons with cases hanging over their heads for which they will be ultimately found not guilty. The adage that justice delayed is justice denied holds as true today as it ever did.

Our Attorney-General, who through the Department of Justice has ultimate responsibility for the administrative arrangements in our court system, talks long and loud about improving accessibility to justice. He is guilty of denying justice to thousands of Victorians through his neglect and failure to strengthen and support our court system. As well as bringing to this house legislation such as that before us, he needs to be giving our courts proper administrative support and the modern systems and facilities that they need.

However, instead of doing that we have seen huge cost blow-outs and delays in programs such as the Criminal Justice Enhancement Program, which was supposed to have reduced court waiting lists and sped up the justice system. The Attorney-General has also devoted tens of millions of dollars to his so-called Charter of Human Rights and Responsibilities, money which could have been applied to our criminal court system to provide for more legal aid lawyers, to ensure that legal aid lawyers of appropriate seniority are briefed and, similarly, to engage additional prosecutors and more senior and experienced prosecutors. If our courts had been resourced in that way, not only would trials be dealt with more expeditiously but also we could expect more just outcomes and the avoidance of some of the apparent miscarriages of justice with grossly inadequate sentences that have been in the public arena in recent times.

When we talk of the charter we must also look at the report on the bill now before us from the Scrutiny of Acts and Regulations Committee, which was tabled earlier this afternoon in this Parliament. As usual, SARC has provided this house with a detailed and considered report. On this occasion, as on so many previous occasions, SARC has highlighted a wide range of issues relating to the charter and whether the bill complies with the charter. Yet again SARC's report shows the double standards and hypocrisy of the government. It claims to have a commitment to human rights and its charter, but when it comes to practice, it simply ignores its own charter and violates it in the legislation it brings before the house, or it hides behind some sweeping claim that a restriction on the human rights set out in the charter is a reasonable restriction. If you take that get-out clause as broadly as the government does, it renders completely ineffectual and meaningless the so-called guarantees of human rights that are set out in the charter.

The government has to make up its mind whether it is fair dinkum about the charter or alternatively, whether it

is going to conclude that its legislation is appropriate and it is the charter that is out of whack. The charter provides sweeping commitments in grand terms towards human rights that sound laudable but which in fact cut across long-established law that is almost universally regarded as appropriate.

In particular on this bill the SARC report highlights a number of issues which should be put on the record. Page 16 of the committee's report states:

> … several provisions of the bill engage various charter rights in criminal proceedings, by permitting or failing to prohibit potential breaches of those rights …

It states further:

> Clause 76 gives the Magistrates Court a power to convict a person charged with a summary offence of the offence of attempting to commit that offence, whether or not the offender was promptly told of that possibility (as required by charter s. 25(2)(a)).
>
> Clause 247 gives courts the power to extend time limits for trials 'if it is in the interests of justice to do so', without any guarantee that the trial will not be unreasonably delayed (as required by charter s. 25(2)(c)).
>
> Clauses 274 and 278 provide for appeals against conviction and sentence only on the granting of leave to appeal by the Court of Appeal, rather than as of right (as required by charter s. 25(4)).

In each of those cases I am inclined to the view that the law as it has stood for a long time is reasonable and it is the charter that is out of alignment. Whatever view you take on that matter, we cannot have the ludicrous situation where we have these grand rights set out in the charter and then have them being uniformly ignored by the legislation that is brought before the Parliament. The committee's report goes on to say that while the committee accepts that existing practices will protect defendants' charter rights, the committee is concerned that that protection is not guaranteed if there is a change in the common law or Australian court practice mandated in a future High Court judgement. Again it shows how we are tying ourselves up in knots with these poorly considered and sweeping charter provisions.

The report goes on to draw attention to other apparent violations of the charter, including section 25(2)(i), which provides that defendants are:

> … to have the free assistance of an interpreter if he or she cannot understand … English …

That is breached by the fact that in relation to offences that are not punishable by imprisonment, clause 335 provides no protection for people who do not speak English. I look forward to hearing what honourable members opposite who have been vocal in their support of the charter have to say about the breaches of the charter which SARC has identified in its report.

A range of issues have been raised with the opposition by persons it has consulted. I acknowledge in particular the very comprehensive and detailed submission that was provided to the opposition by members of the Crime Victims Support Association (CVSA). The association has raised a number of issues that are worth putting on the record. It has drawn to our attention the importance of written documentation being provided to the jury in relation to the trial judge's directions. That is something that is open to the trial judge to do under the provisions of the bill, but it is not mandatory for them to do so. I think it is fair to say that in complex trials jurors struggle to cope with the range and complexity of material that is presented to them orally, and I think we need to look at making far greater use of the provision of written documentation to juries. Of course we have to avoid going to the opposite extreme of their being overwhelmed with a flood of written documentation. However, it is critical that key documentation be available to them, and it may well be able to be made available to them in electronic form.

The CVSA has also raised with the opposition a number of specific matters which can be summarised by saying that it is concerned that there has been a concentration of power in the hands of judges and away from juries and a concentration of power in the hands of the Director of Public Prosecutions at the expense of leaving little room for the private citizen to initiate prosecution. The association raises this concern in relation in particular to the abolition of the grand jury. It makes the point that the grand jury provides a way in which the public may have a remedy if there is inaction by the state in terms of prosecuting people who may have committed a crime. That of course potentially could be particularly relevant if there is criminal conduct by members of or associated with government itself. That perhaps reinforces the point that the opposition has been making for a long time — that Victoria needs a broadbased anticorruption commission, as so many other jurisdictions have, that can provide that sort of protection and safeguard to the community.

The point has been made to us also by another correspondent, a senior member of the bar, that the abolition of the double jeopardy discount on sentence appeals as contained in the bill is something that has been included with little notice to the profession. Certainly his view was that it was something that was being snuck into the bill and that there had been

inadequate opportunity for practitioners to respond to that proposal, which he was most concerned about.

Last, but definitely not least, I want to refer to the change that reduces the time within which proceedings must be commenced against a child for a summary offence. At the moment the same time applies to children as to adults, which is a period of 12 months. The bill has some quite extensive provisions in clause 376 that require that:

> (1) A proceeding against a child for a summary offence must be commenced within 6 months after the date on which the offence is alleged to have been committed except where —
>
> (a) the Court extends the time … or
>
> (b) the child, after receiving legal advice, gives written consent, and a member of the police force … above the rank of sergeant consents …

The court is given power only to extend the period for commencing a proceeding to a date within 12 months, so there remains a 12-month absolute limit and a normal limit of 6 months.

We understand that the government's justification for this is the desirability of dealing quickly with offences that relate to children. We certainly endorse that objective, but we do not believe that the mechanism adopted by the bill will achieve it. Rather, we very much fear that by imposing a mechanism in the bill a significant number of juvenile offenders who deserve to be tried and deserve to be found guilty will escape punishment altogether, simply because the courts — particularly the Children's Court — are so clogged up that their cases will not be heard within six months. As I referred to earlier, Victoria's Children's Court has the largest backlog in Australia, with 5591 cases waiting to be heard as at 30 June last year.

The government may say that the court can extend. Certainly it can but it can do so only up to 12 months. More importantly, the act of applying to the court for an extension will itself take up valuable court time and will add further to the delays. One must also expect that in many instances the court may decline to grant an extension, having regard to the criteria set out in the bill. The net result of that is that for a range of summary offences, which of course could include assault, graffiti and other criminal damage, someone who deserves to be brought to trial and deserves to be convicted and deserves to receive punishment and perhaps be ordered to make suitable restitution, will escape justice altogether. That will come at a grave cost to the community because offenders will go scot-free, and that will undermine the confidence of the public in the justice system and the legitimate expectation of people who are assaulted or are victims of graffiti damage or other summary offences by juveniles that the offender will be punished.

For that reason I have circulated amendments to vary clause 376 of the bill in order to reinstate a 12-month time limit, which will of course render those provisions of the bill relating to extension of time redundant. We are happy to retain the provisions relating to legal advice about an extension for juveniles, as we understand an extension may in some instances be something that a child would agree to. However, the key point is that we want to make sure that justice is upheld, that offenders do not escape scot-free and that the existing time limit of 12 months remains the law in Victoria.

Mr LUPTON (Prahran) — I am very pleased to be able to make a contribution this afternoon in support of the Criminal Procedure Bill. It is a significant piece of legislation. Sometimes those words are overused, but in the 150-plus years of responsible government in this state — and before it was a state, a colony — we had not had a significant comprehensive overhaul of criminal procedure law until the introduction of this bill. It is a very significant piece of legislation and one which will, if passed by Parliament, make a very significant contribution to improving the criminal justice system in this state.

Among other things, it consolidates criminal procedure laws found in numerous pieces of legislation. One may well ask why that is an important and significant change. As a practising barrister for 15 or so years before coming into this place, I can assure you, Acting Speaker, that when complex pieces of legislation are involved and when lawyers and all of those who come into contact with the criminal justice system have to navigate through a number of different pieces of complex legislation in order to find out how the courts work, very grave difficulties are created. This situation creates the difficulty of understanding how the system works, it creates complex legal arguments, it creates delay, and it ultimately creates injustice.

With this legislation we will produce a Criminal Procedure Act that will bring together and consolidate the Crimes Act, the Magistrates' Court Act and the Crimes (Criminal Trials) Act into one piece of legislation. It is not just a consolidation; it also overhauls the existing laws to ensure they are modern, accessible, easy to read and understand and reflect current practices in the courts. This bill will also bring in a range of reforms, including reforms in summary procedure, in trial procedure and in the appeals

processes, which will no doubt have a very important effect in bringing trials on earlier, reducing the number of contested matters and also reducing the number of appeals.

I am going to take some time to go through those aspects, but first I want to go back to an element of the previous speaker's contribution. The member for Box Hill concluded his remarks by speaking about his intention to move amendments in relation to the time limit for laying certain charges in the Children's Court. The effect of those amendments would be to continue with the 12-month period for the laying of charges which, while they are no doubt serious to those involved, in the broad spectrum of the legal system fall at the lower end of the scale. This bill will reduce that 12-month limit for the laying of charges to 6 months, which would of course mean that charges would in many cases be brought earlier, the charges would be dealt with quicker, the trauma to badly affected witnesses who had to give evidence would be resolved and dealt with more speedily, witnesses would have a better recollection of events because matters were being heard quicker and the likelihood of just and proper outcomes would be improved.

The opposition complains about delays, which is a reasonable thing to do, but only if in its actions it supports changes which would reduce delays. Opposition members say they believe there are too many delays in the system, yet they are coming into this place with amendments which would effectively cement delays into the system and perpetuate and exacerbate them. It is just another example of how opposition members love to walk both sides of the street. They claim to be in favour of certain things, but their actions betray them. It is a hypocritical position that they are adopting, which is nothing surprising or new for this opposition.

In the time remaining to me I want to concentrate on reforms to summary procedure, trial procedure and appeals, because I think they are significant and give the overall flavour of how this legislation is going to improve the criminal justice system. One improvement in summary procedure will be the introduction of a notice to appeal. This will be a new process which will provide an alternative to a person being charged on summons. It will mean that police could issue a person with a notice to appear, either at the time of an alleged offence or shortly thereafter, which would compel a person to appear in court on a given day. Under the process police will then have to file charges within 14 days of the notice being issued or the notice will lapse.

At the moment there are significant delays in commencing summary proceedings under the summons process. In charge-and-summons cases, which make up about 70 per cent of cases in the criminal justice system, there is an average of six months between an alleged offence and the first court appearance.

We find in a lot of these situations there is a significant paperwork or documentary process. A lot of bureaucracy develops over a long period with the laying of charges and associated documentation. The notice-to-appear process will provide an alternative to that. It is not an extra layer of bureaucracy. It is an alternative which will enable charges to be laid quickly. It will mean that charges will have to be laid quickly and will have to be dealt with by a court at the front end in a quick and expeditious manner.

This bill also brings in summary case conferences, which is a new streamlined process for parties to resolve cases without having to appear in court. Currently cases often resolve at a later stage in criminal proceedings. At the moment we have conferences and resolution processes at the back end of the system rather than the front end. If you are trying to resolve things in a negotiated way, doing it at the earliest opportunity is going to significantly make those improvements.

There are a couple of things I want to mention about the trial procedure. Some of these things are fairly technical and they do not necessarily often appear in the public domain. There are significant issues about when a trial commences. This bill provides a clear definition of when a trial commences. That has a lot to do with when pre-trial processes can be conducted and when resolution procedures can be put in place.

A judge-entered verdict is another example of an obsolete practice where a judge has to direct the jury to acquit or convict because of certain circumstances. The jury technically has that job, but it is not something the jury needs to do. It causes trials to be lengthened.

In regard to appeals, the bill introduces a very significant reform of interlocutory appeals where appeals will be able to be heard before trial or during trial rather than waiting until after a trial has happened before all matters can be appealed. I believe this will be a significant improvement because it will mean that fewer matters are appealed and more matters will be properly and appropriately dealt with at the trial at first instance. Appeals take up a great amount of court time. They are very expensive and anything that we can do to reduce the number of appeals will be an important and significant reform to the system.

This bill is a large piece of legislation. I know that many members are going to be able to make a contribution to it. I commend the legislation because it is a significant overhaul of an antiquated system of criminal procedure in this state. It will significantly modernise criminal procedure. It will make the law more understandable which is, in general terms, a good thing. It will mean that matters will be dealt with quicker and more expeditiously. Delays will also be reduced, which is a good thing for the justice system and a good thing for the people of Victoria.

Dr SYKES (Benalla) — I rise to speak on the Criminal Procedure Bill 2008. I wish to indicate that I and my Nationals colleagues do not oppose the bill. However, I support the circulated amendments proposed by the member for Box Hill.

The objectives of the bill, as indicated in the second-reading speech, include:

> Criminal procedure laws should be as clear, simple and accessible as possible.
>
> There should be one integrated set of criminal procedure laws.
>
> Criminal procedure laws need to be fair and effective.

They are admirable objectives and anything that can be done to achieve those objectives should be supported. However, the member for Box Hill has expressed concerns about the particular component relating to the reduction of 12 months to 6 months of the normal time limit for bringing summary offences proceedings against a child; I too share those concerns. I would like to expand a little bit on my concerns.

As the member for Prahran has just indicated, the objective of that reduction in time to bring charges against a child to court is intended to decrease the stress of the alleged offender, the family and others associated with the case. The member for Prahran then said that hearing those cases earlier was critical because the quickening of the process would result in a better recall of the events and a more just outcome. In response I would say that surely that line of argument applies to all cases coming before the court, not just those involving charges against a child. Therefore it is critical to reduce the time of all cases coming to court, not just those concerning children.

As the member for Box Hill indicated, there is a possible consequence of this proposal in this bill as it stands at the moment. A large number of cases against juveniles may not proceed because there is a significant overload in the courts. I wish to highlight the point made by the member for Box Hill that Victoria has the largest backlog in the Children's Court. There were 5591 cases in the backlog as of 30 June last year. Unless that backlog and the causes for it are addressed, we run the risk of cases against juveniles which should go before the court not proceeding.

I welcome the emphasis, as indicated by the member for Prahran, on other options such as mediation and looking at fast-tracking procedures through the court. Equally the idea of a notice to appear may well help in a more rapid processing approach. The Koori Court system that operates for adult and young Aboriginal offenders has been shown to work very well in regard to the quicker processing of cases and also the contribution to a much lower rate of reoffending. It is possible that there will be significant procedural changes and a significant speeding up of these cases, but any argument that is used to fast-track the cases for young people should apply overall.

From a brief conversation earlier today, I understand that Magistrates Court time in northern Victoria has been reduced by around 20 per cent in recent times. If Magistrates Court time is reduced, it will make it more difficult to process these cases. That needs to be addressed as well as the measures proposed in this bill.

Another aspect of bringing offenders to court is the ability of the police to prepare a case and the amount of time necessary to do it. Presumably a notice to appear will reduce the amount of work and time involved and that will be a plus. It would be a pleasure to see a reduction in red tape from a government that so often speaks about red tape — and I think the Premier's statement of government intentions this year talks about reducing red tape by 15 per cent — but it generally follows on from the government having increased red tape by 50 per cent in a previous period, so we end up with more red tape in spite of claimed reductions.

We need to reduce the amount of police paperwork involved in bringing cases to court, but the reality is that we need more police and not just on the books as we are often told by the government. We need police on the beat as well as being actively involved in preparing cases.

In looking at the changes proposed by the legislation, we need to look at the risk factors associated with offences being committed by young people. This legislation seeks to bring them to justice, but we also need to look at what causes young people to be in such situations. At the moment Benalla is recognised as one of the most socially disadvantaged communities in Australia. The local community is attempting to address that, and therefore address the associated issues of more

offences being committed by young people, by introducing strategies such as mentoring and encouraging young people to have an education, both in primary school — by getting them along to school, by giving them a feed when they get to school in the form of breakfast and then ensuring that they attend school regularly — and then continuing their education through to tertiary level. It is also important for those young people who are at risk to be involved in community activities and in clubs, whether it be a sporting club or a local theatre group. That needs to be worked on in addition to the court issue.

Equally the role of the police needs to be worked on. We had a successful police-in-schools program which was subject to review by the government. There was universal endorsement of the program, but in its wisdom police management, supported by the Minister for Police and Emergency Services, modified the program so that there is now a less visible police presence in schools. This has taken away the opportunity for young people to develop respect for the police as people and respect for the uniform.

Another thing in our school program which impacts on young people who come to the court system is the power for school principals to be able to suspend pupils and bring into line young people who are getting out of line. I notice on page 53 of the Premier's annual statement of government intentions that he talks about promoting respect through schools. In recent times he has been quite vocal about promoting respect by young people for other people, themselves and for property. However, on the other hand the ability for school principals to suspend offenders has been somewhat curtailed in recent times.

As indicated by the member for Box Hill, there are many positives in the bill; its intentions are admirable. It is wide ranging, and I hope many of its measures are effective. I hope the bill does not need to come back too many times for amendment, as has been the case with previous legislation. It is disappointing that the government still refuses to recognise the importance of a broadbased, independent anticorruption commission. We can only hope that if members on this side continue to drive the issue, just as the government continues to repeat some of its statements, that the government will eventually hear and we will have a broadbased, independent anticorruption commission incorporated into our criminal justice system.

In conclusion I reiterate that the intention of the bill is admirable, and no doubt many improvements will be achieved, but I support the amendments moved by the member for Box Hill because I believe there is a risk that if the bill proceeds in its current form, many young people who deserve to be subjected to the criminal justice system will escape that system.

Ms GREEN (Yan Yean) — It gives me great pleasure to join the debate this afternoon on the Criminal Procedure Bill. It is one bill in a long line of reforming legislation which has been put before the house during the time of the Bracks and Brumby governments, and it will provide a legacy that we ought to be proud of as part of the reforms we have seen from a good Attorney-General who has taken his job seriously and has not been prepared to simply go on with business as usual, leaving the law to get to a situation where it is no longer relevant to the community.

It has often been said that justice must be done and must be seen to be done. When you have an act which in its 50 years of operation has had 1500 amendments, and it is a large piece of legislation, its coherence is certainly going to be affected. That has been the case with the Crimes Act. Many of its provisions have become confusing to follow, and in many cases they are outdated, use sexist or inappropriate gender-specific language and expressions which have no place in the 21st century.

The Criminal Procedure Bill makes significant changes to three pieces of legislation. I am pleased to see that both the Liberal Party and The Nationals have said they will be supporting the bill. They have proposed some amendments which I will not support.

The government's justice statement released in May 2004 set the agenda for significant reforms to the justice system in the state, and this bill is part of putting that reform agenda into action and meeting the justice statement objective of modernising our justice system. The bill is the major initiative of the Attorney-General's justice statement. It is the most comprehensive and far-reaching reform of criminal procedure in Victoria's history — and one can see that from the size of the bill. It will provide Victoria with the best criminal procedure laws in Australia; the sorts of laws which are expected in the 21st century.

The bill has been developed in close consultation with an expert advisory group comprising representatives from the courts, the legal profession and Victoria Police. It introduces major improvements to the criminal procedure laws by overhauling existing laws and introducing substantial policy improvements. Our society has an expectation that the criminal justice system responds to change and continues to adapt to meet those challenges, and the bill provides the sound

platform we need to do this. As other speakers have said, court time is valuable and court appearances can be expensive. This bill will promote avoidance of unnecessary court appearances and ensure that hearings focus on the most important issues at hand.

Criminal procedure laws provide the framework within which important matters that can have a significant impact on the lives of many people are dealt with. This bill will minimise the impact and the stresses of necessary procedures on victims, witnesses, jurors and the accused. Crime has an effect on our community. Its effects can be profound and far-reaching. Victims of crime experience trauma and stress, the effects of which can be long term and devastating. These impacts can extend to victims' families, our public health system and the capacity of victims and their families to contribute to our society in an economic or social way. The bill is about making the criminal justice system respond to crime in a modern, efficient and timely way that does not further traumatise victims. I think that is what our community would expect.

I was a bit concerned: I concede that the opposition has raised sometimes legitimate concerns, like those felt by most people in the community, about unnecessary delays. However, I found the fact that members opposite are opposing the reduction in the time limit for the commencement of proceedings in the Children's Court from 12 months to 6 months a particularly curious way of trying to deal with that concern. If they were truly concerned about those sorts of backlogs, they would absolutely support this sort of measure. Whether children are the accused or victims we should be concerned that they are dealt with in an expeditious way. I suppose that is why the Labor Party was concerned for a very long time about child refugees being incarcerated. I congratulate the federal government on its action on that matter. I think the opposition should withdraw its amendment in relation to the reduction in the time limit, because this really does respect children's human rights.

In relation to the opposition's comments about delays, the Brumby government is very committed to ensuring the effective management and performance of Victoria's courts. Legislation such as this before the house will improve that management and diminish the delays that are sometimes experienced. However, in terms of our comparison with other jurisdictions, a recently released Productivity Commission report demonstrates that the Supreme Court of Victoria had the highest clearance rate in the country across both criminal and civil matters. Despite steadily increasing workloads over the past five years, in 2007–08 courts handling both criminal and civil matters recorded high and significantly improved clearance rates. In the last budget the state government provided the largest increase in funding to the courts since it came to office in 1999.

Since 1999 the government has increased funding to courts by $177 million. That funding has been directed at improving the way courts operate and improving the facilities which help the members of the judiciary and the legal profession who regularly work in those workplaces. These improved facilities have certainly made an enormous difference to the stress experienced by victims of crime and families affected by crime who have to go through the justice system, whether it be in the children's area or any of the adult courts. It has certainly made a difference in separating victims from the accused, which was not always the case in the old facilities. Further reforms are under way, including an allocation of $17.8 million. A Victorian Law Reform Commission review of jury directions is also expected to have a significant impact on court lists.

As I said at the outset, this is a very complex and comprehensive reform of the criminal law in Victoria. It has been done in such a way that those affected have been consulted, and it will make a significant difference to the practice of justice in this state in the 21st century. I commend the bill to the house.

Mrs FYFFE (Evelyn) — I am pleased to rise to speak on the Criminal Procedure Bill 2008. The purpose of the bill is to clarify, simplify and consolidate the laws relating to criminal procedure in the Magistrates Court, the County Court and the Supreme Court, to provide for a six-month time limit for the filing of charges for summary offences in the Children's Court, to abolish the procedure of indictment by grand jury, and to clarify the tests relating to the determination of appeals by the Court of Appeals and provide a stay of sentences on appeal. It also amends the Sentencing Act 1991 to provide for a maximum fine that may be imposed for an indictable offence that is heard and determined summarily.

The background principles of trial justice state that procedural fairness in court proceedings is central to the preservation of justice. Many hold the belief that justice delayed is justice denied. Our interest in obtaining speedy trials for both victims and the accused includes the prevention of oppressive pre-trial incarceration, the minimisation of the anxiety and concern of the accused, the limiting of prejudice to the presentation of the accused's defence and the protection of the reputation and social and economic interests of the accused from the damage which flows from a pending charge. The bill aims to provide a six-month time limit for the filing

of charges for summary offences in the Children's Court. Yet in a Productivity Commission report released on 30 January 2009 it was shown that Victoria's criminal court waiting lists have the biggest backlog in Australia for Supreme Court appeals, County Court non-appeal cases and Children's Court cases.

Years of waiting to have cases heard after charges have been laid has caused massive stress and trauma to victims and their families, as well as those who have serious charges for crimes of which they may be innocent hanging over their heads. However, having said that, I will say that I support the shadow Attorney-General's amendments to retain the existing 12-month limit, because although it is for summary offences, summary offences cover some assaults. We could have young people who are classified as children — between 14 and 17 years of age — who have committed assaults but who, because of the time limit, may not end up going to court for those offences. This is one of the things we feel strongly about. It would be ideal and perfect if every case was heard and dealt with within the six-month time period. That would be fantastic. But unless there is a huge input of money into the Children's Court and an increase in the number of magistrates, it will not be achieved. We will have people who would have gone before the Children's Court not being taken there because of the expiry of the six-month time limit.

Clause 68, in division 6 of the bill, concerns the response of the accused to the prosecution case if the accused is not legally represented. In these circumstances the Magistrates Court must inform the accused immediately following the close of the prosecution case 'in a manner they are likely to understand' that they have the right to answer the charge and must choose either to give sworn evidence or to say nothing in answer to the charge. It is noted that there are no guidelines as to what constitutes a 'manner that they are likely to understand'. Therefore it is left entirely to the magistrate to determine in his or her opinion what is easy to understand. As we know, the bulk of people in prison are from low socioeconomic groups and tend to be poorly educated, and some of them may also suffer cognitive impairment. Therefore it may be difficult for a magistrate, particularly a less experienced one, to determine what constitutes easy-to-understand language.

Coupled with the fact that under stress our ability to comprehend is reduced, it may be worthwhile to have standardised instructions in plain English read to the accused, much like you would when the police read those who are charged with a crime their rights.

Clause 65 under division 5 of part 3.3 limits the length of the opening addresses by the accused and prosecution to be at the discretion of the judge. What guidelines are judges given to determine the appropriate length of an opening address? Is the decision to limit the opening address based on how boring the speaker is, or whether the prosecution only spoke for a short time or whether the accused looks guilty? While these are exaggerated examples, the point here is that in order to be fair in a situation where the consequences of a conviction can destroy a life, how can we be sure that our judges give equal opportunity for both parties to make their statements?

Making these procedures watertight may help to reduce the chances of appeals and error in decision making further down the track. While we do not want a situation where lawyers are permitted to run their cases with minimal intervention by judges allowing them to run on with verbose monologues that confuse juries and judges, we must make sure we have the balance in representation correct to avoid appeals that cause further lengthy delays.

Clause 182 under division 2 of part 5.5 relates to pre-trial disclosure. Lengthy trials contribute significantly to delays in criminal cases being heard. Existing court rules and procedures did not provide the mechanisms for sorting out the non-contentious matters from those that are an issue before the empanelment of the jury — that is, the case is put to trial. At last the government has recognised the need to include a procedural requirement for the prosecution and defence to provide a general outline of their case early in the trial, enabling greater focus to be put on matters which are truly in contention. This is vital in assisting juries and judges to identify and concentrate on those matters which are important and deserving of their attention. This will help to curtail the number of trials that are in excess of 20 days, when the average trial takes 7 days to complete. The source of those dates is a report by the Deputy Commonwealth Director of Public Prosecutions, Mark Pedley, headed 'Twofold approach needed for court reform'.

I will make some additional points about justice. The Attorney-General has followed the lead of the Victorian Director of Public Prosecutions to spruik the case for a justice revolution. I am sourcing that from the *Australian* of 31 October 2008, which reports a speech given at a dinner at Parliament House in 2008. Why is the measure drastically described as a 'revolution'? Perhaps it has something to do with the number of appeals that continue to clog our justice system. Almost 300 of the 538 appeals against conviction in the past seven years claimed the trial judge misdirected the jury.

Retrials were ordered by the Court of Appeal in 160 cases between 2000 and 2007. This statistic suggests, as the Director of Public Prosecutions puts it, that there has been something very seriously amiss with the manner in which criminal trials are being conducted. The economic cost of appeals is estimated to be hundreds of millions of dollars. That is based on the Victorian Law Reform Commission's 2008 report that a five-day retrial in the County Court costs a minimum of $55 000.

The Attorney-General has also called on Victorian lawyers to abandon many of their adversarial traditions in criminal trials and move towards a system based on an active, problem-solving judiciary. But rather than lead the way, for the last 10 years we have seen this government modify laws as an afterthought after something tragic has happened as occurred with a series of recent child manslaughter-murder cases. This government has spoken about the need for system change but it has moved very slowly. In Parliament last year we saw the movement of bills through both houses which did little more than modernise terminology. That is inconsistent with the government's apparent vision of a judicial revolution. Furthermore what does the Attorney-General mean when he talks about a shift toward 'active problem solving'?

The very least the government could do is increase funding to improve the speed of forensic testing. Delays in testing of evidence are leading to people being granted bail. Due to overcrowding we are now seeing more people accused of crimes; people who would once have remained in prison are out on the streets with the potential to commit another crime or evade justice altogether.

Under the Attorney-General Victorians have witnessed massive cost blow-outs and delays in programs such as the criminal justice enhancement program which Minister Hulls claimed would reduce court waiting lists and speed up the justice system.

Another worthwhile point to consider is the possibility of extending court hours. In the *Age* of 28 October 2008 the DPP advanced a format under which courts would sit outside the standard 6 hours. He proposed a day shift from 9.00 a.m. to 3.00 p.m. and an evening shift from 3.30 p.m. to 9.30 p.m. A reform of this nature would enable more people to have their cases heard in a timely manner. Perhaps that is something we should think of doing with the Children's Court if we are going to have this six-month figure.

In order to guarantee justice for all Victorians, what measures will be taken to boost funding for legal aid? It is a problem that persists. Unfortunately when a complex and serious case is referred to legal aid, a common complaint that we all hear is that the financial assistance runs out in the consultation stages, rendering defendants without sufficient help at the crucial trial stages. I support the amendments by the shadow Attorney-General. Six months is too short a time unless the backlog is going to be cleared.

Ms CAMPBELL (Pascoe Vale) — I will take this opportunity to contribute to debate on the Criminal Procedure Bill, which I support wholeheartedly. This legislation is the result of outstanding work undertaken by the Attorney-General, his department and a range of stakeholders. We have before us legislation that modernises the law. It removes outdated procedures and it is designed to remove delays in court procedures that deny justice to a range of people for an extended period of time. Collectively I would think members of this Parliament would support any efforts that provide for justice to be delivered in a more timely fashion.

We have had a number of contributions from the opposition in relation to young people. It is really important that we outline some of the key facts in relation to young people. I will pretty much devote my entire contribution to young people. The amendment moved by the opposition may have a good intent, but I do not think it is necessary. This particular legislation provides the framework or the ambit that is required should it be longer than six months before a case comes before the courts.

For example, let us look at assaults. Assaults can be charged either through indictment, where there is no time limit, or, in cases of summary assault, this legislation applies and an extension can be granted in relation to a young person where there is a good reason. For all the cases that I would call ordinary, such as summary assaults where there is a more minor assault, which we would recognise as the vast majority of cases, it is unlikely that any longer than six months would be required. But if more time were needed, then an application could be made to a court for an extension. Let us think of a couple of obvious examples where such an extension might be required. For example, if a child absconds, to my mind that is a perfectly reasonable proposition to put. I have no doubt in my mind that a court would understand and grant an extension. I would not expect that the courts would be anything other than utterly reasonable. In dealing with offenders and victims I would also think that members of Parliament from their experience would be able to say that in the vast majority of cases people believe that the courts in Victoria are reasonable.

Because of their vulnerability young people require special provisions. They go before the courts at a critical time in their lives when they can be affected by unnecessary delays and procrastination. Many families, be they the offender's or the victim's families, think these matters should be addressed promptly. They say these delays are unreasonable. The focus of this legislation is on having timely justice. Court time is valuable, and it is an added bonus if well-prepared cases can be brought before the courts and heard in a timely fashion. If a prosecution team has any questions about this process, this bill provides a system that can address those questions.

I recommend that members of the opposition refer to the circulated copy of the second-reading speech, a long speech of some 25 pages. Pages 22 and 23 of the speech concern section 17 of the Charter of Human Rights and Responsibilities, which relates to the protection of families and children; section 23 of the charter, which is about children in the criminal process; and section 25(3), which is about the rights of accused children in criminal proceedings. Members of the opposition should be able to understand the rationale behind this legislation. Having had a lot of experience with children and young people before the justice system, I can only commend the Attorney-General and the people who have worked on this legislation for recognising that children require special protection because of their vulnerability as minors, and the special protection goes to making sure that the criminal process has fair time lines as much as possible. In the bill before us we are aiming for six months, but the time can be extended if required.

In relation in particular to children charged with offences, I think the part of the bill that shortens the time limit for filing charges for summary offences from 12 months to 6 months will reduce stress, not only for the children and their families but certainly for the victims. Victims want justice and they want it delivered in a timely fashion. However, we are also conscious that for children who are at a vulnerable age it is important to face the justice system as quickly as possible and to end a court procedure.

Let me go through the bill in a little more detail in the few moments available to me. Opposition members have levelled criticism at this legislation which I think is quite unfair. The reduction in the time limit will help to reduce delays in getting charges filed in court. It is important that there be time lines in the justice system, and this bill makes specific provision for minors. There is flexibility in the bill to extend the 6-month time limit to 12 months in appropriate circumstances, and I have outlined one example where that may occur. There are two ways to have that time extended.

The first mechanism is that an informant may apply to the Children's Court for an extension of the time. This may be done any time within 12 months of an alleged offence. In making a decision to extend a time limit the court must consider the age of the child, the seriousness of the alleged offence, the length of the delay and whether the delay was beyond the control of the informant.

The second mechanism open to us is that the parties may agree to the extension of the lime limit, and in providing consent a child must have received initial legal advice. If a court is not satisfied that this has happened, it may adjourn the proceedings to allow the child to do so. The bill also requires that a senior member of the police force provide consent to ensure that the case is appropriate. This reduction in the time limit is also recognition that for child suspects it is much more important for proceedings to be commenced as soon as possible after an alleged offence.

The SPEAKER — Order! I need to interrupt the member at this stage.

Ms CAMPBELL — I will conclude my remarks on that note.

The SPEAKER — Order! The time has arrived for this house to meet the Legislative Council in this chamber for the purpose of a joint sitting to vote to choose a person to hold the seat in the Legislative Council rendered vacant by the resignation of Mr Evan Thornley. The joint sitting will conclude at an appropriate time for the dinner adjournment, so I propose to resume the chair at 8.00 p.m.

Debate interrupted.

Sitting suspended 6.15 p.m. until 8.02 p.m.

CRIMINAL PROCEDURE BILL

Second reading

Debate resumed.

Mr CRISP (Mildura) — I am pleased to make a contribution to debate on the Criminal Procedure Bill. Neither The Nationals nor the Liberal Party is opposing the bill, although it is subject to an amendment.

The purpose of the bill is to consolidate the law of criminal procedure, and the bill has five key areas —

criminal procedure, summary procedure, committal procedure, appeals and other amendments. There are quite a number of provisions. This is an extensive bill, and a massive rebuild of the Criminal Procedure Act.

The main provisions of the bill are to adopt consistent technology — treat all stages of proceedings from commencement by filing as a single proceeding, introduce a notice to appear in the process, provide simple, flexible and effective case management and powers and procedures, trial procedural changes, abolish indictment by grand jury, allow written pleas of guilty, allow leave to appeal against sentence to be refused if there is no reasonable prospect of a less severe sentence, specify an element of double jeopardy in sentencing, and provide for electronic communication and other ways of effecting service.

There is also a reduction in the normal time limit for commencement of proceedings against a child for a summary offence from 12 months to 6 months after the offence is alleged to have been committed, unless the court agrees to an extension to 12 months and reduces the minimum sentence from three years to two years for indictable offences under the Drugs, Poisons and Controlled Substances Act.

It is indeed a huge area. There are a number of aspects I wanted to discuss, and in particular I want to support the amendment moved by the member for Box Hill over the issue of a time limit for the commencement of summary proceedings against children.

In supporting that amendment I would like to resort to the old saying: 'A stitch in time saves nine'. Many people who are attending court, particularly young people attending for the first time, are likely to have been charged with summary offences, and the mere encounter with a court may be enough to change their lifestyle or change some very bad habits. It is better to have an encounter with the courts at that age. To have a hearing delayed or to escape seeing the court at that age may well then develop a culture of escaping justice and risk further and more serious encounters with the law.

It is difficult, and in the Premier's statement of government intentions he looked at the respect issue, and this is where respect begins with children. These encounters with the Children's Court should be allowed to occur because they will save people from becoming involved in a culture of escaping punishment until finally it is too late.

The issue of interpreters is one of great interest to people in Mildura, which is an area where many first arrivals in Australia come because of our long history of requiring manual labourers in the field to pick our crops. We tend to have a lot of people who are struggling with English arriving in Mildura to work in that seasonal area.

Country areas lack the services of skilled interpreters, particularly those who have experience in court, health or education matters. I am seeking a commitment from the minister that he will provide us with the sort of support that is needed.

I note from the Scrutiny of Acts and Regulations Committee report that that committee has examined this issue and has some concerns as well. I would like to talk about some of those concerns, particularly around clause 335, where SARC makes the comment:

> …clause 335 bars a court from hearing a criminal proceeding in the absence of a competent interpreter if two conditions are satisfied:
>
> section 335(a): a person is charged with an offence punishable by imprisonment; and
>
> section 3335(b): that person does not have sufficient knowledge of the English language.

SARC points out that we have an issue then with the charter, which at section 25(2)(i) refers to a minimum guarantee to have the free assistance of an interpreter if he or she cannot understand or speak English. Section 25 (2)(j) requires the free assistance of assistants and specialised communications tools and technology if he or she has communication or speech difficulties that require such assistance.

We have a little conflict here. I note SARC has written to the minister to resolve it, and I trust that the minister can do so because it will become an issue in Mildura, particularly since we have a shortage of skilled interpreters. Finding people who are not only skilled at interpreting but confident in the legal system is a considerable challenge.

Also there are difficulties in the delaying of justice, and that overlaps with people who arrive in Australia and for some reason are having an encounter with the legal system very early in their stay. In that case it is very important that we resolve that, particularly as many of these people come from countries where the legal system is not what it is in Australia.

However, I note that we have delays, even in these areas, that go beyond the need for interpreters and the delays that are involved. Right across the area there appear to be delays, and the member for Box Hill has pointed out very clearly that the courts in Victoria are bulging: there are large backlogs for Supreme Court

appeals, County Court non-appeal cases, Children's Court cases and Supreme Court appeal cases that have been waiting more than 12 months.

In particular a couple of areas affect country places. The Magistrates Court is the principal court in Mildura, and the Victorian Magistrates Court has the second-largest backlog of cases of any jurisdiction in Australia. The member for Box Hill notes that there are 34 701 cases to be heard — up 26 000 over the last six years. Of these, 24 per cent have been waiting six months or more to be heard. We have a problem in the Magistrates Court, and again we need to address that. The bill is meant to simplify the procedure, but we will need some resources to catch up with this procedure.

Similarly, the Children's Court has the largest backlog in Australia, according to the member for Box Hill, with 5591 cases waiting to be heard, up to 4000 of them having been waiting since early last year. I am anxious that young people who are subject to a charge are dealt with promptly and quickly by the courts. For the most part, just appearing in court before a judge is enough to turn someone around. For that reason I will support the amendment proposed by the member for Box Hill to allow the legislation to operate for one year until such time as the backlog can be cleared in the courts and justice can be delivered swiftly and quickly. I close by saying that The Nationals in coalition are not opposing this bill.

Ms D'AMBROSIO (Mill Park) — I rise to add my support to the Criminal Procedure Bill. I am pleased to see another instalment in the revision and modernisation of our justice system in Victoria. This bill clarifies many decades of changes that have occurred to the Crimes Act 1958, changes which have rendered that act less than satisfactory in terms of coherence, consistency and language. That affects its accessibility and operational efficiency when it comes to criminal procedure matters. The bill also consolidates into one bill the various elements of criminal procedure law that lie across three acts — the Crimes Act, the Magistrates' Court Act and the Crimes (Criminal Trials) Act. Previous speakers have gone through many elements of the bill, and I want to give a particular commentary on the summary procedure of it.

The bill talks about increasing efficiencies in the procedures to assist in the workload of the courts, culminating in a speedier delivery of justice through our justice system. The bill talks about the introduction of a notice-to-appear process, which is an alternative process to the issuing of a summons to appear in a Magistrates Court or to an arrest situation, and is the third alternative for bringing summary matters before the courts. The point of that is that there are big delays in our court system in terms of the filing of charge notices. In some more straightforward summary matters it would be helpful to have this ability to streamline the processes through the notice-to-appear provision.

Under this provision of the bill, the prosecution must determine if it wishes to proceed with the filing of a charge sheet within 14 days of issuing a notice to appear and must notify the person of its decision within 7 days. If a charge sheet is issued, a preliminary brief must be prepared within 7 days and will always be provided before the first court date. The purpose is to facilitate the early resolution of cases where they can be resolved in a fairly straightforward manner through conference arrangements. To facilitate this, more information will be made available to the accused person. In some cases, the need to have the matters taken through the court system may be avoided.

One of the key elements of this particular part of the bill is the bringing about of behavioural change where there is a shift in focus through these changes. A pilot program of this system in the Magistrates Court is proposed. A different process will apply for dealing with delays in the Children's Court that deals with children and young people who have different needs. Different mechanisms need to be looked at to deal with delays there.

There will be a requirement for certain and clear disclosure created by this bill. In terms of procedures, the law as it stands is incomplete in some places and inconsistent in other places. For the purpose of fairness and the efficiency of the system, the object of the bill is to make clear and certain what those steps are. The bill will also give better protection for the privacy of victims and witnesses who assist the prosecution case.

The bill is clear and adopts a wholesale approach, if you like, to redeeming the important features of procedure law, and it does this very well. It is another step, as I said in my introduction, in the clear direction forward in modernising Victoria's justice system. I commend the Attorney-General and the government for continuing to evolve our laws by replacing laws which perhaps are arcane and not easy to access, and by introducing fairer procedures to ensure that justice is delivered in a speedy, fair and transparent way. With this small contribution, I commend the bill to the house.

Mr SCOTT (Preston) — It gives me pleasure to contribute to the debate on the Criminal Procedure Bill. This bill, as previous speakers have said, builds on a history of developing statute law since the Criminal Law and Practice Act 1864. Laws in this area are a

mixture of statute and common law. The key consolidation of that law is the Crimes Act 1958. My understanding is that over the last 50 years it has been subject to more than 1500 amendments, which has left it in a fairly unwieldy state. That has created problems such as that laws can be difficult to locate and, as has been touched upon, that often laws can be difficult to understand because they are drafted in arcane language.

I touch upon the second-reading speech, in which the minister talked about the use of plain English and clear and consistent terminology. My interest was sparked. The bill amends aspects of the act which deal with trial by ordeal. The act provides that a person who pleaded not guilty shall be deemed to have put themselves upon the country for trial. That statement implies that the person was not subject to trial by ordeal. It seems almost axiomatic that that is a ridiculous provision to be in our law in 2009. As members will be aware, trial by ordeal was used in things like witch trials, in which persons would have to hold a red-hot iron or be subject to trial in water, where they would be drowned, or subject to other acts. The inference was that God would intervene if you were innocent — that is, your hand would not be burnt or you would not drown or a number of other things would not happen. I suspect that even the crustiest of conservatives would regard reference to trial by ordeal as something which is unnecessary in our legal system in 2009.

Further, and this is important, I want to touch upon the use of French and Latin words, which I understand often are referred to in English law as law French. It was used in English law because the Normans won the Battle of Hastings in 1066 and the ruling class in England was French speaking until the mid-Middle Ages. Laws were written and prosecuted in French and often court proceedings were conducted in French. This is an anachronistic hangover. I touch upon that because it is important that the laws that exist within a state like Victoria are understood by the electorate. If members of Parliament are making and amending law and there are debates about law, people in the broader democracy should understand what that law is.

The use of anachronistic terms that come from another language or out of the Middle Ages means it is very difficult for laypersons to understand the law. It creates terminology that prevents people from understanding easily what the law means. The law that we as elected representatives pass should be easily understood, and should be subject to review by the electorate. Our law is a complex beast, but educated, thoughtful people should be able to pick up an act of Parliament and understand it. As best we can we should make it easy for people to understand the law. That is a very important part of not just how the criminal law proceeds within the state but also of how the democratic process proceeds. If the law is unintelligible to members of the public, how on earth can they determine the worthiness or otherwise of the amendments made by Parliament?

I will keep my comments brief. This is an excellent bill that takes a forward step. It helps to bring together a lot of work done on codifying criminal procedures in Victoria. I commend the bill to the house.

Mr KOTSIRAS (Bulleen) — It is a pleasure to speak briefly on this bill. I wish to make only a minor point in relation to the government's Charter of Human Rights and Responsibilities. Members will all recall that when the bill establishing the charter was brought into the house with much fanfare it was said it would protect all Victorians and make sure their interests were looked after. Yet it seems that with this legislation the government would be breaking some of the rules in the charter. I refer to section 25(2)(i) of the act, which provides that every Victorian will:

> … have the free assistance of an interpreter if he or she cannot understand or speak English …

Section 25(2)(j) provides that every Victorian will:

> … have the free assistance of assistants and specialised communication tools and technology if he or she has communication or speech difficulties that require such assistance …

Unfortunately clause 335 provides no protection for people who cannot speak English. It also provides no assistance for people who might be charged but will not be going to jail — that is, if someone is not going to jail, they will not get access to an interpreter.

I ask the minister to look at the clause and make sure that every Victorian who cannot speak or cannot understand English is given the opportunity to have an interpreter present to assist them in court. It is only fair that everyone should know what is going on in court. Unless those people who need an interpreter have one, justice will not be done.

This issue has been raised by the Scrutiny of Acts and Regulations Committee. I ask the minister to look at the clause, review it and come back to this house or deal with it in the upper house if amendments need to be made to the bill. It is far too important for it to be ignored.

Debate adjourned on motion of Mr HARDMAN (Seymour).

Debate adjourned until later this day.

JOINT SITTING OF PARLIAMENT

Legislative Council vacancy

The ACTING SPEAKER (**Mrs Fyffe**) — I have to report that the house met today with the Legislative Council for the purpose of choosing a person to hold the seat in the Legislative Council rendered vacant by the resignation of Mr Evan Thornley and that Ms Jennifer Huppert has been duly chosen to hold the vacant place.

RESOURCES INDUSTRY LEGISLATION AMENDMENT BILL

Second reading

Debate resumed from 4 December 2008; motion of Mr BATCHELOR (Minister for Energy and Resources).

Mr CLARK (Box Hill) — The Resources Industry Legislation Amendment Bill is designed to regulate extractive industries through mining legislation rather than separate extractive industries legislation. To that end, it repeals the Extractive Industries Development Act 1995 and makes a series of amendments to the Mineral Resources (Sustainable Development) Act 1990.

Extractive industries are carried out in what are generally known as quarries, where they extract stone for a range of purposes. They have an important role to play in the economy; they have a vital and often irreplaceable purpose. It is therefore important that we have efficient and effective legislation to facilitate the industries. It is important also that we have legislation that provides that degree of regulation of the industries that is required, because extractive industries can generate dust, noise and other environmental consequences for their neighbours and, like mining operations, they may well take place on private land. There needs to be a reconciliation of the interests of the parties conducting an extractive industry and the owners of the land on which it is carried out.

The legislation follows a review that was commissioned by the Department of Primary Industries and was conducted by Dr Robyn Sheen of a firm entitled Shina Consulting. The final report, which is dated March 2008, is set out in a document entitled *Review of the Efficient Regulation of Victoria's Extractive Industries*. It is a document that in many places contains quite convoluted terms, but it comes up with a series of recommendations expressed in straightforward terms. Many, but as far as I can see not all, of those recommendations have found their way into the bill before the house.

As the title of the review suggests, the bill attempts to reduce the regulatory burden that applies to the industry, and the principal way in which that is sought to be achieved is through having the Mineral Resources (Sustainable Development) Act, rather than a separate act, applied to extractive industries. There is also an attempt at a fair degree of rationalisation of the various provisions in that process as well as some other measures.

In some key respects the bill does not set out the government's intentions but allows the government to give effect to what it has announced to be its intentions. The government has announced that it intends, for example, to extend the current total exemption from the legislation for areas that are up to 2000 square metres and of no more than 2 metres in depth so that it would apply to areas of up to 1 hectare that are no more than 2 metres in depth. The government also intends to partially deregulate work plan requirements by exempting operators of sites of up to 5 hectares and up to 5 metres in depth where there is no native vegetation clearing or explosives required. Instead of requiring compliance with a work plan, it will require compliance with a code of practice that contains standard work conditions. As I understand it, these are codes of practice that are intended to be developed using existing provisions in the legislation which will be extended to apply to extractive industries.

The bill proposes to allow current work authority holders to continue to operate under their work plans for up to five years but also to give them an opportunity to opt out of those work plans and instead bring themselves, if they qualify, under a code of practice. On top of that the bill will require current work authority holders to opt out of the existing regime and move over to a code of practice if they wish to vary their work plan. The bill also establishes a duty to consult with the community in relation to extractive industries in terms very similar to those that apply to the mining industry. The bill also proposes to remove the requirement to apply for a planning permit where an environment effects statement is required. That is done on the basis that it is believed the requirement to apply for a planning permit is redundant, given the scrutiny that will occur during the course of the EES. A range of other requirements the government considers to be unnecessary or redundant are removed.

As I said earlier, this bill is largely based on the review of the efficient regulation of Victoria's extractive industries, but there are some departures, and there are some other aspects of the bill in respect of which I will raise some queries. On the change to the existing work plan requirements, the final report of March 2008 was quite open ended in its recommendations. In effect it put forward three options, and I quote from recommendation 7, set out at page xxvi of the report:

> Reducing the burden of red tape and achieving leading-edge regulation are key government policies. To this end it is recommended that consideration be given to:
>
> (a) abolishing the requirement to obtain an approved work plan and work authority;
>
> (b) limiting the number of work plans and work authorities required to those operations which present the greatest risk;
>
> (c) limiting the number of work plans and work authorities required according to the size of the operation.

It is clear from the context that (a), (b) and (c) are intended to be alternative options. Given that the review was not specific in terms of its recommendations, I would be interested if the minister or other government speakers on the bill could shed some light on how the government reached its conclusions as to what exemptions would be granted and what exemption from work plan requirements would be granted in terms of the specific proposals it has announced.

I also raise the fact that current work authority holders will be required to move to a code of practice if they wish to vary their work plans. It also appears they will be required to move to a code of practice after five years in any event. What causes me an element of concern is that there seems to be a degree of coercion involved. If this is a beneficial piece of deregulation, as the government states it will be, why is it necessary for there to be this degree of compulsion in various circumstances, or a requirement for people to move over to the code of practice after five years? Related to that is the issue of whether or not there is to be consultation with the industry in developing the code of practice, which was recommended in paragraph 8(a) of the review.

Some other aspects of the review's recommendations do not seem to have been addressed explicitly in the bill or in the government's announcements of its intentions. The first of those relates to the royalty scheme that applies. Recommendation 11 of the review was that the existing royalty scheme should be reviewed having regard to its costs and benefits. Clause 13 of the bill deals with royalties and requires that:

> The holder of an extractive industry work authority to be carried out on Crown land must pay royalties in accordance with the rate or method of assessment and at the times —
>
> (a) specified in the work authority; or
>
> (b) prescribed …

However, it is not clear whether the government is going to vary the existing royalty regime following on from what was contained in the final report of the review, and if so, to what extent.

Another aspect of the review, which as far as I can see the bill and the government have been silent about, is dealt with at item 8.5 of the review — namely, a landowner's right of veto. As the review points out, under section 21(2)(b) of the existing legislation:

> … a work authority must be cancelled if the landowner's consent is revoked, lapses or otherwise ceases to have effect.

The review pointed out that:

> A number of industry representatives raised this issue …

It said they could:

> … face serious losses if a work authority is revoked unexpectedly.

However, it also said:

> The Victorian Farmers Federation has stated they would like to see the right of veto remain as it is a guarantee of their property rights.

The review, however, recommended that the landowner's right of veto should not be remade. I assume by omission that that has been the government's decision. I would be grateful if the minister could clarify that.

Finally, I raise in general terms the fact that this legislation, like any regulation about extractive industries, mining industries or similar industries, needs to strike a balance between the interests of the industry and the interests of adjoining landowners. That is obviously not an easy thing to do, but it is very important, because if that balance is wrong, there is the potential either for an industry to be unduly fettered in its activities or conversely for adjoining landowners or the owner of the land on which the industry takes place to suffer unreasonable detriment due to noise, dust or other matters. In particular, when the government responds to the issues I have raised regarding its decisions on deregulation, I would be grateful if it could indicate whether it has addressed this issue of the protection of neighbouring landowners from unreasonable intrusion and whether or not it is satisfied

that the bill and the way the government intends to administer the bill will achieve that result.

In conclusion, the opposition parties do not oppose the bill. Clearly if deregulation can be achieved without the loss of appropriate safeguards and protections for the community that is something to be welcomed. A range of queries are raised in relation to the detail of this bill. We look forward to the government's response to those issues.

Mr HARDMAN (Seymour) — I rise to support the Resources Industry Legislation Amendment Bill 2008. The purpose of the bill is to encourage economically viable mining and extractive industries which make the best use of resources in a way that is compatible with the economic, social and environmental objectives of Victoria. A key change is that stone resources will now be covered by this act. Another key change will be that adverse impacts on the community are also considered within an established legal framework. Just compensation is important for people who might be impacted by this industry, and this bill will ensure that just compensation is paid for the use of private land for exploration or mining.

The bill aims to implement some of the recommendations of the *Review of the Efficient Regulation of Victoria's Extractive Industries* as well as some modernising reforms to the sector, including the introduction of a duty to consult with communities. For a local member representing a rural electorate where people and companies are often looking for resources, whether they are mining resources or extractive resources, this bill is an important piece of legislation because people's amenity, the landscape and its aesthetic, the noise and the dust — all those things — are important. That is why people live in rural areas. While these industries are important to Victoria and they provide a very important economic base, it is also important that people are treated with respect and that their concerns are taken into consideration. I support this bill on that basis.

Some of the details of the bill include the development of a code of practice for extractive industries. Extractive industries include quarry operations, and they produce a range of hard rock, clay, sand and gravel products. Those products support our building and construction industry in Victoria. In 2006–07 extractive industries had sales of $654 million and employed 3500 people. Like our mining industries, our extractive industries make up a very important economic base in Victoria.

It was wonderful to hear today's announcement of the expansion of mineral sands production by Iluka Resources, which will provide an alternative income for people living in remote communities. The more diverse a community's economic base, the stronger that community is going to be into the future. It is very important that our government and the whole state of Victoria support and make the doing of business a viable proposition. This bill is about trying to do that.

Currently Victoria's extractive industries are regulated through a range of planning, environment and safety laws under the Extractive Industries Development Act 1995. The review of the efficient regulation of Victoria's extractive industries has suggested that the Extractive Industries Development Act be repealed and be provided for under the Mineral Resources (Sustainable Development) Act, and we are enacting that part of the review. This is an example of the Victorian government taking action to remove the burden of red tape on business. It is something the government has been striving to do for some time, and the more we can do that the more chance we have for jobs in our state. Everybody in the house and across the country understands that if we are to survive the present economic climate and continue to thrive in the future, we need to make it easier for companies to create jobs. If that is done, members of our society will be better off and Victoria will be better able to ride the global financial crisis.

The bill partially deregulates the work plan requirements. New small quarry operators will be exempt from current work plan requirements and instead will be required to comply with a standard set of conditions set out in a code of practice. That will make it easier for people to understand and will provide more certainty. The bill establishes a duty to consult with the community, which complements the government's community-building initiative and is consistent with the current requirements for the mining industry in Victoria. I have already explained why I think that is so important.

This is an important bill for Victoria. The more opportunities we can give to job creation in the state, and the more we can make of our natural and human resources, the better our state will be into the future. I commend the bill to the house.

Mr DELAHUNTY (Lowan) — On behalf of the Lowan electorate I rise to speak on this important bill, the Resources Industry Legislation Amendment Bill. The purpose of the bill is to amend the Mineral Resources (Sustainable Development) Act 1990 to provide for the regulation of extractive industries and to repeal the Extractive Industries Development Act 1995, which currently governs extractive industries. It also

makes other consequential amendments and removes redundant provisions. We are pleased to see some deregulation going on and are glad to see the removal of some red tape, but there are still many unanswered questions about the bill. Until we see it in operation we will not know its real outcome.

The bill will impact predominantly on country Victoria because that is where the extractive industries are. The cement industry is very important to the building industry and other industries. Quarrying is used to obtain materials for road making and other building industries. It is difficult to find appropriate road-making materials, and sometimes they have to be carried long distances, so if we can find them in Victoria we need to make it possible to get them and use them. The changes to extractive industries will be welcomed.

Other members have highlighted the provisions of the bill. They include the efficient regulation of Victorian extractive industries. The member for Box Hill spoke about royalties and the possibilities for varying them. I will be pleased to hear what the minister has to say about royalties. Most of the extractive industry people I have spoken to are very concerned about the way this government handles money. They say there could be a steep rise in royalty payments.

Mr Nardella — There is a surplus.

Mr DELAHUNTY — The member for Melton says there is a surplus. It will be interesting to see how long it lasts. There might be a state surplus but all the other governments are going into deficit.

The review talked about the landowner's right of veto, and I know the Victorian Farmers Federation (VFF) has spoken strongly about property rights. The bill seems to be fairly silent in relation to them; it does not change anything from the current act. I will wait to hear from the minister why the government did not take on board the VFF's comments in relation to property rights.

The bill amends the Mineral Resources (Sustainable Development) Act. I was pleased to hear the minister speak highly of Iluka Resources, which is a great company working in my area. It extracts mineral sands from an area around Balmoral; they are transported by road to Hamilton, where a mineral separation plant has been established on a greenfield site. Many people were employed in the construction of that site and many still work there now. Iluka has been a good corporate citizen in relation to the way it began the minerals sands process, including the consultation with the community and the environment effects statement process, and in the way it has acted since it began mining. The minister said today that mining had now started near Ouyen, which is in the area represented by the member for Mildura. The member for Swan Hill thought it was close to his area, but I understand it is in the electorate of the member for Mildura. I compliment the company for the way it operates, not only in the way it provides employment for people in the area — and it employs mostly local people — but also for the way it rehabilitates the land after it has mined the mineral sands. I think the company is a model of good corporate citizenship in the mining industry.

I was involved in looking at the industry when the mining of mineral sands close to Horsham was talked about. I was in the Department of Agriculture and Rural Affairs at that stage. A company was planning to come to an area near Horsham, but unfortunately the mineral sands were so fine that it could not mine and separate them efficiently. The company put in an agglomeration plant — I think it put in something like $50 million or $70 million — and then walked away. It is a very costly business to start.

One of the costs of doing business in the mining industry is red tape, and governments of all persuasions must try to work with the industry in a sensible way while understanding the community's concern. The industry provides necessary resources not only for the building and road-making industries but also in the production of whitegoods. A lot of hip replacement materials use minerals from western Victoria, so it is a very important industry.

The other company I want to talk about while speaking about the changes to the Resources Industry Legislation Amendment Bill is the Stawell Goldmines. I no longer represent the area around Stawell. That was changed in 2002 and now the area is represented by the member for Ripon. I do not hear him talk much about it in this place. When I represented the area the company had major concerns about its long-term viability. It would have liked to establish an open-cut mine. I am not sure where the company is up to with that, but it is a very important industry which has worked well with the community in Stawell. It provides a lot of employment as well as providing a very important resource, which is gold.

The bill provides for plans to develop a code of practice for extractive industries. The member for Box Hill has a greater knowledge of the bill than I, and he tells me that the code of practice is yet to be developed. This is where we have a suck-it-and-see issue. We often pass bills in this place and the finetuning is done at a later stage. In this case that is the code of practice. It will be a make or break measure for a lot of these industries.

They are competing against other industries around Australia. They are working in a very tough environment while the global financial crisis is hitting us, and it is important that we do not burden them with undue costs which make them uncompetitive. The code of practice, which is still to be developed, will form a key part of how the legislation will operate. I hope the government consults not only with the industry and the community but also with some of the users of the products as well as with other people who are affected by changes to the legislation.

Another main provision is the duty to consult with the community, which is very important. I have congratulated Iluka Resources on the way it has operated. A long time before it started mining it informed the land-holders and the wider community in the region about the impact of mining in the area. The same thing happens with the extractive industries sector. There are a lot of extractive industries in country Victoria. Whether it is extracting gravel for road building or extracting cement for the building industry, extraction occurs more regularly than we know about. In my time in Parliament — and I have been here since 1999 — I have not heard any complaints about the operations of organisations in the extractive industries. It will be good to see that consultation happen.

The bill also removes the requirement to apply for a planning permit where an environment effects statement (EES) is required. This is where there needs to be more understanding, and I hope the minister will respond to this. In most cases the planning authority is the local council. In my understanding, if an operator goes through an EES, it does not need to go to the local council for a planning permit. I would love to know if that is the case. During the EES process there must be some consultation with the municipalities involved, particularly the surrounding municipalities upon whose roads the extracted material would be transported.

The bill extends the current exemption for land of up to 2000 square metres in area and 2 metres in depth to land of up to 1 hectare in area and 1 metre in depth, which The Nationals welcome. It also allows current work authority holders to continue to operate with their work plans for up to five years or to opt out. However, this is subject to the code of practice, and that is where I say there are things to be done.

The only question I have is in relation to how the Aboriginal Heritage Act applies to the extractive industries sector. I would love to hear the minister respond to that.

The extractive industries sector employs 3500 people in Victoria. It is a very important sector, particularly in country Victoria, for roads and for buildings. We welcome the supposed deregulation and removal of some of the red tape. Like my colleagues, I will not be opposing the legislation.

Mr BROOKS (Bundoora) — It is a pleasure to rise in support of the Resources Industry Legislation Amendment Bill. It was also pleasing to hear members of the opposition indicate that they will support the bill. Much of what I have to contribute to this debate tonight has already been said by my colleague the member for Seymour; I will take up some of his points and endorse them.

The Brumby government is taking action to ensure that the Victorian economy and the community are able to withstand the ravages of the global financial crisis. As we have heard, Victoria has very sound fundamentals, and that is due to some of the tough decisions taken by the Brumby government. This bill is another example of the Brumby government taking action to ensure the efficiency of the extractive industries sector.

As the member for Seymour indicated, the extractive industries sector has a sales value of well over $500 million and directly employs over 3500 Victorians. That figure does not include the people employed indirectly or those in the building industry who rely on the resources that are sourced through this sector, such as sandstone, basalt, granite, limestone, clay, gravel, sand and soil. These are vital to the Victorian building industry, and it is important that the government take steps to ensure the extractive industries sector is as efficient as possible.

The bill follows on from the review of the efficient regulation of Victoria's extractive industries, which concluded in March 2008. It was in line with the government's commitment to take action to reduce the regulatory burden faced by many sectors of the Victorian economy. The final report of the review made a number of recommendations, some of which the government will be able to act on without legislation as they are administrative matters, and some of which are picked up in the bill that we are debating tonight. Notably, the Extractive Industries Development Act 1995 will be repealed, and extractive industries will be regulated through an amended Mineral Resources (Sustainable Development) Act 1990. This is important for a number of reasons. Consolidating the acts will deliver consistency with other jurisdictions, and having a consolidated regulatory framework or machine will make it easier to implement further efficiency measures whenever those opportunities come up in the future.

Importantly, the bill also recognises the value of community engagement where these operations are proposed. Under this bill industry operators will be required to prepare a community engagement plan. This duty to consult through the requirement to prepare such plans was adopted in 2006 through amendments to the Mineral Resources (Sustainable Development) Act 1990. It is an important mechanism to make sure that communities have confidence that their concerns are being taken into account when these sorts of operations are proposed. However, it should be said that many operators in the extractive industries sector already carry out community consultation. This bill merely means that such practices will be formalised for all operators in the sector.

As the member for Lowan pointed out, the bill removes the requirement to apply for a planning permit where an environment effects statement is required. That will obviously streamline the approval process for operators, which is important to reduce the regulatory burden. It is important to note that the community will still have at its disposal the very extensive processes available through the environment effects statement. It is important to remember that. I certainly do not think that Victorians are losing any of their rights to have a say on these sorts of projects. The matter was reported on in the *Alert Digest*, in which the all-party Scrutiny of Acts and Regulations Committee made no comment on the bill.

The bill will reduce the regulatory burden placed on this sector by removing the requirement to comply with a work plan for operations smaller than 5 hectares in area and 5 metres in depth which do not require the use of explosives or the clearing of native vegetation — another step to remove a regulatory hurdle.

As I said, these legislative changes are really all about striking the right balance between streamlining regulation of the industry on the one hand and minimising the impact on local communities and ensuring communities are able to have a say on these particular operations on the other hand. As I said earlier, the government is responding to some of the measures outlined in the report through non-regulatory means. I think that is an important point to remember.

In conclusion, it is vital for the Victorian economy that we ensure not just on the broad level with large initiatives but through all the different types of regulation in this state that the way different industries are regulated provides for optimal efficiency to ensure that as many jobs as possible are saved as we head into some very difficult economic circumstances. I am very proud to be part of a government that is taking action to do just that, and I commend the bill to the house.

Mr CRISP (Mildura) — I rise to make a contribution to the Resources Industry Legislation Amendment Bill 2008. The Nationals in coalition are not opposing this bill. The principal purposes of the bill are to amend the Mineral Resources (Sustainable Development) Act 1990 to provide for the regulation of extractive industries, to repeal the Extractive Industries Development Act 1995 and to make consequential amendments to other acts.

The main provisions of this bill that are of interest are those that provide for the development of codes of practice for extractive industries and those that partially deregulate work plan requirements by exempting operators of sites up to 5 hectares in area and 5 metres in depth where no native vegetation clearing or explosives are required. These sites will instead be required to comply with a code of practice that contains standard work conditions. The bill will extend the current exemption for areas up to 2000 square metres and 2 metres in depth to areas up to 1 hectare and 2 metres in depth to allow current work authority holders to continue with their work plans for up to five years or to opt out. It will require current work authority holders to opt out and move to a code of practice if they wish to vary their work plan. The bill establishes a duty to consult with the community, removes the requirement to apply for a planning permit where an EES (environment effects statement) is required, and removes other unnecessary or redundant requirements.

The first issue that comes to mind for country people is the red tape issue and the cost of doing business. The cost of doing business is an economic driver everywhere. One only hopes that this legislation will help our industries, because many of them are small industries located around the country. In my electorate they are involved in gravel for roads, gypsum for agriculture and stone and sand for concrete production. Hopefully the 1-hectare rule, particularly in relation to gravel pits, will assist local government in making effective use of moneys for road maintenance. In the Mildura electorate the huge number of kilometres of gravel roads are a real challenge for local governments to maintain, and there is considerable cost involved in doing that. Being able to source gravel close to the job is absolutely vital for local government. In addition, carting gravel long distances down gravel roads can destroy the road you are repairing as fast as you are repairing it. That is important.

Similarly, I seek some assurance from the Minister for Energy and Resources on what is being done with

royalties. Royalties are an issue with private business, but if royalties are involved with local government, in these difficult economic times we need to look at what money is going in circles, where and why. There are extractive industries in my area. In the southern part of my electorate around Hopetoun there is considerable gypsum, which supports agriculture. I know how important that is, particularly to the Yarriambiack Shire Council. It is a principal extractive industry.

An issue has been raised by the VFF (Victorian Farmers Federation) over the right of veto. The VFF wants farmers to be able to have a say so they can remain within the discussion about what is going to happen with their land. In particular their interests need to be protected in the long term, because once the gravel pit or extractive industry or whatever is involved has gone the land will revert to agricultural use and the farmer will be the long-term custodian of it. Farmers in Victoria are very nervous as they watch the events surrounding the north–south pipeline, and this has concerned them. As the VFF has briefed us, it is concerned about that right of veto. Farmers will be left to farm what is left behind, and they want a say.

The Scrutiny of Acts and Regulations Committee noted at point 4 of its report, which I presume refers to clause 20 of the bill, that it establishes a duty to consult with the community on matters that may affect the community throughout the period of an extractive industry work authority. In country areas the useful consultation tool is local government. I know other structures exist elsewhere but local government is effective and local government needs to be involved. Even though in larger areas the EES will override a planning permit, I would encourage dialogue between government and others with local government in order to have smooth operation with the community.

With those words, I think we have something here which hopefully will reduce the cost of doing business in country areas and therefore the cost of being in the country will be more reasonable in these difficult times. The Nationals in coalition are not opposing this bill.

Mr SCOTT (Preston) — I too rise to support the Resources Industry Legislation Amendment Bill 2008. I do so noting that it changes the purpose of the principal act to encourage economically viable mining and extractive industries which make the best use of resources in a way that is compatible with the economic, social and environmental objectives of the state. It does this primarily by repealing the Extractive Industries Development Act 1995 and providing for the regulation of extractive industries through amendments to the Mineral Resources (Sustainable Development) Act 1990.

I note that the definition of the term ‘extractive industries’ is ‘the extraction or removal of stone from land if a primary purpose of the extraction or removal is the sale or commercial use of the stone or the use of the stone in construction, building, road or manufacturing works’. I think it is pretty clear that what we are talking about is a change to the regulation of extractive industries to bring them into line with the mining industry by cutting business regulation and providing an alignment across jurisdictions. This is typically what happens in other jurisdictions where extractive industries are regulated through mining legislation.

I note also, as other speakers have, that that extractive industry is actually quite a significant industry. In 2006–07 its sales had a value of $654 million and the industry directly employed over 3500 people. This is a significant industry. As speakers from both sides of the house have noted, it provides a significant input into the Victorian economy. I welcome the opposition parties’ support for this bill, and hope it will continue into other sensible bits of legislation that are brought to this Parliament by the government.

I wish to highlight a few aspects of the bill. Firstly, it establishes a duty to consult with the community. This complements the government’s community-building initiatives, which aim to develop sustainable and cohesive communities. Previous speakers have touched on the fact that many of the mining companies already conduct consultation with the communities they affect. An important aspect of the bill is the removal of the requirement to apply for a planning permit where an environment effects statement is also required. This aligns this process with what currently occurs in the mining industry. The environment effects statement process includes a public consultation process and deals comprehensively with all the matters that would be considered in a normal planning permit application. I do not think the public should have great fear of this process, because there is already significant oversight through the environment effects statement process.

As other speakers have noted, the bill will provide for the development of codes of practice for extractive industries. A provision for a code of practice already exists in the Mineral Resources (Substantial Development) Act and will be extended to extractive industries.

This legislation is typical of a government which is concerned about ensuring that there is sensible regulation of industries which provide useful economic

activity within Victoria and that that regulation should be as simple as possible. Bringing these two industries in line and regulating them through the one act will provide a sensible, reasonable context for the continued development of these industries.

As noted by previous speakers, in these challenging economic times we need to ensure that business is able to best exploit the opportunities that exist within the society while protecting the fabric of that society. I commend the bill to the house.

Mr MORRIS (Mornington) — All the contributions to the debate on the bill this evening have been relatively brief, and I do not intend to change that pattern. The Resources Industry Legislation Amendment Bill regulates an important industry. It is an important industry not simply because of the resource it provides but also for the employment it provides and the downstream activities that result from that, including things like building roads.

It is also an industry that can have a substantial negative impact. Back in the 1990s I was a member of the Westernport Regional Planning and Coordination Committee and we probably spent nearly half our time dealing with the sand industry in the member for Bass's electorate, not so much because of the scale of the operation or the extraction but simply because it was occurring in fairly close proximity to a developed area, to housing. The problems of transporting the sand by road and so on created a significant impact on the amenity of those living close to it. It is important for all of those reasons.

The member for Mildura referred to the potential damage to existing roads that carting heavy gravel can cause, which is of importance to local governments. Of course much of this extractive industry is in areas where the local roads and connector roads are stressed, and that imposes a considerable cost on council and to the ratepayers. They are all things we need to consider.

The member for Box Hill indicated that the coalition will not be opposing the bill, and I will support that position. But the jury is out on the benefits. This legislation is potentially important in terms of its benefit to the community, and it is important in terms of its benefit to industry, but I am not sure that it really achieves much in any of those things. It is interesting to note that while the review occurred last year and came back in I think May, and the bill had an extensive layover period thanks to the Christmas and New Year break, there has been little discussion and very little input in terms of the changes, which would suggest that everyone is relatively happy with them. As another speaker said, the Scrutiny of Acts and Regulations Committee was also brief in its report.

Despite the extensive process, though, there is a lack of clarity about the way the proposed codes of conduct will operate. Others have canvassed this issue extensively, so I will not take the time of the house by repeating what has been said, but I do raise it as a concern. I hope we get some clarity on that. By a lack of clarity, I am saying it is unclear whether moving to a code of practice is going to streamline the operation or add serious hurdles.

Another point I wanted to comment on briefly is at page 24 of the bill, which is the community consultation section:

> The holder of an extractive industry work authority has a duty to consult with the community throughout the period of the work authority …

That is fairly clear and self-explanatory. However, there needs to be not only a duty in the legislation but also a clear commitment by all parties involved — the industry, the affected community and the regulator — to make sure that the consultation works. Too often we have consultation either because the rules say it is required or because it is politically expedient to consult, when it is just a matter of turning up and hearing what people are saying but not necessarily listening to them, and then going ahead and doing exactly what was intended to start with. Hopefully the provisions in the bill will help that.

The final point I wanted to make was on the changes to the planning rules. The minister said in the second-reading speech that it was intended to streamline the process — the statement of compatibility indicated that it would reduce red tape for the sector. I simply observe that every time we get the Minister for Planning in the Council involved in anything, despite the constant claim to be cutting red tape, the process gets more and more involved, becomes more and more convoluted and the outcomes less and less satisfactory for all concerned. That part of it is definitely a retrograde step. With those few comments I indicate that, as has been said, the coalition will not be opposing the bill.

Mr BATCHELOR (Minister for Energy and Resources) — I thank all the members who have spoken in support of this bill tonight but in particular the members for Box Hill, Seymour, Lowan, Bundoora, Mildura, Preston and Mornington. I thank members for their contributions and their support for this bill in this chamber. The legislation is important because it implements modernising reforms to the extractive

industries, which follows an important review of legislation.

The bill will consolidate the Extractive Industries Development Act and the Mineral Resources (Sustainable Development) Act, and accordingly will provide one source of regulations for these two similar industries. This is a consistent approach adopted by other jurisdictions around Australia, and in that concept we are bringing our legislative framework under the one umbrella, as has occurred in other Australian states.

Importantly the bill introduces a duty to consult with the community, and that is done in line with current mining industry requirements. The mining industry has had this requirement for some time, and by consolidating the two acts we are consciously determining that that duty to consult will also apply to the extractive industries, and that is a good thing. It is good for the industry and for the community.

The bill also reduces red tape in a number of ways and fulfils part of the government's commitment to reduce red tape. We are actively reducing red tape right across the whole area of government administration, and in the areas for which I am responsible this is one area in which we are seeking to do so. We are partially deregulating work plan requirements for the lower risk quarries and introducing a code of practice. We are removing the requirement for a planning permit to be obtained where an environment effects statement is required, removing prescriptive regulation for quarry managers and modifying private landowner consent provisions. The bill follows a review and brings together the mining and extractive industries. The bill provides for a duty to consult, which is a modern-day expectation, and reduces red tape in a number of significant areas.

A number of issues were raised during the contributions to debate tonight, and I will try and deal with them in a general sense. I think the member for Box Hill raised a question about work plan requirements. He wanted to know why the government came up with this specific proposal. As a government we did not want to abolish the requirement for a work plan authority, because the work plan authority is really the final approval instrument that verifies to the community and to other agencies that all approvals, including the work plan, have been obtained. The removal of work plan requirements would not result in improved administrative efficiency.

The question of the code of practice was raised, and we were asked about consultation. I can assure the Parliament that the Department of Primary Industries currently is consulting with the industry and will continue to do that in the development of this code of practice. We recognise that the industry has a useful role and contribution to make, not just in delivering its extractive products but also in assisting the government in setting the right level and appropriate detail for this code of practice. This reform is designed to improve operations for business, and the best way of resolving those matters is to consult widely with industry. We are currently doing that, and we will continue to do it.

A lot of points were made about the royalty scheme. The simple answer is that this issue is always raised in these sorts of debates, but the reality is that the royalty scheme will be reviewed as part of the review of the Mineral Resources (Sustainable Development) Act, and we have indicated that we are continuing to do that.

Another issue mentioned a couple of times, particularly by members of The Nationals, related to a landowner's right to veto. On this important issue we have consulted with the Victorian Farmers Federation. It is important to understand the realities when giving consideration to this issue. Currently it is highly unlikely that a proponent would not have obtained the necessary landowner consent prior to undertaking any work which requires or is dependent upon landowner consent, and it is equally unlikely that a planning permit would be granted without the consent of a landowner. There is a common interdependency of objectives and a need to resolve these issues down the track. It is in the best interests of the proponent to obtain any necessary landowner consents before the work authority is granted. The current provisions are considered redundant due to the existing processes that are already in place.

With those comments I commend the bill to the house. I thank members for their interest and their contributions, and I thank the extractive industries in particular for their ongoing participation in trying to improve the regulatory framework for this industry.

Motion agreed to.

Read second time; by leave proceeded to third reading.

Third reading

Motion agreed to.

Read third time.

EQUAL OPPORTUNITY AMENDMENT (GOVERNANCE) BILL

Second reading

Debate resumed from 4 December 2008; motion of Mr HULLS (Attorney-General).

Mr CLARK (Box Hill) — The Equal Opportunity Amendment (Governance) Bill will amend the Equal Opportunity Act 1995 to alter the governance and complaint-handling arrangements for the Victorian Equal Opportunity and Human Rights Commission and will make consequential amendments to the Racial and Religious Tolerance Act 2001 and the Victorian Civil and Administrative Tribunal Act 1998.

The bill has a relatively limited but nonetheless far-reaching objective in reconstituting the governance arrangements for the board. The Attorney-General has also foreshadowed possible further legislation to implement other aspects of the Gardner review, in particular to give the commission broader powers to act on what the government refers to as issues related to systemic discrimination. There is possibly a further piece of legislation that the Attorney-General has foreshadowed that may arise from a report by the Scrutiny of Acts and Regulations Committee on exemptions and exceptions under the Equal Opportunity Act that was commissioned by the government late last year following a previous internal review conducted by the Department of Justice, the report of which has not been made public. However, these broader matters are for future days, should the government bring legislation before the Parliament.

The bill before us replaces the current structure of a chief executive officer, a chief conciliator and a board of five members, including a chairperson, with a new structure that is proposed to consist of a commissioner and a board of up to seven members chaired by the commissioner. That is provided for in clause 5 of the bill. Clause 5 also allows the commissioner to be made a public service body head under the Public Administration Act 2004, with the consequence that the commissioner can directly employ staff under part 3 of the Public Administration Act 2004.

Clause 6 of the bill removes complaint-handling functions from the board and commission and makes the commissioner responsible for complaint handling and conciliation, with the power of delegation to staff.

Clause 7 allows the commissioner to refer a matter to the commission for investigation where in the course of dealing with a complaint the commissioner becomes aware of circumstances where a breach of the Equal Opportunity Act or the Racial and Religious Tolerance Act 2001 may have occurred.

Clause 14 inserts a section 85 clause into the legislation to prevent the bringing before the Supreme Court of any action in relation to a complaint dismissed by the commissioner under various sections.

The pivotal aspect of the bill is that which replaces the separate chief executive officer (CEO) and chief conciliator on the one hand and the chairperson on the other with a person who has the single combined role of commissioner and chairperson of the board. This structure is one that follows from but does not implement the recommendation of the Gardner review, which was commissioned by the government and which released a report entitled *An Equality Act for a Fairer Victoria — Equal Opportunity Review Final Report*. I quote from paragraph 7.7 of that report, which recommends:

> The commission's governance structure should reflect its functions. The model best suited to the commission's new broad mandate is a commissioner supported by a board with a strategic oversight function. The commission's mandate may expand further following this review. This model will allow an appropriate amount of flexibility to support further expansion of the commission's role.

Later on, at recommendation 90, the report recommends:

> The commissioner should delegate operational powers to a chief executive officer who is not a member of the board.

The bill provides for the first part of the Gardner review's recommendation, but it does not provide for the second part in that there is no reference to a separate chief executive officer who is not a member of the board. Instead, in effect, the new position of commissioner appears also intended to be the chief executive officer. It is this aspect of the bill that causes great concern to the opposition parties. We believe it is a highly undesirable and dangerous concentration of power in the hands of one person, and it goes against generally accepted practice of good corporate governance in this country.

It is also of concern to the opposition that this aspect of corporate governance was not addressed in any detail in the course of the Gardner review. However, it is interesting that at the commencement of the Gardner review process a discussion paper was issued in November 2007 which at appendix 6 set out the structure of various international human rights and equal opportunity bodies which have a variety of models, in a number of which, including New Zealand,

Canada, the Republic of Ireland and also northern Ireland, there is a separate CEO and chairperson role. However, when the Gardner review put forward an options paper in March 2008 it canvassed several options — four in total — the first of which was that there simply be a single commissioner. The second was that there be a commissioner supported by a board with a strategic management function. The third was that there be a commissioner supported by an advisory board, and the fourth was that there be a commissioner supported by a representative board or portfolio commissioners.

In the options paper at page 94 the review indicated:

> The preferred model for the commission's governance at this stage is for a commissioner to be supported by a board with a strategic management function.

What was striking was that there was not a great deal of discussion of the respective roles of the commissioner, the board and the potential CEO. At page 96 the options paper states:

> The commissioner's responsibility would be to ensure the direction set by the board is followed by staff, and to delegate many tasks to the CEO.

In effect, that is the outcome in terms of the recommendation of the review that was reflected in chapter 7 of the final report to which I referred earlier. Be that as it may, the government has not accepted the recommendation of the Gardner review because it has made no provision for a separate chief executive officer. Even the recommendation of the Gardner review, if followed, would have caused us considerable concern because the role envisaged for a chief executive officer under the Gardner review is far more limited than the role of a chief executive officer in a normal corporate governance model. It seems more akin to a position that is often referred to as general manager.

So even the Gardner review model would have had a commissioner who exercised substantial executive powers as well as being chair of the board. But the legislation that the government has brought to the house is even worse than that because there is no provision whatsoever for a chief executive officer, and that opens up an enormous risk of the potential for abuse of office. It gets back to the longstanding and very simple adage that all power corrupts and absolute power corrupts absolutely, and the intention of the bill, as distinct from the existing legislation, is that the vast majority of the power of the commission will be concentrated in the hands of the commissioner and the current role of independent chairperson will be abolished. This is contrary to what is the standard and normal practice in Australia, and I venture to suggest it has been a practice that by and large has served this nation well, and one can draw contrasts with other nations around the world, particularly the United States, where a presidential-style model is more common and may well have been a contributing factor to some of the serious corporate governance difficulties that the United States has experienced in recent years.

I also refer to concerns, warnings and cautions about corporate governance within Victoria that have been raised by the previous Auditor-General, Mr Wayne Cameron. He made a series of speeches on this subject which are available on the Auditor-General's website. I refer in particular to the notes of a speech he gave on 13 November 2003 on the topic of risk management and governance, in which he talked about a wide range of aspects of that issue, including the aspects which are of most relevance here are about the governance structure of public entities within Victoria.

He referred in particular to what at least at that stage were directions of the Minister for Finance, including most importantly that the chair of the public sector bodies be independent. He also said:

> Accountable officer and CFO not to be members.

The accountable officer position is normally the chief executive officer, which for the Equal Opportunity Commission, I expect, would be the new position of commissioner.

The importance of an independent chair is that that person can counsel, consult, be a sounding board, be a source of warning and a check mechanism for the chief executive officer; someone who is able to ensure that the chief executive officer acts appropriately and does not act in defiance of the board or in breach of his or her authority — in other words, to keep the chief executive officer from going off the rails. Of course the chairperson is not always successful in that responsibility, but it is far preferable to have a person in that role than to have inadequate checks on an undesirable concentration of power, and that is the nub of the opposition's concern with this legislation and why we will be opposing it.

The situation is made particularly important in Victoria because Victoria does not have an independent broadbased anticorruption commission. The opposition has called for such a broadbased anticorruption commission on many occasions, and there is an overwhelming preponderance of support for such a commission amongst experts who have turned their minds to the very vexed issue of how to prevent corruption and abuse of office within the public arena.

But as we know the Bracks and Brumby governments have steadfastly rejected any suggestion that we should have an independent, broadbased anticorruption commission in Victoria, and in the absence of such a commission there is not even that check on potential for abuse of office by the commissioner, with the absence of a strong board and of an independent chairperson.

For that reason the situation is doubly clear that systematic and structural weakness in corporate governance is being created by the bill, particularly as the Attorney-General has foreshadowed proposals to vastly increase the scope and role of the Equal Opportunity Commission. However, even with the commission's current role, it would seem undesirable for the model to be changed. One may well say that if it is not broken, why try to fix it? If the government wanted to change the complaint-handling functions and to clarify the respective roles of the board and commissioner and create a distinction between the board as the governing body and the commission as the legal entity of which the board is the governing body, that would have been fine. It would have been fine to change the title of the chief executive officer or chief conciliator to that of commissioner and have a commissioner and have a separate board, but still with an independent chairperson, thereby providing a proper structure for accountability by the commissioner to that board with an independent chairperson.

No doubt the government can point to various bodies around Australia that have various corporate structures and may draw on various precedents. However, it remains the fact that the standard model that has applied in Victoria for many years — and I would venture to say generally more successfully than any alternative — is a model that has a separation of the chief executive officer function, however described, from that of chairperson of the board and has the CEO not as a member of the board. That certainly seems to have been the most successful model, and as I referred to earlier, the Auditor-General described that in 2003 as being a model that was required by the directions of the Minister for Finance.

I see the Minister for Finance, WorkCover and the Transport Accident Commission is at the table at the moment. I do not know what his current directions are; they are not readily available on the internet for public access, if they are available at all. A large part of the financial regulatory matters within his jurisdiction are on a password-protected section of the Department of Treasury and Finance website to which access is limited. Perhaps he can join in the debate and shed some light on what his directions currently do require in relation to independence of the chair and the CEO being a member of the board. Certainly according to what the Auditor-General was indicating a few years ago that was contrary to the then directions.

In a sense these are subsidiary arguments. The crucial argument is that longstanding human experience shows that it is undesirable to have unnecessary concentrations of power and that the existence of a series of checks and balances, safeguards and an opportunity for independent scrutiny and, if necessary, intervention to prevent abuse of office and undue concentration of power are both necessary and desirable in a successful flourishing democracy.

This bill seems to be a substantial step in the wrong direction for no good reason. As I said, all the legitimate objectives of the review, in terms of clarification of roles and the way complaints are to be handled, could have been achieved while having a commissioner who was the chief executive officer and was separate from the board and with an independent chairperson of the board. The government has given no good reason for going with the model that it has put forward in this bill. It has given no good reason why it departed from the recommendations of the Gardner review itself. The opposition believes this will create an unacceptable risk of abuse of office and undue concentration of power in the hands of one individual with inadequate checks and balances, for no good reason. Therefore we oppose the bill.

Ms GREEN (Yan Yean) — It gives me great pleasure to join the debate in wholehearted support of the Equal Opportunity Amendment (Governance) Bill 2008. We on this side of the house have always stood for protecting the rights of those who need protection in the community or in the workplace in relation to any grounds on which they can be discriminated against. It was important that these governance changes be made to the structure. The bill creates a modern and effective government structure for the Victorian Equal Opportunity and Human Rights Commission.

This is achieved by creating a structure that provides clear lines of responsibility and accountability. The bill creates the position of commissioner to provide leadership to the commission and establishes a board which will provide strategic oversight of the commission's operations. It provides more robust provisions for the removal of board members and the commissioner. These reforms stem from the recommendations of an independent review of the Equal Opportunity Act which was undertaken last year by Mr Julian Gardner. In his report Mr Gardner noted that the limitations of the commission's current structure include the lack of clarity about the respective

roles of the chairperson of the commission and the chief conciliator or chief executive officer of the commission, a lack of clarity around the role of commission members as a board, and that the structure had not been updated to reflect the range of functions the commission undertakes.

I draw to the attention of the house that a lot of the problems of this current structure had their genesis in those dark days of the Kennett era. Those on the other side might like to forget, but there are some of us who lived through that time who will never forget it. Those on the other side should not be proud — —

The ACTING SPEAKER (**Mr Ingram**) — Order! The member for Yan Yean, through the Chair and on the bill.

Ms GREEN — Thank you, Chair. The member for Box Hill in his contribution said that there should be cautions, concerns and warnings. Where were those cautions, concerns and warnings from the members of the Liberal Party who were members of this place at the time — 26 October 1993? That is a day that I remember very well and any employee of the Equal Opportunity Commission at that time remembers very well. They read in the paper of that day that their boss, the then commissioner Moira Rayner, had effectively been sacked and the office had been restructured. That was the only piece of written information they ever got. They never received an internal memo, an explanation of why their boss had been sacked, why there was a restructure occurring, how their rights would be protected and how they could continue doing their job of protecting the rights of Victorians, which they had legislative authority to do. Those on the other side, when they were on the government benches, significantly diminished the powers of the commission and its ability to take action on behalf of those most vulnerable in Victoria.

I remember this day very well because at that time — and those on the other side will sneer — I was proud to be the vice-president of the then State Public Services Federation, the union that represented public servants in Victoria. In my voluntary capacity as the vice-president I was called to the office because no-one either in the Department of Justice or from the Attorney-General's office had bothered to front — and never did — to explain to the staff what was happening to them and their jobs. What were the crimes of the then Equal Opportunity Commissioner and her staff? What had they done? The commissioner had been doing her job in identifying where there were flaws in government policy that threatened people's rights. But we know that in those dark years of the Kennett government no-one was allowed to speak against the government and particularly not if you were in the public sector. You were meant to be silent. We had the Workplace Relations Act, which made it illegal to discuss your pay and conditions with anyone in your work unit. You could have been sitting next to someone who did the identical job to you and it was an offence to tell them what you were paid.

What did that mean over those years of that government? When we came into government we found there had been a huge diminution in the pay and conditions, particularly of women workers, in the Victorian public sector because no-one was allowed to speak about their pay and conditions. These were the sorts of matters that the Equal Opportunity Commissioner, Moira Rayner, had been raising. She raised the fact that there had been a huge increase in workplace and discrimination complaints because of repressive laws like that of not being able to speak to the person next to you without threat of dismissal or a fine. There was a 321 per cent increase in discrimination complaints — that is what she had raised — with a 64 per cent increase in the previous year.

The then commissioner for equal opportunity had also raised concerns about the rights of women prisoners who were going to be transferred unilaterally to the then Jika Jika high-security prison. She also raised concerns about the access of Aboriginal students to education at Northland Secondary College. The decision to close Northland Secondary College had to be reversed.

I go back to the staff of the Equal Opportunity Commission. On the day the commissioner was sacked, her personal assistant was also told, 'Don't come back tomorrow'. What entitlements did she get? Did she get access to redeployment? Was she offered another position with similar pay and conditions in the public sector? She was told, 'Don't even think about it. You have no rights. You were attached to the commissioner for equal opportunity. Get out'. What sort of message did that send to anyone in Victoria who had been discriminated against, whether it was on the basis of race, religion or ethnicity or in the workplace?

The position of those opposite is just a continuation of that attitude. Every time there is a bill before this house that proposes anything to do with the protection of rights, those opposite will oppose it, particularly if it is in relation to protecting rights in the workplace. I refer to what I think we have always taken for granted — that is, the right of freedom of association. There was a time in Queensland when people were not allowed to

go on protest marches and things like that, but people think that we always had that right in this state. I can tell members that when I was working in the Department of Justice and people were casting their vote and opting for a collective agreement under the then repressive Workplace Relations Act, they were personally threatened and sworn at. Lowly paid women workers had a male manager sitting in a corner, shouting obscenities at them and saying that they had a particular political bias — a Labor bias — because they took the view that they wanted to collectively bargain rather than have no rights individually.

I remember also that any union notification — particularly in the Department of Justice, with an Attorney-General who never even walked the floors and met any of her staff — was regularly pulled down off notice boards. To this day, along with most public sector employees and other Victorians, I remember those dark days. That is why I am absolutely proud to stand here and support any piece of legislation that comes before this house, particularly the Equal Opportunity Amendment (Governance) Bill. People should not forget that those opposite always oppose human rights. I commend the bill to the house.

Dr SYKES (Benalla) — It gives me pleasure to rise and speak on behalf of The Nationals and Liberals in coalition on the Equal Opportunity Amendment (Governance) Bill 2008. I wish to indicate that I will be opposing the bill for the reasons that were espoused and expanded so well by the member for Box Hill. I will just summarise those reasons.

The areas of concern that we have are, firstly, the significant concentration of power in the hands of a commissioner, which is not featured in any other state or territory equivalent commission. Secondly, there are concerns about the independence issues associated with the new structure, particularly in the absence of a broadbased independent anticorruption commission. Thirdly, we have concerns about the wider mandate of human rights in the charter of human rights, which in recent times has been used predominantly by criminals to frustrate the law rather than for the benefit of ordinary citizens. We have concerns about the approach of the new commission in focusing on systemic discrimination.

I will expand on those three key areas of concern. First of all, in relation to the concentration of powers, it has been indicated that this is a break from the standard model of having a chair, a board and a chief executive officer (CEO). Even with that standard model we have noted some undue influence by the Brumby government on local government — for example, where we saw the Treasurer, I think, addressing the Municipal Association of Victoria at one stage, saying, 'If you don't cooperate and support the pipeline, then there'll be no money coming to country councils'.

It is good to see the Minister for Water at the table. Equally, there have been some remarkable appointments to the chairs of various water boards around the state. Even with the standard model there is a concern about undue influence. If you remove the standard model of having a chair, a board and a CEO, then the opportunity for having the power concentrated in the hands of one person creates concern.

Secondly, there is the issue that has been mentioned in the debate on the Criminal Procedure Bill earlier today and which comes up repeatedly with this legislation and almost all legislation — that is, the persistent reluctance on the part of the Brumby government to have in place a broadbased independent anticorruption commission, which would help to ensure the integrity and proper conduct of government. In the absence of that the concentration of power in the hands of the CEO is of great concern.

Another concern is the issue of the focusing on systemic discrimination. I note that in recent times the Attorney-General has started to focus on discrimination in single-sex — —

The DEPUTY SPEAKER — Order! It is time under standing orders for me to interrupt the business of the house. The member for Benalla will have the call when this bill is next before the chamber.

Business interrupted pursuant to standing orders.

ADJOURNMENT

The DEPUTY SPEAKER — Order! The question is:

That the house do now adjourn.

Mornington Peninsula Freeway: noise barriers

Mr DIXON (Nepean) — I wish to raise a matter with the Minister for Roads and Ports regarding sound barriers on the Mornington Peninsula Freeway between Dromana and Rosebud. I ask the minister to fund the construction of sound barriers. I have raised this issue in this place before and the case for sound barriers along that freeway has been well and truly established. In fact the need has been recognised by VicRoads following testing of the freeway, where for a large part of the week the noise levels in many places exceeded the acceptable levels. Over the last summer we have

had a stark reminder to both residents of and visitors to the Mornington Peninsula, with massive traffic volumes of tens of thousands of cars a day and traffic running for probably 16 hours a day when it did run.

To add insult to injury, the rough pavement on that freeway also adds incredibly to the noise levels. The current state of that section of the freeway is dreadful. It looks dreadful, there is rubbish everywhere, weeds are growing up through the fences and around the trees, there are dead trees everywhere and there is broken chain wire fencing along the freeway, which is dangerous as a lot of people — adults and children — cross the freeway there. It is no wonder that last week that large section of the freeway went up in flames. It required 24 fire trucks and huge crews to put out the fire, due to the mess along the freeway. It is probably the best clean-up it has had for ages.

I have a table headed 'Noise barrier retrofitting proposals (in priority order)' from VicRoads. The top priority on that list is a section of the Mornington Peninsula Freeway. That section impinges on 180 homes and 445 residents. Priority 6 is another section of that freeway and it impinges on 26 homes and 84 residents. When I look down at priority 7 and priority 8, I note that they affect only 57 homes and 175 residents. I ask rhetorically: why did priorities 7 and 8, as distinct from priorities 1 and 6 in my electorate, receive $12.3 million of funding at the end of last year as part of Victoria's transport plan? Priorities 7 and 8 are on the Princes Highway in Narre Warren South.

The member for Narre Warren South said that sound barriers were the responsibility not of the state government but of local government and also of the developers. I say sound barriers are a state government responsibility. They are a VicRoads responsibility, and priority 1, the Mornington Peninsula Freeway, should be funded now. The fact that priorities 7 and 8 were funded is disgraceful. I wonder what sorts of influences have taken place here. I urge the minister to fund the no. 1 priority.

Road safety: hoons

Mr TREZISE (Geelong) — Tonight I raise an issue for the Minister for Police and Emergency Services. The issue I raise for action relates to the highly successful and effective hoon driving laws implemented by this government in 2006. Hoon laws have been a very effective tool for Victoria Police in ensuring that the risk of hoon drivers hurting or killing themselves and other road users is kept to a minimum. In 2008, in Geelong alone, 85 cars were impounded by police. The streets are a far cry from what they were prior to the introduction of these laws in 2006. The action I seek is for the minister to work with Victoria Police to focus as a priority on ridding our roads of hoon drivers in 2009 and beyond.

The year 2008 was a good result in our fight to combat hoon driving, but as far as I am concerned it is really just a good base upon which to build. Prior to these laws there were areas in my electorate, as there no doubt were in other electorates right across Victoria, where hoon drivers were out in force. They had in many areas taken over the streets. Eastern Beach in the electorate of Geelong was one such hot spot. As many members would be aware, Eastern Beach, especially in summer, is a favourite spot for thousands of families to gather. Young families flock to Eastern Beach to enjoy Geelong's warm balmy nights, and I can assure the house that prior to the new hoon laws in 2006 police, the council and the wider community were at a loss in their attempts to fight what are predominantly young drivers in hotted-up cars who create not only havoc but a real danger for those families and their young children.

I can genuinely report that since the introduction of these hoon laws — and given a determined effort from Victoria Police, which I congratulate; the City of Greater Geelong; local residents; and also I must say some young drivers in Geelong — the problem at Eastern Beach, whilst not completely eradicated at the present time, is a far cry from the havoc we used to see in 2006 and before. As I said, I commend council, police and the minister for not only introducing the laws — —

Honourable members interjecting.

Mr TREZISE — I have already asked for the action, if you would listen. I look forward to an even stronger and more determined taking up of that opportunity in 2009

Water: Mallee

Mr CRISP (Mildura) — The matter I wish to raise is for the Minister for Water, and the action I seek is an equitable application of water restrictions to Mallee towns that are serviced from the Murray River via the northern pipeline. Ouyen communities and communities west of Ouyen are currently on stage 4 water restrictions, which involves residents having to bucket water to a few special trees and plants, while other places such as Mildura and Swan Hill have stage 3 water restrictions, which allow for hand-held hoses twice a week. The water for both communities

comes from the Murray River. The Minister for Water under the Water Act 1989 has issued model by-laws for water authorities to apply as part of water restrictions. However, the application of those water restrictions is unfair, and while centres such as Mildura and Swan Hill are now on slightly relaxed stage 3 restrictions, residents in these tiny Mallee towns have to spend hours bucketing water to gardens just to keep them alive.

This burden is particularly hard on the elder members of our communities. They should be allowed to use water for 2 hours twice per week with a hand-held hose as a basic right. The minister has the power to impose restrictions and should be able to instruct the water authorities to be fair and equitable in the application of these water restrictions in the northern Mallee. Piping in the northern Mallee has resulted in water savings, and these have been much publicised, yet these communities remain on backbreaking water restrictions. The minister must instruct Grampians Wimmera Mallee Water to ease water restrictions. If the savings have been made by the pipe, then those who are serviced by the pipe should be getting some benefits from that pipe, making lives equitable and bearable throughout the Mallee.

The minister must act to end the applicability of common terms like 'bucket back' in the northern Mallee. It is a false economy to be keeping people on these water restrictions, given the risks of a 'bucket hip' for elderly people in many of these communities, which do have older age profiles. There is a grave risk of their slipping or falling while managing buckets out of bathrooms. Truly we have an inequitable situation, something I urge the minister to act on to make sure that all those communities in the northern Mallee are treated fairly and equally.

Cycling: Federation Trail

Mr NOONAN (Williamstown) — I wish to raise a matter for the attention of the Minister for Roads and Ports. The action I seek is that the minister give consideration to funding the extension of the Federation Trail between Millers Road in Brooklyn along the West Gate corridor to Hyde Street in Spotswood as part of a $100 million statewide cycling strategy. Cyclists in my electorate have already benefited from the state government's commitment to build another missing off-road link from between the Hobsons Bay coastal trail and Footscray Road path. This is already a popular bike route, which I know the minister has used quite a bit himself. When completed the $3.7 million upgrade of the Hyde Street to Footscray Road corridor will allow for bikes and pedestrians to travel off-road all the way from Williamstown to the Docklands, a great commuting option for cyclists.

The path will start under the West Gate Bridge, at the existing Hobsons Bay coastal trail, and will continue to the Footscray Road bridge via Hyde Street, Somerville Road, Whitehall Street and Moreland Street. As I understand it, the work will involve building a safer path, up to 3 metres wide, to replace the narrower existing path. Commuting by bike to the central business district from the inner west is enjoying major growth. Footscray Road provides one of the key cycling arteries to Melbourne, with recent data suggesting that its usage is up 37 per cent.

The east west link needs assessment, which was released by Sir Rod Eddington early last year, recommended that priority be given to seven small-scale projects designed to enhance east–west cycling connectivity. In particular Sir Rod recommended an extension of the Federation Trail, from Millers Road in Brooklyn to Hyde Street in Spotswood, a distance of approximately 4.2 kilometres. Construction of this missing link would complement the work already being done to connect Hyde Street to Footscray Road.

In preparation for this adjournment matter, I consulted with both Bicycle Victoria and the Hobsons Bay Bike User Group about the merits of this project, and both organisations have indicated their support for the construction of the path. As a part of the Victorian transport plan, the state government has committed a $100 million package of improvements to cycling infrastructure. This money will increase safety and connectivity and deliver high-quality, safer bike lanes and more priority routes in inner Melbourne, metropolitan centres and regional areas. The package will also improve the separation of cyclists and vehicles, give cyclists priority in intersections on key routes, widen off-road shared paths, develop new bicycle routes and complete gaps in existing networks.

I am aware that the government will shortly release a major cycling strategy that will outline a priority upgrade program, including completing missing links, the increased separation of cyclists and vehicles on key routes and better off-road connections. On that basis, I again request the minister to factor in the merits of completing the extension of the Federation Trail between Brooklyn and Spotswood.

Electricity: supply

Mr WELLS (Scoresby) — The action I raise is for the Minister for Energy and Resources. My matter

requires the government to address the disastrous power supply situation that we had last week. The action I further seek is for Victorians never having to see another bout of that sort of shortage of power again. Labor has been in government for 10 long, dark years. It has had 10 years to fix the power supply, and it has not done it. It has never done it — —

Honourable members interjecting.

The DEPUTY SPEAKER — Order! The member for Albert Park is out of his seat and is disorderly. The member for Scoresby should not have to shout in that manner. The member for Scoresby, without assistance.

Mr WELLS — I would like to quote from the *Australian* of Wednesday last week, in which the Premier was reported as saying the state:

> … had sufficient power supplies and backup reserves to cope with the extra demand.

The Premier of the state said that. Let me tell members what happened in my area. A number of families in Wheelers Hill in the city of Monash contacted us. One family in particular told us that the power went off at 8.00 p.m. on Wednesday. As members know, the heat was significant during that time. On Thursday night the power was still not on. There was no communication from the power companies; the family heard nothing. This family had to stay in a motel. Then the power came on at 3.00 a.m. on Friday and went off again at 8.00 a.m. on Friday.

There have been 10 long, dark years in which to fix the power supply. In 1999 the government put out a pledge card promising the people of this state they would have reliable power, water and gas supplies, and it has not honoured its basic commitment to the Victorian people. Where was the communication? Where was the planning? The government is responsible. It has had that length of time. In Wantirna South, which is another part of my electorate, the power went out for 6 hours on Thursday night; then it went out again on Friday and did not go back on until 2.30 p.m. Can members believe it? On Friday the temperature reached the mid-40s, but Labor does not care. We ask the government, after its 10 long years in government, to try to fix the power problem once and for all.

Retirement villages: leases

Ms MUNT (Mordialloc) — The issue I wish to raise is for the attention and action of the Treasurer. I ask the Treasurer to exempt retirement village entry leases from legislation currently under consideration. I have been — —

Mr Wells — On a point of order, Deputy Speaker, with the greatest respect to the member, the bill is before the house.

The DEPUTY SPEAKER — Order! The member cannot raise a matter during the adjournment debate that relates to legislation or calls for legislation.

Ms MUNT — On the point of order, Deputy Speaker, is the Duties Amendment Bill 2008 the bill currently under consideration?

Mr Wells — Further on the point of order, Deputy Speaker, with the greatest respect, the opposition asked for this bill to be brought forward. It is item 12, orders of the day, government business, on the notice paper and is not being debated this week. It is my understanding that the issue the member seeks to raise cannot be part of the adjournment debate tonight.

The DEPUTY SPEAKER — Order! I have just confirmed that. The member cannot anticipate debate of a bill that is on the notice paper.

Ms MUNT — Further on the point of order, Deputy Speaker, can I modify the action I am asking for?

The DEPUTY SPEAKER — Yes.

Ms MUNT — I ask the Treasurer to take action to exempt retirement village entry leases in the future.

The DEPUTY SPEAKER — Order! The matter the member seeks to raise concerns the bill. The member cannot anticipate debate on the bill.

Ms MUNT — On a point of order, Deputy Speaker, does that mean I cannot ask that retirement village leases be exempt?

The DEPUTY SPEAKER — No, because the matter is dealt with as part of a bill.

Dr Napthine — On the point of order, Deputy Speaker, it is because it can be debated when the bill is dealt with in the house.

The DEPUTY SPEAKER — Order! The member for South-West Coast is correct. The member can debate the matter when the bill is before the house. She cannot anticipate that debate by raising the matter in the adjournment debate now.

Ms MUNT — Can I read out an email from a constituent that speaks on that matter?

The DEPUTY SPEAKER — Order! Not if the email relates to the bill.

Ms MUNT — Can I speak about how important retirement villages are to my constituents?

The DEPUTY SPEAKER — Order! I advise the member for Mordialloc that she can speak about that, but she has to ask for action from the minister. I think we have reached the end of the member's adjournment issue at this stage.

Racing: regional and rural Victoria

Dr NAPTHINE (South-West Coast) — The issue I wish to raise is for the Minister for Racing. I call on the minister to act immediately to protect country racing and the hundreds of jobs at risk because of proposals by the Brumby government and Racing Victoria to shut down 19 country thoroughbred training centres, take away 51 country race meetings and threaten the closure of 11 country race tracks. This attack on grassroots country racing is bad for racing, it is bad for country jobs, it is bad for country communities and it is bad for rural economies. This attack comes on top of the decisions by the city-centric Labor government to take away or downgrade 28 country race meetings last year, and to close 7 harness racing tracks in 2005.

Because of its direct link to wagering and betting Racing Victoria is strictly regulated and operates under the legislative control of the state government. Therefore this government and its Minister for Racing can act now to secure the future of these race tracks, racing training centres and the hundreds of jobs at risk in country Victoria. My consultations in recent weeks with clubs at Mansfield, Benalla, Tatura, Bairnsdale, Yarra Glen, Colac, Camperdown and Terang have shown that Racing Victoria simply failed to account properly for all the horse training that takes place at these centres particularly pre-training, and that 25 to 50 jobs will be lost at each of the training centres. I am sure that when I go to the centres at Horsham, Pakenham, Casterton, Kerang, Ararat and Stony Creek and other training centres under threat I will hear the same story. Similarly the proposal to remove 51 country race meetings will damage those country clubs and threaten their viability. It will certainly damage the economy of those local communities.

These proposals will hurt racing because they take away the opportunity for young people and families to attend local races, and these people are future owners, racegoers, punters, trainers, jockeys and officials. Neville Wilson, the chairman of the Victorian Jockeys Association, said in the Warrnambool *Standard* of 13 January that the proposal to slash training centres was ridiculous. Trevor Monti, who is well known to the Labor Party and who is a prominent racehorse owner with a passion for country racing, said that the figures did not add up in the proposal to reduce the number of training centres from 39 to 22. He said:

> The impact for closing tracks and training facilities will be enormous on the industry.

Tony Laidlaw, a Hamilton trainer, said:

> The racing industry … has gone backwards over the past six to eight years …
>
> I'm amazed that they are now trying to close down training centres and downgrade race meetings.

It is time for the minister to act. It is time for him to stand up for country racing, stand up for country jobs and stand up for country communities.

Warrandyte Primary School: classroom

Ms GREEN (Yan Yean) — I wish to raise a matter for the attention of the Minister for Education. The action I seek is for her to take swift steps to make sure that her departmental officers reassess the adequacy of the accommodation available at Warrandyte Primary School as a matter of urgency. The school is a great school ably led by principal Gill Binger and with fantastic innovative programs, so it is no surprise that increasing numbers of families are choosing to send their children there.

I have had the privilege of visiting Warrandyte Primary School on many occasions as many of the families from the north banks of the Yarra send their children there. Only last year I was privileged to be invited by the school to present its Go for Your Life accreditation, and for a number of years I have also been involved with the students in the Premier's reading challenge. I have read with the students; they are a really bright bunch.

At the end of 2008 the school applied to the department for an extra classroom for the start of 2009. I understand the department assessed the request and established that the school had a sufficient number of general purpose classrooms for up to 275 students. At that time the projected 2009 enrolment was 267 students. In late December the school advised a revised upward enrolment which could be as high as 278 students. It seems to me that there is sufficient justification for an urgent reassessment of the number of classrooms available to students at Warrandyte Primary School.

I have advised the school and many parents of my commitment to resolve this issue in the short term, which is an urgently needed resolution for the benefit of the students, but also that I will work with the school to

assist on getting it onto the upgrade program. Education is the Brumby government's no. 1 priority. We have committed to rebuild or upgrade each school in Victoria by 2017. The major part of Warrandyte Primary School is of a light timber, post-war construction and it really is in poor condition. I have successfully worked with the department on a number of occasions at many schools attended by students in my electorate, and I commit to do nothing less for the Warrandyte Primary School students.

I would like to thank the concerned parents in North Warrandyte for making me aware of this issue, and I wish the students and staff, particularly principal Gill Binger, all the best for 2009. I commit to visit the school very shortly as I do every year. I urge the minister to have her department urgently reassess the needs of this great school, and provide an additional classroom to Warrandyte Primary School as soon as possible.

Warrandyte Primary School: classroom

Mr R. SMITH (Warrandyte) — I am pleased to see at last a government member taking an interest in one of my schools. My request is also to the Minister for Education, and the action I seek is a commitment to ensure that a new portable classroom is installed at Warrandyte Primary School as a matter of urgency. The school, whose watchwords are achievement, creativity, harmony, integrity and respect, is a wonderful school that delivers a quality education to its students in a nurturing environment. As a school it continues to evaluate its teaching practices and strives to improve the ways in which students are supported. Warrandyte Primary School has subsequently enjoyed an increase in enrolments in recent times. This has led to a need for increased learning spaces, and therein lies the need for a new portable classroom. The education department has cited the need to wait until census day on 28 February before a commitment is made for the new portable classroom. This has meant that the school has had to make less than adequate arrangements — —

The DEPUTY SPEAKER — Order!

Mr R. SMITH — Stop the clock?

The DEPUTY SPEAKER — Order! No. I refer to a ruling by Speaker Delzoppo in regard to a member raising a matter which has already been raised by another member and thus is against the standing orders and precedents of the house. The matter regarding Warrandyte Primary School has already been raised.

Mr R. SMITH — On a point of order, Deputy Speaker, the action required by the member for Yan Yean was for officers to go to the school. My request is for a new portable classroom.

The DEPUTY SPEAKER — Order! I recall that at the conclusion of the member for Yan Yean's contribution she requested a further portable for Warrandyte Primary School.

Mr R. SMITH — So you can ask for two actions?

The DEPUTY SPEAKER — Order! No, you cannot ask for two actions, but the member mentioned it, and I have ruled in accordance with a ruling from Speaker Delzoppo that the matter is against the standing orders and the precedents of the house. I am sorry, but that is the ruling.

Rail: Dandenong corridor project

Mr PANDAZOPOULOS (Dandenong) — The action I seek is from the Minister for Public Transport and is in relation to stage 2 of the Dandenong rail corridor project. I want the minister to take urgent action in relation to the tender project. This project is part of stage 2 of the important third track works on the Dandenong railway line which is due to commence in the middle of this year.

Those of us who service the outer south-eastern suburbs and the Pakenham and Cranbourne corridor are very excited by the government's commitment for this Dandenong rail corridor project. We have seen stage 1 already completed, with funding of $37 million for the Cranbourne stabling and station upgrade which allows, at least in the mornings, for trains to start from Cranbourne rather than coming from the city. It will better meet the needs of that morning peak from Cranbourne through my electorate at the Dandenong railway station. It is great that stage 1 of this project has been committed to by the Minister for Public Transport and the state government.

Those of us who represent the area are keen to see stage 2 of the project, which is around the Westall station area where some 2.7 kilometres of track are due to be laid, as well as redevelopment of Westall railway station with extra lanes and extra pedestrian overpasses to provide capacity for express trains from the Pakenham and Cranbourne lines to bypass the inner and middle suburban stations to the city. This is exactly what we in the outer south-eastern suburbs have been asking for over a number of years. A third track in effect will allow Pakenham and Cranbourne trains to overtake the stopping-at-all-stations trains in the middle

suburbs. It will allow for quicker rail access into the city for those people going to the city and also quicker access for people going back to their homes on the Pakenham and Cranbourne lines.

In the last budget $153 million was committed to this project. As the member for Dandenong I would be keen for the minister to indicate to us when the tender will commence and for him to visit the region and explain how this project will benefit rail commuters in the Dandenong rail corridor. It is an exceptional project that has been committed to by the government.

This, along with stage 1 of the project, is a nearly $190 million commitment to rail infrastructure upgrades along the Dandenong railway line. I look forward to these works commencing, but I particularly look forward to the works being completed so we can get faster outer suburban trains coming to the city and going back home to Pakenham and Cranbourne.

Responses

The DEPUTY SPEAKER — Order! In asking the Minister for Gaming to respond, I remind him that in accordance with standing orders, 10 members have raised matters but two matters have been ruled out, so he should not mention the matters raised by the members for Mordialloc or Warrandyte.

Mr ROBINSON (Minister for Gaming) — The member for Nepean raised an issue for the attention of the Minister for Roads and Ports in respect of noise barriers on the Mornington Peninsula Freeway between Dromana and Rosebud, and that matter will be referred on.

The member for Geelong raised an issue for the attention of the Minister for Police and Emergency Services in respect of a request for an increased application of hoon laws to tackle incidents of unacceptable driving behaviour in his area. That will be passed on.

The member for Mildura raised an issue for the attention of the Minister for Water with respect to the equitable allocation of Murray River water resources through small Mallee towns. That matter will be passed on.

The member for Williamstown raised an issue for the attention of the Minister for Roads and Ports in respect of a cycling grant application for a very popular bike route in his electorate, the Federation Trail. That matter will be passed on.

The member for Scoresby raised an issue for the attention of the Minister for Energy and Resources with respect to power supply issues in extreme heat conditions. That matter will be passed on.

The member for South-West Coast raised an issue for the attention of the Minister for Racing in respect of country racing. I am sure the Minister for Racing will look very much forward not only to responding but to testing out some of the claims made by the member for South-West Coast.

The member for Yan Yean raised an issue for the attention of the Minister for Education with respect to Warrandyte Primary School. At least two members are very pleased she did that. She was seeking a reassessment of classroom allocations. That will be passed on.

Finally, the member for Dandenong raised an issue for the attention of the Minister for Public Transport with respect to further investment in the Westall station vicinity works as part of the rail corridor upgrade project. That matter will be passed on.

The DEPUTY SPEAKER — Order! The house is now adjourned.

House adjourned 10.31 p.m.

Tuesday, 3 February 2009

JOINT SITTING OF PARLIAMENT

Legislative Council vacancy

Honourable members of both houses met in Assembly chamber at 6.19 p.m.

The Clerk — Before proceeding with the business of this joint sitting it will be necessary to appoint a Chair. I call the Premier.

Mr BRUMBY (Premier) — I move:

> That the Honourable Robert Smith, President of the Legislative Council, be appointed Chair of this joint sitting.

He is willing to accept the nomination.

The Clerk — Are there any other proposals?

There being no other proposal, the Honourable Robert Smith, President of the Legislative Council, will take the chair.

The PRESIDENT — I draw the attention of honourable members to the extracts from the Constitution Act 1975 which have been circulated. It will be noted that the various provisions require that the joint sitting be conducted in accordance with rules adopted for the purpose by members present at the sitting. The first procedure, therefore, will be the adoption of the rules.

Mr BRUMBY (Premier) — I desire to submit the rules of procedure which are in the hands of honourable members, and I accordingly move:

> That these rules be the rules of procedure for this joint sitting.

Mr BAILLIEU (Leader of the Opposition) — I second the motion.

Motion agreed to.

Mr Ingram — On a point of order, President, I would like to have my dissent recorded in relation to the process of filling casual vacancies.

The PRESIDENT — It is recorded.

The rules having been adopted, I now invite proposals from members for a person to occupy the vacant seat in the Legislative Council.

Mr BRUMBY (Premier) — I propose:

> That Ms Jennifer Huppert be chosen to occupy the vacant seat in the Legislative Council.

She is willing to accept the appointment, if chosen. In order to satisfy the joint sitting as to the requirements of section 27(4) of the Constitution Act 1975, I also advise the house that the nominee is the selection of the Australian Labor Party, the party previously represented in the Legislative Council by Mr Thornley.

Mr BAILLIEU (Leader of the Opposition) — I second the proposal.

The PRESIDENT — Are there any further proposals?

As there are no further nominations, I declare that nominations are closed.

Motion agreed to.

The PRESIDENT — I declare that Ms Jennifer Huppert has been chosen to occupy the vacant seat in the Legislative Council. I will advise the Governor accordingly**.**

I now declare the joint sitting closed.

Proceedings terminated 6.22 p.m.