

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE ASSEMBLY

FIFTY-SIXTH PARLIAMENT

FIRST SESSION

Wednesday, 4 February 2009

(Extract from book 1)

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By authority of the Victorian Government Printer

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Professor DAVID de KRETZER, AC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

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Minister for Gaming, Minister for Consumer Affairs and Minister Assisting the Premier on Veterans' Affairs	The Hon. A. G. Robinson, MP
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Minister for Housing, Minister for Local Government and Minister for Aboriginal Affairs	The Hon. R. W. Wynne, MP
Cabinet Secretary	Mr A. G. Lupton, MP

Legislative Assembly committees

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

Joint committees

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

Drugs and Crime Prevention Committee — (*Assembly*): 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 Elasmarr 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 Elasmarr, 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.

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

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

Parliamentary Services — Secretary: Dr S. O'Kane

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FIFTY-SIXTH PARLIAMENT — FIRST SESSION

Speaker: The Hon. JENNY LINDELL

Deputy Speaker: Ms A. P. BARKER

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

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The Hon. J. M. BRUMBY (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)

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Mr E. N. BAILLIEU

Deputy Leader of the Parliamentary Liberal Party and Deputy Leader of the Opposition:

The Hon. LOUISE ASHER

Leader of The Nationals:

Mr P. J. RYAN

Deputy Leader of The Nationals:

Mr P. L. WALSH

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Asher, Ms Louise	Brighton	LP	Lupton, Mr Anthony Gerard	Prahran	ALP
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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
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Hulls, Mr Rob Justin	Niddrie	ALP	Treize, 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	Woodridge, 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

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Wednesday, 4 February 2009

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

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE**Membership**

The SPEAKER — Order! I inform the house that I have received from the Public Accounts and Estimates Committee a letter of resignation from Martin Pakula, a member for Western Metropolitan Region in the Council.

BUSINESS OF THE HOUSE**Notices of motion: removal**

The SPEAKER — Order! I advise the house that under standing order 144 notices of motion 30, 31, 134 to 140 and 207 to 227 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:****Bass electorate: health services**

To the Legislative Assembly of Victoria:

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

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

By Mr K. SMITH (Bass) (191 signatures).

Box Hill Hospital: funding

To the Legislative Assembly of Victoria:

This petition of residents of Victoria draws to the attention of the house the urgent need for the full redevelopment of Box Hill Hospital to proceed without delay. The medical needs of

residents of the eastern suburbs and beyond are suffering because the hospital is struggling to cope with growing numbers of patients, including elderly patients and young families, in the hospital's current old and inadequate facilities. This has resulted in Box Hill Hospital having some of the worst waiting lists and waiting times of any hospital in Melbourne, despite the best efforts of doctors, nurses and other hospital staff.

The petitioners therefore request that the Legislative Assembly call on the Brumby government to provide the necessary funding urgently so the full redevelopment of Box Hill Hospital can proceed without any further delay

By Mr CLARK (Box Hill) (581 signatures) and Ms WOOLDRIDGE (Doncaster) (275 signatures).

North-eastern ring-road: construction

To the Legislative Assembly of Victoria:

The petitioners and residents of Bulleen urge the Assembly not to support any proposal to build a freeway-tollway link that connects the Eastern Freeway to the Metropolitan Ring-road via Bulleen Road in Bulleen.

By Mr KOTSIRAS (Bulleen) (37 signatures).

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 Mr TREZISE (Geelong) (172 signatures) and Mr NARDELLA (Melton) (200 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) (47 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).

Rail: Mildura line

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

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

The undersigned petitioners therefore ask the Legislative Assembly to bring forward the reinstatement of the 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) (28 signatures).

Tabled.

Ordered that petition presented by honourable member for Box Hill be considered next day on motion of Mr CLARK (Box Hill).

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

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

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

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 Melton be considered next day on motion of Mr NARDELLA (Melton).

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

DOCUMENT

Tabled by Clerk:

Auditor-General — Literacy and Numeracy Achievement —
Ordered to be printed.

MEMBERS STATEMENTS

Ambulance services: funding

Mrs SHARDEY (Caulfield) — The *Report on Government Services 2009* made public last Friday revealed that Labor's recurrent spending on public hospitals is the lowest in Australia and that Victoria has the lowest number of beds per 1000 persons at 2.4 beds per 1000 compared with the national average of 2.7. The report also reveals that there has also been a steady increase from 2003 to 2007 in the number of days sick Victorians spend waiting for elective surgery and that one in five people on the elective surgery waiting list had 'extended waiting times. Additionally Victoria has a higher rate of readmissions to hospital than the national average and the second highest number of sentinel events reported as the average number of reported adverse events because of hospital system and process deficiencies, which result in death or serious harm to the patient.

In relation to ambulance services, the commission's report showed that Victoria's ambulance service receives less government funding per head than the national average and shows that Victoria's paramedics are working harder than ever. The ambulance workforce is ageing, with 50 per cent of paramedics being over 40 years of age — the oldest paramedic workforce compared to other states — and the state relies more on mixed paid and volunteer staff to fill vacancies.

Finally, with a steady decrease in full-time student and base level ambulance officers per 100 000 Victorians, no wonder the embattled health minister is reported to have only been able to attract 50 per cent of the promised 258 additional staff paramedics. It is another failure of the Brumby government's service delivery.

Glen Waverley Chinese Lantern Festival

Ms MORAND (Minister for Children and Early Childhood Development) — First of all I wish everybody best wishes for the Chinese New Year in this, the year of the golden ox. On Sunday I will be attending the Glen Waverley Chinese Lantern Festival, which will be held in Kingsway in Glen Waverley. This is the first time that such a festival has been held in Glen Waverley, and I commend the City of Monash for the contribution it is making to the festival, and also the Victorian Multicultural Commission, which is contributing \$10 000.

I also congratulate the organisers, particularly Vincent Chow, for organising this event, which promises to be a fantastic event for the Chinese community. The Chinese community in the City of Monash and in my electorate is a very significant and growing part of the Monash community, and a particularly significant and growing part of the electorate that I represent in Parliament.

Girl Guides Rock

Ms MORAND — Also on Saturday I joined Jan de Kretser and around 400 participants at the Girl Guides Rock event at the Melbourne town hall. I congratulate the guides on nearly 100 years of giving girls and young women such fantastic opportunities to develop leadership skills, gain confidence and, most importantly, make new friends. I commend all the volunteers and the guides who put in so much of their precious time to support these young women, along with the adult volunteers, the guide leaders and the parents who all give generously of their time in this important endeavour. It was a great program and I am sure the day was very successful.

Pinewood Primary School: preps

Ms MORAND — Yesterday I went to Pinewood Primary School and welcomed all the preps and gave them their 'Welcome' schoolbags. They will have a great year at Pinewood Primary School.

Water: storages

Mr JASPER (Murray Valley) — Everybody I speak to agrees that the continued supply of water to the

Murray River has been underpinned by the storages in the Snowy Mountains scheme and the massive Dartmouth Dam. This position has continued even during the recent years of dry and drought conditions, but at this time extensive rains will be required through 2009. While I agree with the government that every effort should be made with water conservation measures, the reality is that the increasing population and water requirements mean that additional water storages will need to be built. In Victoria it is a fact that no major water storages have been built since the completion of Dartmouth Dam in 1983. Despite petitions, letters and my constant representations in Parliament, the state government consistently rejects any consideration of extending dams or building new ones, using the so-called 1995 cap on water availability in the Murray-Darling Basin as the excuse for not even considering this critical issue.

We now have the ridiculous situation where Goulburn-Murray Water is proposing to spend \$8 million on strengthening the wall of Lake William Hovell in north-eastern Victoria, and the Minister for Water is rejecting any new works to increase the capacity of the dam following my representations. Water storage dams have been the lifeblood of communities for irrigation, town supplies and even environmental flows, and the state government must now reconsider its position and extend the water storages at Lake William Hovell, Lake Buffalo and others in Victoria.

Kerryn McCann

Mr NOONAN (Williamstown) — I pay tribute to the late Kerryn McCann — a great Australian who sadly lost her battle with cancer late last year, aged 41. Few of us will ever forget the heroics of Kerryn McCann, who produced one of the greatest Australian sporting performances ever, right here in Melbourne during the 2006 Commonwealth Games women's marathon. While many people rightly focus on Kerryn's last lap inside the Melbourne Cricket Ground, where she overpowered Kenyan runner Helen Chereno to win gold, the moment that will always remain with me is when Kerryn surged up the William Barak Bridge in the late stages of the race, only to be overtaken again by Chereno as they neared the top of the long climb. From that point on she produced the impossible in marathon running; she dug deeper, persevered through constant lead changes, and by the final lap inside the MCG captured all of our hearts with her fighting spirit. Kerryn's win and memorable victory lap with her son, Benton, who proudly wore a Team McCann T-shirt, was later judged the best moment of the Melbourne Commonwealth Games.

Kerryn had a decorated running career, representing Australia at four world cross-country championships, three Commonwealth Games, including back-to-back marathon gold medals in 2002 and 2006, and three Olympic Games. The one thing Kerryn McCann loved more than running was her family, and together with her husband, Greg, Kerryn had three beautiful children, Benton, Josie and Cooper. I extend my deepest sympathies to the entire McCann family. You have suffered a great loss.

Water: government performance

Ms ASHER (Brighton) — I wish to condemn the Brumby Labor government, in particular the Minister for Water, for yet another cost blow-out in a water project. I am referring specifically to the Geelong–Melbourne pipeline, which has now suffered two cost blow-outs. When this project was announced on 19 June 2007 the pipeline was going to cost \$80 million. The Auditor-General tabled a report in this Parliament on 9 April 2008, at which stage he estimated that the most up-to-date cost was \$120 million. We see in budget information paper 1, which was tabled in this place late last year, that the Geelong–Melbourne pipeline cost has now blown out to \$137.8 million and is yet another example of the government's incapacity to manage major projects, including water projects. The project start cost was \$80 million and the project cost at the moment is \$137.8 million.

This is on top of a range of other cost blow-outs in the water portfolio, such as at the eastern treatment plant. Quite frankly that plant should have been completed years ago. It is also the victim of a cost blow-out according to budget information paper 1. Likewise the desalination plant. The *Age* has highlighted a \$40 million minimum blow-out and a \$21 million reclassification for that project. The government is incompetent. The public wants water. The government is incapable of building projects on time and on budget.

Soccer: Geelong cup

Mr EREN (Lara) — It is with great pleasure that I inform members that the longest running soccer tournament in Victoria, formerly known as the Geelong Advertiser Cup, will continue into the future thanks to this government's support for the tournament for the next two years. At the outset I would like to thank the Minister for Sport, Recreation and Youth Affairs for his assistance in making this happen.

The tournament will now be known as the Go for Your Life Geelong Cup and will help a tradition that has been part of Geelong soccer since 1981 continue and

prosper. Geelong has always been a traditional soccer stronghold, producing a string of players who have played for Australia, including Eddie Krncevic, Steve Horvat, Kris Trajanovski and current Socceroos Matthew Spiranovic and Adrian Leijer, to name a few. The game is booming across the region, with a host of new clubs starting up over the past five years and the older established clubs going from strength to strength. The pre-season cup is one of the most anticipated events in the region.

The competition will begin this Friday, with finals to be played on 8 March. There are eight teams involved this year. They are Bell Park, Corio, Geelong, Geelong North, Geelong Rangers — where the competition is being played — the Geelong Region Football Association, Hoppers Crossing and Surf Coast. I wish them all the best of luck. There will also be a historic game this weekend between MPs and Sudanese, Liberian and Karen futsal players. Futsal is a FIFA-recognised form of indoor soccer. The Sudanese, Liberian and Karen communities — —

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

Victorian Multicultural Commission: commissioners

Mr KOTSIRAS (Bulleen) — I condemn this lazy and arrogant Brumby government for failing to appoint any new commissioners to the Victorian Multicultural Commission. It has been seven months since the term of the Victorian Multicultural Commission, the peak body that links government to our various communities, expired. On 15 June 2008 the Brumby government advertised for Victorians to apply for the commissioners positions for the new VMC. The closing date for applications was 21 July 2008. After seven months of inaction, the Brumby government has failed to appoint any new commissioners. This is the Premier's own portfolio; he is the Minister for Multicultural Affairs. It is shameful that this has been allowed to drag on for so long.

The VMC website states:

The commissioners are in constant contact with the chairperson and deputy chairperson and meet on a monthly basis to develop strategies and discuss community issues that require action.

Despite that boast, meetings have not occurred since June last year. Who has been making the VMC's funding recommendations for the last seven months? Has it been the chairperson, George Lekakis, who is also known as Father Christmas? Surely he is not the

only one to decide where the money goes. Has it been the member for Clayton or the member for Yuroke? The Premier must ensure that the VMC's funding allocations in the last seven months have been fair and that the entire process has occurred without any political interference or political favours. The Premier must immediately appoint new VMC commissioners who will not be there simply to be the mouthpieces of this government. There should be no more excuses from the Premier; he should just get on with it, appoint the commissioners and make sure that the funding process is open, fair and transparent.

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

Reverend Donald Edgar

Ms THOMSON (Footscray) — I rise to congratulate Reverend Don Edgar who received a Medal of the Order of Australia on Australia Day. Reverend Don Edgar is an Anglican Church minister who was ordained in 1964. He is 71 years of age.

Reverend Don arrived in Footscray parish in 1990, at about the same time as African refugees were arriving in Australia. There is not a more compassionate or selfless man than Reverend Don Edgar. His work with this community has been tireless. He has an ability to latch on to the needs of that community and represent them, whether it be for legal advice or access to housing, or by assisting young male refugees who have arrived without family or any connections at all and providing them with access to education and the services that they need to survive here as young African refugees.

I have had great pleasure in being able to work with Reverend Don Edgar in the work that he has done with the community, through either the Anglican Sudanese welfare ministry or the River Nile Learning Centre. He has been an exemplary community leader in Footscray, he is a local resident in Seddon and you could not find a greater man than Reverend Don Edgar.

Rail: Glenrowan station

Dr SYKES (Benalla) — The questions on everyone's lips at Glenrowan are 'What's going on with the railway station? Is it going to be reopened?'. The questions are being asked because while the Department of Transport has been working with the local community to assess transport needs, work on the north-east railway track upgrade is proceeding at a rapid rate with no apparent provision for reopening the railway station.

Glenrowan railway station was closed a number of years ago, but since that time Glenrowan and neighbouring Hamilton Park have grown, with the help of millions of dollars of investment by local, state and federal governments. Further, a multimillion-dollar investment is planned for upgrading water supplies and putting in place a sewerage system. One of Tourism Victoria's highest priorities is a multimillion-dollar Ned Kelly interpretative centre at Glenrowan, and the Minister for Tourism expects over 300 000 visitors per year to the Lake Mokoan wetlands, following a \$20 million upgrade.

The missing piece of the jigsaw is a railway station at Glenrowan, which now can be reopened at minimal cost as part of the \$500 million upgrade of the north-east rail corridor. Department of Transport staff are meeting with Glenrowan residents next week. I ask the Minister for Public Transport to make sure that they deliver good news — a reopened Glenrowan railway station. This will make life much easier for existing and future local residents who currently have next to no public transport. It will also underpin a surge in visitors and provide a much-needed massive boost to the local economy.

Mackie and Rose Senn

Ms CAMPBELL (Pascoe Vale) — I pay tribute to Mackie and Rose Senn, who for 22 years have been the organisational stalwarts for novena devotions in their parish. On Sunday, 25 January, I had the honour of joining many people in the celebrations of the 1200th weekly novena held at Our Lady of Perpetual Succour church in Pascoe Vale South and St Fidelis church in Moreland. I have had the pleasure of knowing Mackie and Rose Senn through the Glenroy branch of the ALP. For 22 years their work has been well known in not only their own parish but throughout Victoria. Not only the Catholic churches have worked with this wonderful couple, the Anglican church in Essendon donated its pipe organ for the devotions and the St Fidelis church community collectively put in \$70 000 to restore the organ, which Rose plays beautifully.

Mackie has been in charge primarily of the organisation of the weekly novenas, which as I said have run for 22 years. He rings around on a regular basis to ensure that every Thursday there is a priest, who can come from as far away as Kew or Craigieburn. He also told me that priests have come from overseas.

Emergency services: Mornington Peninsula

Mr DIXON (Nepean) — The Brumby government's ability to provide basic services to the Mornington Peninsula was left wanting over the summer holidays. Normally extra emergency services are provided to the area because its population more than doubles. This year the extra ambulance usually provided was nowhere to be seen and the number of extra police usually provided was reduced by 30 per cent. This lack of extra police resulted in the Dromana police station being closed on two occasions and the Rye police station being closed once. Increased vandalism, hoon driving and a spate of hedge burnings and graffiti were all results of this lack of a visible police presence.

For the second summer running a large section of Rosebud pier was closed at the busiest time of the year, therefore not allowing visitors and locals to fish in the deeper water, tie up their boats or stroll to the end of the pier.

Congested roads also took their toll. Those travelling down EastLink to the peninsula were met with an at least half-hour delay at Cranbourne Road where the freeway ends due to the lack of planning by this government for the Frankston bypass. When people finally arrived at Mornington Peninsula there was more congestion. The 9-kilometre trip between Rosebud and Rye took 1 hour to travel. The gridlock was dangerous, ruined the amenity of the area and severely hampered the progress of emergency vehicles.

Boating facilities were out of their depth too, with rickety or closed piers and 2 to 3-hour waiting times to launch boats. This government's inability to provide basic services was no more evident than on the Mornington Peninsula this year.

Australia Day: East Bentleigh Seniors Club

Mr HUDSON (Bentleigh) — I would like to congratulate the East Bentleigh Seniors Club on being named the City of Glen Eira's community group of the year. The club, in Derry Street, Bentleigh East, is a vibrant and active centre for our senior citizens and has more than 500 members. The club offers a diverse range of activities such as table tennis, indoor bowls, line dancing, monthly films, ladies marching groups, cards and billiards. Over the years it has offered a warm and welcoming place for our senior citizens to come together, make new friends and stay physically and mentally active. One of the highlights of the club is its group of dancers and singers, known affectionately as the Derry Airs. This group performs many of the old

showtime numbers and has entertained a wide range of citizens, young and old, in nursing homes, schools and community groups. Its annual Christmas dinner and concert is a real highlight and showcases its full repertoire.

The East Bentleigh Seniors Club demonstrates that just because you are retired or aged over 60 does not mean you cannot remain connected, learn new skills and make new friends. Just as important, the club's members continue to bring pleasure to others and show us that all our senior citizens have a lot to contribute. The club is ably led by its president, Os Penwarden, and secretary, Joan Hill. Congratulations to the club on this Australia Day award. It is very well deserved.

Colby Hickey

Mr THOMPSON (Sandringham) — I draw the attention of the house to the case of Colby Hickey. Colby is 21 years old, is autistic, has Down syndrome and has learning difficulties. He has been in the care of his adoptive mother, Ms Hickey, for most of his life. I have earlier referred to his circumstances in this place. Extraordinarily, yesterday afternoon Colby's mother ascertained Colby's carers have been withdrawn as from 8.30 a.m. today. One agency has been working with Colby for the past four years and the other agency since June last year. The carers are well attuned to his needs. No correspondence has been received by Ms Hickey.

Colby was due to attend a conference in Geelong tomorrow entitled 'Having your Say'. Last year he was one of the presenters. Owing to the action of the department, Colby's mother has not been able to go to work this morning. With the withdrawal of carer support for those who have cared for Colby over the last four years and since June last year, Colby will not be having his say in Geelong tomorrow.

On Ms Hickey's behalf I call upon the Minister for Community Services to immediately reinstate the support staff, who have existing relationships with Colby, who have sought to meet the requirements of the department and who have been specifically trained to support his needs, and to clarify the facts which have led to this extraordinary position.

Bandu Dissanayake

Mr PERERA (Cranbourne) — I would like to congratulate Bandu Dissanayake for his appointment by the Sri Lankan government as the honorary consul for Sri Lanka in Victoria. He has lived in Victoria for 25 years and is currently the system development

manager in Nissan Australia. He has held the position of president of a number of Victorian-based Sri Lankan organisations, including the Sri Lanka Study Centre for the Advancement of Technology and Social Welfare. He was a founding member of the 3ZZZ radio program Sinhala segment and the Dandenong Buddhist temple and initiated the Sinhala segment on television Channel 31. He is currently the president of the Lions supper club in Dandenong.

Sri Lanka: independence day

Mr PERERA — Today is also the day Sri Lanka celebrates its independence. It was on 4 February 61 years ago that dominion status was conferred upon Sri Lanka, then known as Ceylon. This delivered the Westminster system of government, with the Queen of England as the head of Sri Lanka. However, any judgements made by the Supreme Court of Sri Lanka were able to be challenged in the English Privy Council until Sri Lanka became a republic on 22 May 1972.

Coinciding with Sri Lanka's 61st independence day, newly appointed honorary consul Bandu Dissanayake has taken the initiative to open up a new consulate office today in Mount Waverley for the first time in Victoria. On 15 February the Victorian Sri Lankan community will have a celebration at the Box Hill town hall to commemorate independence day. It is a new beginning and a fresh start for the Victoria-Sri Lanka relationship.

Rail: cancellations

Mrs VICTORIA (Bayswater) — Last week we may have had an incredibly rare burst of heat with temperatures in the mid-40s, but on behalf of those commuters who were stuck on steamy stations for hours and who then squeezed their way into overcrowded carriages, I say shame on the Brumby Labor government. Finally the public got a true indication of the inaction of this spin crazy, do-nothing government and its years of neglect of our infrastructure. One can only guess how many fewer cancellations and delays there would have been if regular maintenance had ensured bolts were tightened and air conditioners were serviced.

The minister blamed Connex and Connex blamed the government, and whilst the word games continued, would-be commuters sweltered, missed appointments and went through avoidable stress and anguish. The fact is that Melbourne has days with temperatures over 40 degrees every summer. Invariably we have a week or two of blistering heat, and our train system must be brought up to a standard where it will cope. The

Brumby Labor government's neglect is finally being exposed. What will be next? Will it be hospitals, schools and policing? It is too late for the Premier, because the public is seeing his disregard for them too.

Ken Jacobs

Mrs VICTORIA — Former Cricket Victoria chief and local Wantirna resident, Ken Jacobs, was rightfully recognised on Australia Day for his services to cricket locally, domestically and internationally. My sincerest congratulations go to Ken on receiving his Medal of the Order of Australia.

Chinese New Year

Mrs VICTORIA — Congratulations to Khim and Vincent Chow and all of the committee who held yet another successful and delicious Chinese New Year festival at the Chinese Association of Victoria. It is a great organisation with many dedicated volunteers.

Australia Day: South Barwon electorate

Mr CRUTCHFIELD (South Barwon) — Today it is with great pride that I can inform the house of some true community champions whose tireless work has gone almost unrecognised. At the recent Australia Day awards ceremonies in my electorate, several members of the South Barwon community were acknowledged for their work ethic and their tireless community work.

Bonnie Cameron who has lived in Barwon Heads for 60 years received a Medal of the Order of Australia (OAM) for her work in the Barwon Heads community through sport and church-related activities. Bonnie, who is a life member of her beloved Seagulls, has also worked with the Country Women's Association, the local film society and Festival of the Sea. She has also worked as a volunteer for the senior citizens club, the Barwon Heads association and the All Saints Anglican opportunity shop.

Highton conservationist Jane Salmon also received an OAM for her dedication to environmentalism through her work in the Friends of Geelong Botanic Gardens. Jane was an inaugural member of the gardens committee following a stint as a volunteer guide at the Royal Botanic Gardens in 1983. As president of the gardens, Jane oversaw many improvements, including the establishment of the tea house and she has a passion for education at the gardens and was successful in having an education officer appointed.

I would also like to give a special mention and congratulations to a former colleague of mine, Geelong Country Fire Authority chief, Bob Barry, who received

the Australian Fire Services Medal. Bob has been with the fire service as a volunteer and career firefighter for 32 years and has tackled some of the most horrific fires this state has seen, including the Ash Wednesday fires and Linton fires of 1998.

Without these inspirational heroes many sporting, community and charity organisations would not exist, and I sincerely thank them for their hard work and congratulate them on their awards. I attended Surf Coast Shire Australia Day services with Mayor Libby Mears and Australia Day ambassador, Anglesea resident and Essendon football legend John Birt. Along with the hardworking Lions Club and the 200-member audience, I would like to formally congratulate Brain Machray, Lesley Morris, Dr Anna Sutton and David Sutton of Torquay, Evelyn Ross of Aireys Inlet and Sonya Thompson-Hammond of Anglesea on becoming Australian citizens. I say to them: welcome to a new part of your lives as new Australian citizens and good luck.

Respite care: Knox

Mr WAKELING (Ferntree Gully) — I would like to draw the attention of the house to the lack of respite services in the Knox area. Many members of our community provide critical support for hundreds of thousands of vulnerable Victorians. However, they are not receiving the support they deserve, with little opportunity for a break from the constant and ongoing care required by those with special needs. The waiting list for respite care services has grown to unacceptable proportions in the Knox area. One particular resident recently contacted my office to explain her desperate situation in which she has been waiting for over two years to access respite care services.

The Brumby Government has failed to provide adequate respite care services, leaving carers exhausted from emotional, physical and financial stress which in many cases results in severe depression. I call upon the Minister for Community Development to immediately address the need for improved and increased respite care services in the Knox area.

Churchill National Park: fuel reduction

Mr WAKELING — On Friday, 30 January, fire spread through the Churchill National Park, which borders my electorate in Rowville. I applaud the efforts of Captain John Farrer and the members of the Rowville Country Fire Authority brigade for the magnificent job they undertook in controlling this fire in some of the most repressive heat this state has experienced in many years. I am aware that previously

controlled burns have taken place within the national park to reduce the amount of fuel. However, the Brumby Labor government must certify that appropriate fuel reduction burns are occurring within this national park in line with Department of Sustainability and Environment guidelines and are not being delayed or withheld due to a lack of resources.

Joan Neylon

Mr TREZISE (Geelong) — I take this opportunity to mark the passing of Joan Ethel Neylon. Born in Ballarat on 2 August 1926, Joan was the eldest daughter of Herbert and Grace Pargeter. Joan's school days were predominantly in Tatura, where she had strong memories of the war years due to the prisoner of war camp that was nearby. In 1949 Joan moved to Geelong with her family, where she took up employment as a shop assistant at Solomon's department store. In 1953, while working there, she met her husband to be, Ralph. After their marriage in 1955, Joan followed Ralph in his numerous moves across Victoria as a union organiser. He was later appointed as a commissioner of the industrial relations commission.

In 1958 Joan gave birth to Roxanne, followed by Claire in 1960, very much beloved daughters. Although Joan dedicated much of her time to her young family, she also contributed enormously to many community and church organisations such as the Woman's Christian Temperance Union, World Vision, the Salvation Army, the Royal Flying Doctor Service, the Cancer Council, the Arthritic Society, the National Trust, the Geelong Gallery, the Australia Day Council, the Pioneers, and Friends of the ABC. Joan also contributed greatly to many church choirs. In 1981 Joan was appointed a life governor of what was then the Dandenong and District Hospital. The world will be the poorer for the passing of Joan Neylon. I pass on my condolences to her husband, Ralph, daughters, Roxanne and Claire, and their families.

Government: performance

Mr K. SMITH (Bass) — After last week's transport, electricity and water debacle you would think the Brumby socialist government would be trying to win back the hearts and minds of Victorians, not with a cheap shot like the icy poles it handed out or a bottle of water but by talking to people who have been disenfranchised by its ignorance and arrogance. Yesterday the government had a chance to address people from across Victoria who came to the steps of Parliament to express their concerns about a number of issues, including the Wonthaggi desalination plant, the north-south pipeline, the bay dredging, genetically

modified food and the public transport system. The protesters included irrigators from northern Victoria.

All were out there, but where was the government? Where was the Premier? Where was the Minister for Water? Where was the Minister for Agriculture? Where was the Minister for Public Transport? Where were their parliamentary secretaries? There were no government members to be seen. These gutless wonders were hiding inside the Parliament, away from the people, and treating them with the contempt we have learnt to expect from this government.

There are no excuses for this government. It has had 10 years. It has had \$250 billion. It has had no plans, has made no apologies and there are no excuses for it. No excuses, Brumby, you are gone!

Seymour electorate: Transport Connections program

Mr HARDMAN (Seymour) — I rise to congratulate the Minister for Community Development on the government's Transport Connections program, which has provided significant funding to enable communities to develop solutions to their transport needs. While I was chairing the then Rural and Regional Services and Development Committee at hearings across the state, community leaders identified the need for a program like this to aid with the retention of young people in rural communities. The projects, particularly in the Yarra Ranges and Murrindindi shires, are already kicking goals by engaging community members and working with the Department of Transport.

I recently had the pleasure of launching a new bus service between Healesville and Yarra Junction which was funded as part of Transport Connections and advocated for by local people. The community of Healesville had lobbied me for a long time about this service and it would not have happened without the significant groundwork done by members of Transport Connections and the government's commitment to connecting and supporting rural communities.

The other new service I wish to highlight is a connection between Alexandra and Seymour. This service will provide another alternative for people from Alexandra, Molesworth, Yea and Trawool to access health, transport and education services in Seymour. It will benefit many people who cannot or do not drive, or just provide a sustainable and affordable alternative to driving. A highlight of the service, which is a practical outcome of the community engagement between Transport Connections and the Department of

Transport, is that on Wednesdays the service will leave Alexandra half an hour earlier to allow secondary vocational education and training students to access Goulburn Ovens Institute of TAFE programs in Seymour. I look forward to seeing more practical outcomes such as this.

Alex Buchanan

Mr STENSHOLT (Burwood) — I congratulate Alex Buchanan on his Australia Day award for his work on food security in developing countries.

GRIEVANCES

The DEPUTY SPEAKER — Order! The question is:

That grievances be noted.

Rail: infrastructure

Mr MULDER (Polwarth) — I, along with all Victorians, grieve for those who use our public transport network, for the commuters and passengers who were stranded in the stinking heat last week when our rail network went into complete and total meltdown. But this is not just about last week. The issues surrounding the lack of trains, failing air conditioning, buckling infrastructure, lack of drivers and late and cancelled services have dominated this government's term in office. For the Premier to say that this is unprecedented and that we have not had these problems in the past is a complete and total lie.

It is a complete and total lie to say that this is something new and something we have not faced in the past. To see that you only have to go back a few years and read some of the commentary that was running at that time in relation to what Victorians in general, commuters and passengers were saying to the Victorian government about the rail network, not just here in Melbourne but also in rural and regional Victoria. I refer to an article in the *Age* of Tuesday, 16 May, by two prominent, well-informed transport writers, Royce Millar and Stephen Moynihan.

After seven years of vague, unfunded transport strategies, there is growing frustration among residents, commuters, business and transport user groups about Labor's lack of action on transport. The anguished cry of 'why don't they just do something!' is an increasingly common one among Melburnians frustrated by interminable traffic jams or the lack of a train to catch, or both.

That was May 2006, and we are now into January 2009.

Mr Nardella interjected.

Mr MULDER — I am talking about issues surrounding last week. Going back to Monday, 18 June 2007, and the headline in the *Herald Sun* ‘If you thought it was bad now ... rail travel is only going to get worse’, it is clear the message was out there that this government has a major problem as we move forward. This government has failed to act to protect commuters, passengers and the reputation of Melbourne and Victoria. The article states:

The looming crisis comes as state government funding for new rolling stock fails to keep pace with surging passenger growth.

And we are being told that this summer was something out of the blue. We are being told that what we witnessed last week has not happened before. Listen to this. The article goes on to say:

Freedom of information documents show passengers had to wait up to 98 minutes for their trains at the worst of summer’s public transport crisis.

That was 2007.

There has been very little proper planning; the government has simply been reacting when there is a crisis.

That is quoting Public Transport Users Association spokesman Alex Makin.

Nothing has changed. All the warnings were out there. Every single bit of information was provided. The public was telling the government; the Public Transport Users Association was telling it, commuters and passengers were telling it, and it simply failed to act. This year, through summer we have had an absolute meltdown in the system, and the government says, ‘This is unprecedented. We have done all we possibly could’. It has not done enough, and the Victorian public knows that this government simply has not done enough.

We had another issue last year on Oaks Day, which is another major event for Melbourne. Last week when it was the Australian Open that was on display to countries around the world, all over Australia and to all Victorians, we again had a complete and total shambles here in Victoria. We had Oaks Day last year, when the headline in the *Age* said:

A day among the thoroughbreds, but the trip home is by shanks’s pony.

I would ask whether it was by shanks’s pony or by Brumby? The Premier of this state has completely and totally failed to address the issues surrounding public transport. And again yesterday it was absolute

embarrassment as tens of thousands of commuters were stranded after a power cut to trains on the Flemington line. Last week we had over 1500 services cancelled, with patrons stranded in stinking hot stations. What did they get? Free water and the minister’s answer to Mr Whippy — free ice-creams. No train, but you get a free ice-cream. After that shambles and absolute disgrace the message is out there loud and clear: no water, no power, no trains.

Labor’s legacy of 10 years in office — great economic times, the time to get everything right, the time to spend, the time to upgrade infrastructure — is absolutely nothing. As we head towards uncharted waters, tough times and shrinking revenues, we get these great plans, like the transport plan for the future, with \$38 billion that will fix everything. The government will be judged on its history, not on what it has said it will deliver, because the government has shocking form on delivering for public transport users.

I do not think you could get a better example of how this debacle impacted upon Melbourne last week than the one provided to me by a friend and colleague of mine who said, ‘You should have been in Tottenham’. When I asked why, he told me at the height of all this there were people standing on the side of the road waving \$20 notes at passing motorists, trying to hitch a ride home. This is Melbourne in 2009, and people were waving \$20 notes at motorists driving past, trying to hitch a ride home. What a disgrace! There is no excuse.

Mr Nardella — What would you do?

Mr MULDER — You have been there for 10 years, Motormouth, and you have done absolutely nothing. It is shocking, an absolute disgrace, and it ruined the Australian Open and the reputation of Victoria last week.

The Premier has to acknowledge — and he has to do it now — that the current Minister for Public Transport is a very bad fit for that portfolio. To be true to herself, the minister would have to acknowledge that it simply has not worked. It has not worked with the current public transport minister. She should either step down, or the Premier should replace her immediately. The minister should either step down or be pushed out. There is no other option. Look at what the polls have been saying on this matter.

We cannot have a public transport minister who has the support of around 6 per cent of the people she represents. It cannot continue, and the government has to recognise that. The Minister for Public Transport has lost the respect and trust of the people, and the minister

is supposed to serve those people. That is absolutely factual. It has to happen — the minister must go. She does not have the empathy or concern required to convince the travelling public that she actually cares about them and their daily lives. Stunts, empty or broken promises and more plans will not pacify public transport users. Nobody believes the Premier or the public transport minister any more. These stories have been running for years and years and nobody believes them any more.

The public knows that last week was not just a one-off, as I pointed out. These problems are deeply entrenched in the rail network, and the government has swept under them under the carpet and hoped they would go away. The government had hoped someone would believe that a \$38 billion transport plan that will hopefully be delivered by some other government in the future will deal with these issues.

Another matter was raised this week, and it points very clearly at the way that this government has been behaving. It is in relation to the train control centre at transport house.

Mr Nardella interjected.

Mr MULDER — Go and have a look at it, Don.

The train control centre, or Metrol, was again the centre of a controversy earlier this year when a train driver was unable to be contacted by the centre and subsequently the train hit a girl who was on the tracks at Narre Warren. This is factual: the train hit a young girl who was on the tracks because the train driver could not be contacted and stopped.

The communication system is antiquated and run down. The government is having difficulty getting staff to man it, and is calling back part-timers. The train control centre always had the smell of Dad's Army about it. To give you an idea of what the train control centre is, it is the air traffic control of the train network. There are great difficulties at the centre. That was recognised by the former Kennett government. When the franchise agreements were put in place, it was mandated that Metrol was to be upgraded in 2001–02. It was mandated as part of the franchise agreements that we would have a brand-new train control centre in Melbourne. But today, in 2009, we still do not have it; we still do not have an upgraded Metrol. Do you want to know why? I will tell you why. I quote from an article in the *Herald Sun* of 2003:

A spokesman for transport minister Peter Batchelor ... said the current Metrol system worked adequately and there were no safety concerns.

And yet in February 2003 there was the issue with the Broadmeadows runaway train that crashed into a V/Line train at the then Spencer Street station, which is now Southern Cross station. There was a lack of ability to alert the V/Line train driver and staff at Spencer Street station as to the impending disaster. The driverless train ran from Broadmeadows before smashing into another train at Spencer Street. Controllers could only directly track its movement for 90 seconds of the 16 minute journey. That is Metrol. Yet the government said there is no danger in leaving this antiquated system in place!

That is the way the government has run the public transport system all along. You have known all along about these problems, you had the time and the ability to plan, and the former government had the foresight to tell you about this, yet you still refused to upgrade the train control centre. The upgrade that is planned goes as far as Burnley, Clifton Hill, Caulfield and Kensington — —

The ACTING SPEAKER (Mrs Fyffe) — Order! I remind the member for Polwarth that when he says the word 'you' he is referring to the Chair. I have allowed him to go on for a bit, but he should speak through the Chair to the opposition.

Mr MULDER — I apologise, Chair. I will refer to the rotten and lazy Labor government, I will not refer to the Acting Speaker. The lazy Labor government and its lazy members of Parliament have not done the work and have not carried out these vital upgrades.

Have a look, Deputy Speaker, at the excuses that have been lined up in relation to the problems with the public transport network and in particular the recent events within the train network. First of all the Minister for Public Transport claimed the problems were the result of decades of neglect, but she failed to acknowledge that the government had been in power for the last decade. The minister was in effect saying, 'Yes, it is our fault; we have been here for 10 years'. Then it was the heat. A couple of weeks ago the minister said, 'With a bit of luck, things will improve', so the next excuse is that the government has run out of luck. Then it was the fault of population growth, unprecedented demand, petrol prices, the Kennett government, the federal government and vandals. But it was never the responsibility of the Minister for Public Transport.

The minister just does not have the empathy. Last week, at the height of all this, we saw the minister on television hamming it up in a tram simulator while people were stranded on stations without trains. Surely she does not get the message. It is all about empathy.

When you do a \$20 million fit-out of your office and you do not have enough trains, what message is that sending to the public? It may have slipped under the radar, but last week another small article appeared online. After the \$20 million-plus fit-out another \$20 000-plus was spent to reconfigure the minister's office. She was not quite happy with the layout. We do not have enough trains, we cannot repair air conditioners, there are not enough drivers, the tracks are buckling, the points and signals need fixing, but what gets priority? A fit-out and an upgrade to the public transport minister's office! Surely someone can get the message through to the minister that this is simply not good enough.

There were 51 cancellations on Tuesday last week, 243 on Wednesday, 474 on Thursday and 750 on Friday. The system went into meltdown quicker than the ice-creams that were being handed out. It is an absolute disaster, and the problem is that it cannot be fixed tomorrow and the government members know that. They had the time, the money and the ability to plan and they did not do it. Some 40 V/Line services were cancelled on Friday. People were shoved off trains and into buses and into taxis.

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

Economy: performance

Mr STENSHOLT (Burwood) — I grieve for the people of Victoria who have to deal with the empty rhetoric of the Liberal Party while facing the ramifications of the global financial crisis. I quote from a letter written by Thomas Hayes of Ashburton which appeared in the *Sunday Age* of 1 February. He wrote:

Opposition transport spokesman Terry Mulder ... is a deceitful populist with no vision for the future of transport in Victoria. He fails to acknowledge that the so-called fast rail project was, in effect, a massive and long-overdue maintenance program in which almost 400 000 railway sleepers were replaced across the state ... Not exactly glamorous, hence the official name of the project, but highly necessary after years of neglect under Kennett, who had little regard for country Victoria. What Bracks and Batchelor did was to safeguard the future of Victorian rail.

We in the Labor Party understand the possible and real impacts of the deterioration of the economic outlook worldwide and in Australia. We understand that economic downturns are tough. They are particularly tough on those whose hours of work are reduced and tough on those who might lose their jobs. They are tough on those whose savings and superannuation have been eroded.

We all know the stock market has gone down 50 per cent in the past year, which has affected retirees and people approaching retirement. These circumstances are not helped by the repeated and negative talk from the opposition spokesperson or the Leader of the Opposition, who keep talking Victoria down. They keep talking the people of Victoria down. Every time the Leader of the Opposition appears on TV he talks about Victoria being a Third World state. He talks the state down, yet he has few ideas and few plans. Members of the opposition lack vision and, quite frankly, remain unfit to govern.

Earlier I noted that the global outlook has deteriorated significantly. This has happened particularly over the last six months, although the signs were there before that. Six of our developed trading partners are now facing recession, and growth is 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, as I have already mentioned, global share markets have lost half their value since October 2007, and there have been continued losses in the Australian stock market this year.

Most recently — from memory it was last week — an International Monetary Fund forecast was issued predicting world gross domestic product growth. It has been revised again — I think it has been revised three times in the last three months or so — at just 0.5 per cent, with the United States economy shrinking by 2 per cent and the United Kingdom by 5 per cent. Obviously 2009 is going to be a tough and challenging year for Victorian families and businesses as the global financial crisis increasingly impacts upon Australia in terms of growth, investment and jobs.

We are not immune here in Victoria to this global downturn, but we are better placed than most to work through this particular set of circumstances as they unfold. Under the Labor Party our state is in good financial shape because of a decade of sound and prudent financial management.

Just the other day I was reading the news round-up pages of *Business Excellence*, which is put out by the Victorian Employers Chamber of Commerce and Industry. Among the state's strengths the publication noted Victoria's healthy state finances and historically low unemployment — it is currently 4.6 per cent. Since 1999, 444 500 extra people have got jobs, which is an increase of 20.3 per cent. *Business Excellence* also notes:

Victoria has a relatively diverse industry structure, meaning slower growth in some industries can be balanced out by stronger growth in others.

Victoria has well-developed infrastructure with extra spending mooted by state and federal government.

Investment levels remain high, particularly in non-housing construction. There are also a number of large-scale public infrastructure projects in progress.

In terms of the Victorian economy and the good management by the Brumby Labor government, I should also mention the report cards we get from Moody's and Standard and Poor's. On Monday, 2 February — only a couple of days ago — Moody's reaffirmed Victoria's AAA credit rating, and I will talk a bit more about that in a second. In a media release issued on that day the Treasurer noted:

This strong financial position is the result of a decade of disciplined financial management and comes at a time when we are delivering the biggest tax cuts in a decade and a record level of investment in infrastructure.

The media release states that the Moody's report found a:

... sound record of financial performance underpinned by the state's prudent fiscal practices along with strength in tax revenues and Commonwealth grants, a modest debt burden stemming from positive cash operations over many years, and a sizeable and diversified economic base which amply supports the state's financial obligations.

Further:

... Moody's highlighted Victoria's strengths as:

- a low debt burden;
- a strong record of financial performance ...
- a diverse economic base; and
- a well-established institutional framework ...

It is not just the Moody's who give Victoria the AAA rating, which Victoria has had for a while, but we also get a report card from Standard and Poor's, which in December also reaffirmed Victoria's AAA rating. Members of the opposition may well say that it is due to them and that they were the ones who got us the AAA rating, but that is not quite right, although in terms of local currency the rating does stem from 1998. Today when we have to borrow money to fund infrastructure in Victoria and to grow the state and plan for the future, the Labor government has a vision for the future so we have to look at foreign currency markets. When did we get the AAA rating for foreign currency markets from Standards and Poor's? It was in 2003. We have a record there in terms of the then Premier, Steve Bracks, hitting the ground running. The fiscal prudence of the then Treasurer and now Premier, John Brumby, and our state's economic performance continue to be strong and continue to reaffirm the AAA rating which we fully achieved in 2003.

I should also mention what Standard and Poor's report card said a few weeks ago about the state of Victoria:

Victoria's balance sheet is strong.

This provides the state with the flexibility to increase debt without jeopardising its rating. While Victoria's current policy favours partial debt funding of its capital program, Victoria's debt levels are expected to remain consistent with the rating ...

The government's strong financial management provides ongoing financial stability.

...

The state governs in a supportive financial environment.

In other words, we get on well with the federal government. If opposition members were in power and trying to govern, would they get on with the federal government? No. Their record is to fight and not to be productive in those forums.

Where has the reform occurred in COAG (Council of Australian Governments)? It is occurring now with the Rudd government. There have been massive reforms to COAG that failed to happen under the previous government. They failed to happen during the time of Howard and Costello, but they have happened in the past year under the Rudd and Brumby governments.

Standard and Poor's goes on to repeat that Victoria's performance:

... has been the best of the non-resource states. It is also less exposed to a downturn in mining activity. The state is likely to continue to benefit from stronger population growth than in other states, allowing it to avoid a deeper slowing in its property markets.

Standard and Poor's goes on to say:

The stable outlook reflects the government's commitment to fiscal prudence.

And:

Victoria's balance sheet compares well against its domestic peers.

It goes on to say:

Victoria's debt and financial performance compares well to its AAA-rated international peers.

That is what Standard and Poor's and Moody's say about Victoria. In a time of credit scarcity we have a AAA rating, and that is very valuable to the people of Victoria. We have ensured that we have this AAA rating in Victoria, and we will continue to ensure that we have it.

In terms of our economy remaining strong with a number of positive signs, we are not silly about this; we are very clear sighted in looking at these things. We acknowledge there are problems but we also know that our economy remains strong with a number of positive signs. For example, in the year to November 2008 Victoria led the country with \$20 billion of building approvals — up 11.2 per cent in November, in contrast to the national decline of 9.9 per cent. We have had an increase in the number of new housing starts — 3.2 per cent in the September quarter against a national average decline. Victorian engineering construction activity increased by 14.1 per cent in the September quarter. The retail sector grew in Victoria in the year to November, exceeding national growth; and as I mentioned, first home buyer demand in Victoria is very positive.

The Labor government is the government for action in our state. It is the Labor government that is there to protect jobs. Jobs are important. Even the federal opposition leader, though he has no power and was not helped by his predecessor, talks about jobs. In Victoria we have been talking about jobs for a long time. We have been leading in terms of vision. We have had vision in terms of COAG and in terms of infrastructure development. The opposition, with empty rhetoric, asked, 'Why is John Brumby going to Canberra? He should be here in Victoria'. The Premier went to Canberra to talk about the future, to talk about getting money for Victoria, to talk about building for the future.

We read in the paper today what the former federal Treasurer, Peter Costello, had to say. He is yesterday's man, but he is still writing for the newspapers. He is suggesting that the situation is just terrible, but he is the man who did not have any vision — like the Liberal Party — on infrastructure development. What did he do? He cut taxes and gave tax cuts to his mates. He did not invest in infrastructure; he did not invest in schools. What was the Labor Party in Victoria putting forward in terms of vision? Its vision was for infrastructure redevelopment in Australia. Its vision was for skills redevelopment. We put forward plans to COAG. Former Prime Minister John Howard agreed with some of them but did not implement too many. Now we have a Labor federal government that is able to deliver, and we have yesterday's announcement of \$42 billion. Victoria will be working hand in hand with the federal government in order to achieve results for people in Victoria.

It is a Labor government that protects jobs, helps working families, and has prudent fiscal management. It is a Labor government that is rebuilding our schools and hospitals and keeping down crime on our streets. It

is a Labor government that is rebuilding our economic infrastructure. I could go on about that but I am sure some of my colleagues will talk about the rebuilding of infrastructure in Victoria. It is a Labor government that has a clear and comprehensive strategy for public transport and roads with a \$38 billion Victorian transport plan. The Labor government has a focus on and a vision for the future which the Liberal government did not have. It went missing in the past and remains missing in terms of a vision across the board for Victoria, whether it be on schools, hospitals or water.

Water is an amazing thing. The Nationals' view on water is stunning. They just do not understand it. I was going to call it tunnel vision, but that is the wrong expression. The Nationals are not keen about the Wimmera–Mallee pipeline. They are not too keen on the \$2 billion investment in irrigation in northern Victoria. They have a narrow vision. They did not do anything for country Victoria under the Kennett-McNamara government. They should be hanging their heads in shame.

We are the party and the people who have been delivering things in Victoria. The Brumby government has been taking decisive action to secure Victoria's economy by investing in infrastructure, as I mentioned earlier, and creating more than 400 000 jobs. We have delivered eight consecutive budget surpluses and protected Victoria's AAA credit rating, on which I went into some detail. This investment and planning are delivering results. Victoria has the highest economic growth rate of the non-resource states. It is investing in the biggest infrastructure investment program, and that is happening now with more than \$21 billion being committed for schools and hospitals. Under the Kennett and McNamara government the figure was \$1 billion. They had lots of money but they kept it in their pockets — \$1 billion. We doubled that, then we tripled it. We are going to spend over \$4 billion in infrastructure. We have a long-term vision on planning for future infrastructure development. We have taken Victoria from being the state with the highest number of business taxes to being the state with the equal lowest. This is vision, this is action, this is what we are doing. The Labor government is looking after jobs and families in Victoria. We are proud of that record, and we will continue to be so into the future.

Electricity: supply

Mr CLARK (Box Hill) — I grieve for Victorians and the appalling power blackout they were forced to endure last week, and I grieve for the abject failure of the Labor government over many years to take action to

fix the problems that have emerged in our power supply system.

The blackouts we suffered last week were not an unexpected and one-off occurrence. They marked the fifth year in a row in which hundreds of thousands of Victorians have had to endure power blackouts. In February 2005 storms took 410 000 Victorians off supply. In January 2006 high temperatures and storms caused 618 000 supply interruptions. In 2007 a bushfire cutting the interconnect from New South Wales forced rolling power shutdowns across the state. In April last year storms took 420 000 Victorians off supply, many of them for days on end. And of course just last week we saw problems at a distribution level and at a transmission level and with the Basslink interconnect that caused power supply loss to upwards of 500 000 Victorians.

If something like that happens once, you may describe it as a misfortune; if it happens twice, you may regard it as a severe misfortune; if it happens three, four or five years in a row, most people would draw the conclusion that something needs fixing. And just in case there are a few troglodyte comrades on the other side of the house who have not yet caught up with the line from the Minister for Energy and Resources that the current system we have in Victoria is a good system, let me make it absolutely crystal clear that this has nothing to do with privatisation.

The reliability of Victoria's power supply increased after privatisation, and it continued to increase until 2004. Members do not have to take my word for that; they can refer to the Essential Services Commission's *Electricity Distribution Businesses Comparative Performance Report 2007*, published in October last year, which shows in a very striking table on page 2 exactly what I have been saying — that reliability continued to improve through to 2004, but it has been steadily deteriorating since that date.

Throughout this series of increasing problems there has been chronic neglect and inaction by the Bracks and Brumby governments. After the first two rounds of widespread blackouts in 2005 and 2006 there were reports and inquiries commissioned from the Essential Services Commission, and those reports came up with very similar sets of recommendations calling for improved customer call centre management, increased use of non-operational staff, better information provision, standardisation of emergency response levels, better media communications, alternative communications mechanisms such as the use of SMS messages, more effective use of local radio and

television stations and better coordination with other emergency services.

These were all very sound recommendations; but what was done about them? Next to nothing — certainly nothing at a state government level — and I have to say the response of the various distribution companies has been patchy indeed. It is now four years since those recommendations were given to the government, and nothing has been done about them, yet yesterday in question time in the house the Premier came back to exactly these same issues, which should have been tackled three or four years ago. *Daily Hansard* records him as saying that the key issue going forward is for people to get accurate information about what is occurring. He said he and the Minister for Energy and Resources were discussing this with the industry, and he concluded by saying:

That is what we hope to achieve in the future.

This sort of vague hope is, quite frankly, just not good enough. If the Minister for Energy and Resources at the time, the government at the time and their successors had done their job arising out of the 2005 and 2006 reports, perhaps Victorians would not have suffered yet again the appalling injustice of being kept in the dark not only literally but figuratively because of communications difficulties.

What we need is to have the system work so that customers are able to report blackouts and know that the power company knows of their blackout and has it logged in the system to fix it. Customers need to have access to information about when their blackout is scheduled to be fixed, and they need to be able to get updates on changes in what is going on. That should not be rocket science to achieve. Use of SMS messaging was recommended years ago. It is quite straightforward to put in place and means you can get updated reports. There are a range of other mechanisms that are also needed, such as having clearer information on the bills that are issued to customers about whom to phone and what the process is and the role of the various power companies.

There are further problems that do not even seem to be on the Premier's radar screen. When there are mandated rolling blackouts, what systems are in place to at least tell people which suburbs are next, and how long the blackouts will last? If something goes out unexpectedly, the first blackout will happen within a split second or so, but when there are scheduled rolling blackouts why on earth can the radio stations and other channels of communication not be told that the following postcodes or areas will be blacked out from,

say, 5 o'clock until 6 o'clock in the evening? And if continued rolling blackouts are necessary, why can they not also be told how long each will last, so that they can pass on that information? This point was made time and again on talkback radio last week, but it has not even made it onto the radar screen of the government. Again it should not be rocket science to fix that problem.

We also need far more done than working on improving communications when blackouts occur; we need to be reducing drastically the number of blackouts that occur in the first place. I remind the house of what the Labor Party said it was going to do back in 1999. This was not a promise; it was a pledge, to quote John Cain's famous words. Labor pledged in 1999 that it would guarantee reliable supplies of gas, water and electricity through an Essential Services Commission with tough new powers.

What has happened to that guarantee? The ALP has comprehensively failed to deliver, and it has failed to recognise that the buck stops with governments. Governments set the rules under which the market operates. If those rules are not working properly, then government needs to be amending those rules to get the market to work to deliver the service to the public and to ensure that our infrastructure has the degree of reliability that the public is entitled to expect.

We all know that the government has for a considerable time been talking about issues connected with climate change, and time and again the Premier has linked these blackouts to extreme weather events, as if the fact that they are linked to extreme weather events exonerates the government from any responsibility or need to act. Yet the government's own documentation, such as *Climate Change and Infrastructure — Planning Ahead* issued by the Department of Sustainability and Environment in 2006, talked about the effect of climate change and the expert forecasts, and flagged the fact that there is likely to be increased frequency and intensity of extreme storm events that will impact on our power supply. So the government can hardly say the issue was unexpected.

Even if one puts aside the issue of whether or not the series of extreme weather events we have had are linked to climate change, the fact that we have had these problems five years in a row should have been causing the penny to drop — there is a problem that needs fixing. Years ago the government should have been getting onto the Essential Services Commission, getting information from the department, speaking to the power companies, working out exactly what was going wrong that was causing our infrastructure to be so incapable of coping with these extreme weather

events and putting in place mechanisms to ensure that there was a strategy to respond and to upgrade and strengthen our infrastructure to cope with what have proven to be far more extreme weather events over recent years.

Instead of this we have had almost the opposite. It was just about unbelievable when Basslink went out last week. First of all it was reported that there was a breakdown in Basslink, and then after that Basslink put out a press release saying, 'No, no, it was not a breakdown; it was entirely in accordance with specifications, because when the temperature reaches 35 degrees in Tasmania the system is designed to cut down the amount of power it transmits'. How on earth did that happen — that we set up a specification that cut off the power at the time when it was most likely to be needed?

What on earth went wrong? If I were the minister or if I were the Premier and I found out something like that, I would be saying, one, 'How did it happen?', and two, and even more importantly, 'What are we going to do to fix it?'. How on earth can we expect to have one of our crucial interconnects continue to run on a basis that it cuts off every time the temperature reaches 35 degrees.

We also have to look at the overall adequacy of our electricity supply system in Victoria. We well remember the havoc that the unions caused with the Somerton and Laverton plants earlier on in this decade, which must have caused anybody contemplating building additional capacity in Victoria to exercise great caution. Those people will now wait until a plant becomes far more necessary before they will look at doing it. We also need to be looking at the demand side of the equation. This was identified as an issue by the government under Minister Broad many years ago. At that stage the government promised it would do more on the demand side to reduce the ever-increasing spikes that we are getting due to air conditioning, but those plans were quietly abandoned.

We have had an extraordinary interchange on the Jon Faine radio program, where on one day we had an advocate for better demand side management putting forward the argument that far more flexibility could be achieved and the following day we had the minister coming on and pooh-poohing the whole notion, saying that the reserve trader scheme was tried out in 2006 and did not work. What he needs to understand is that the reserve trader scheme is an extraordinarily clunky way of doing demand side management. There are a lot better ways of doing it using modern computer algorithms, scheduled supply interruptions and

aggregating a whole lot of customers who are willing to go off supply, but the minister has his head in the sand about that.

We need to have a way of coping with two things. First of all, we need a way of coping with expected spikes in demand in order to lower those spikes and reduce the need to build additional peak capacity, and you need to do that by offering the financial incentives to people to spread their load. Secondly, you have to have a mechanism to minimise the impact of unexpected breakdowns through having people who again are willing to go off supply and are prepared for it, rather than blacking out nursing homes, traffic lights and all other community facilities, or ordinary households with mums in the middle of cooking the evening dinner and everything else that was experienced last week.

We also had the minister on the Faine program having the nerve to say that the smart meter rollout was going to help solve the problem. If we had a decent smart meter rollout it would help solve the problem, but these smart meters that were due to be rolled in 2006 have been put back and back under the Labor government. They are now not due to even start being rolled out for some time. To make matters even worse, we are not getting smart meters; we are getting dumb meters. The meters that are going to be rolled out are probably going to do nothing to help households manage their power supply or to enable them to be offered rewards and incentives to reduce their peak load capacity.

A lot needs to be done. The minister needs to be pushing at a federal level through all the various committees that he is on to get the rules revised to ensure that our infrastructure is progressively upgraded to cope with more extreme weather events. We have to get better market mechanisms in place to cope with these peaks by offering proper market-based incentives for people to spread their load and to have in place the capacity to turn off those who can manage it when there is an unscheduled blackout. We cannot have Victorians being told year after year, 'Stop complaining; just put up with it; cop it'. We can and should have a much better electricity supply system than has been delivered by the Bracks and Brumby governments in Victoria.

Economy: performance

Ms CAMPBELL (Pascoe Vale) — I grieve today for people who do not understand how well-placed Victoria is to face the challenges before us financially as a result of the great work of the Brumby government. Victoria is in an extremely good financial position to face the future, and the member for Burwood outlined to the house in particular how important it was for us to

have and retain our Moody's credit rating. I refer members to the Victorian position as released by Moody's on 2 February which shows that the Brumby government's strong financial management has been acknowledged by this great international financial analyst. It has reaffirmed Victoria's AAA credit rating.

The report stated that Victoria's:

... sound record of financial performance underpinned by the state's prudent fiscal practices along with strength in tax revenues and Commonwealth grants, a modest debt burden stemming from positive cash operations over many years, and a sizeable and diversified economic base which amply supports the state's financial obligations.

As people read the business pages and the front pages of our more reputable newspapers, they realise that Victoria has been placed in a very strong position under the prudent financial management of the Brumby government, and under the Bracks government with Minister Brumby as Treasurer.

Financially it is important to look at employment. Victoria's unemployment rate was at a near historic low of 4.6 per cent in December, and unemployment has remained below 5 per cent for 29 consecutive months since July 2006. It is under the Brumby Labor government that we have achieved this position. Since October 1999 employment has risen by 444 500 persons or 20.3 per cent under this government. Those nearly half a million people know that prudent financial management and visionary infrastructure projects enable them to have jobs and their families to have a more prosperous economic outlook.

Over the same period — since October 1999 — the unemployment rate has fallen by 2 percentage points and the participation rate has increased by 1.5 percentage points. These numbers are extremely relevant. We are talking about just under half a million people who have gained employment and are obviously proud of the fact that they have a pay packet. Over the same period employment in country Victoria has increased by 126 218 persons and the unemployment rate has fallen 2.9 percentage points.

I want to particularly highlight how economic growth in Victoria has been underpinned by our investment in infrastructure. In 2007–08 total private investment in Victoria increased by 13.8 per cent. Over the past eight years Victoria's business investment has grown at an average annual rate of 9.3 per cent. People might say, 'Well, so what? How does that compare with others?'

In the month of November Victoria had the highest value of building approvals of any state at \$1.4 billion.

It was above the figures for New South Wales and Queensland, which were respectively \$1.2 billion and \$1 billion. In the year to November Victoria had the highest value of building approvals at \$20 billion, which was ahead of the figures for Queensland at \$19.7 billion and New South Wales at \$17.5 billion. Looking at building approvals in November, in Victoria they were up 11.2 per cent, in contrast to a national decline of 9.9 per cent. When you consider investment and look at those figures you realise why employment growth has been so good in this state. It is because our investments from both a business perspective and in the government sector are so high.

Looking at non-financial public sector spending on infrastructure, you see we have had \$30 billion in the past nine years. Victorian state and local government general investment recorded strong growth of 12.2 per cent in the September quarter and 40.3 per cent over the year, which is the highest figure for all the states. Reflecting on where we are placed, our investment and building approvals numbers are high and obviously our employment growth is underpinned by that important infrastructure.

When the member for Burwood spoke at length about the importance of Moody's AAA rating and the Council of Australian Governments (COAG), he mentioned that perhaps a later speaker might cover infrastructure. I am delighted to do that. The member for Burwood outlined clearly to the house the international view of how well placed Victoria is, along with giving the national perspective from COAG.

Let us look at the key infrastructure projects. The government will be delivering key infrastructure projects to drive jobs and economic growth. Last year was one of action. The government secured employment and projects and as a result the future for citizens and families is far more optimistic in this state than in other states and certainly internationally. What are the key infrastructure projects that underpin the great position that Victoria is in? There is the Melbourne Convention Centre, which has the first 6-star green environmental rating for a convention centre in the world. The Melbourne rectangular stadium is under construction and due to be open in 2010. The channel deepening is now more than 50 per cent complete. There have been important investments in Victoria's cutting-edge biotechnology facilities at the Biosciences Research Centre, the Walter and Eliza Hall Institute of Medical Research expansion, the Australian Centre for Neuroscience and Mental Health Research and the life sciences supercomputer at the University of Melbourne.

What infrastructure projects are running in health? I will outline just four of them. We have the construction of the new \$1 billion Royal Children's Hospital, which is well under way and on track for completion by the end of 2011. Like the Premier, I drive into Parliament House along Flemington Road. Yesterday he commented on how exciting it is to see that health precinct going from strength to strength. The hospital redevelopments and expansions include the Box Hill Hospital, Sunshine Hospital, Frankston Hospital and the Kingston Centre. We have expanded air ambulance capabilities across Victoria, including the air ambulance helicopter for south-west Victoria based in Warrnambool.

What other infrastructure projects are benefiting the education of children and adults? I will outline just a few of them. We have a \$1.9 billion schools plan under which every government school in Victoria will be rebuilt or modernised by 2016-17. I refer to the schools in my own electorate that have benefited from the vision of providing infrastructure that will allow children to learn better and teachers to deliver education facilities and interesting learning opportunities in an enhanced capacity. We have had a rebuild of Pascoe Vale North Primary School and a total rebuild of Oak Park Primary School. We have plans under way for science facilities at Pascoe Vale Girls Secondary College. The strong planning work that has been done at that school means that it will be well placed to receive funding in this state budget and also to receive the announced federal government investment in science and maths facilities. In 2009 construction will commence of 5 of the 11 new Melbourne growth area schools to be built as public-private partnerships. Building of technical education centres at Wangaratta, Berwick, Ballarat and Heidelberg is under way.

To divert just slightly, I refer to the education work done in skills training. This government provides not only buildings; it also assists our economic activity and infrastructure work by devoting a considerable amount of time and energy to building on jobs and skills. The government has invested heavily in Career Start and workforce participation. Part of the reason why the government is able to deliver infrastructure projects when money becomes available from federal budgets is that we have the skills base upon which infrastructure can be progressed.

I want to cover investments in transport. We have new rail infrastructure to remove bottlenecks and boost capacity, including the commencement in 2009 of upgrades at Laverton, Westall and Craigieburn. The work that has been done and the money that has been invested in the duplication of the track and a new bridge

at Clifton Hill are benefiting the 60 000 passengers who travel on the Epping and Hurstbridge lines every day. We have invested in new regional and metropolitan trains. The importance of having part of that rail infrastructure produced in Dandenong is that it has ensured that there are jobs for people out in that region.

Infrastructure has also been delivered in water and the environment. The Wimmera–Mallee pipeline was pooh-poohed by members of the opposition. How many times did members sit in this house and listen to those opposite scoff at the Wimmera–Mallee pipeline? Now we find that they are quietly supportive of it and like to be part of opening opportunities and ministerial visits to such a pipeline.

We also have an energy technology innovation strategy to drive advances in low-emission technologies and to secure Victoria's energy future.

In summing up, Victoria is well placed to look positively towards the next few years, which, for many of us and for many families in this state, pose big questions. People in Victoria can be sure that this government has provided the vision, the planning, the finances, the infrastructure and the job opportunities that will ensure people have employment, that families have income and that people have the dignity of being able to go to work on a regular basis and provide for themselves and their families.

Australian Labor Party: factions

Mr K. SMITH (Bass) — Today I grieve for the ordinary members of the Australian Labor Party, particularly those in Victoria who believed the ALP represented and supported workers, who believed the ALP supported working families, who thought the ALP would look after everyone equally and who thought the ALP might allow them, the ordinary members of the ALP, an opportunity to become members in the state or federal level of Parliament. This is a wake-up call to those people. They have been conned by the Labor Party, by the people who signed them up, by those who run the branch stacking organisations, by those who get the buses and go and pick people up. They have been conned by those people. As I look around in this chamber I see there are not too many of them in here now, which is a shame. But think about the Labor Party MPs, the miserable lot of union hacks, commos, socialist left-leaning Fabians who are bereft of any financial knowledge or experience and who think they can run this state.

This socialist Brumby government is going the same way as the Cain and Kirner governments went, and we

are heading towards another financial black hole, not because of the world financial crisis, not because of Howard and Costello, not because of Kennett, but because of the financial incompetence of those who sit opposite and who are running the state. They have had 10 years, they had \$250 billion, they had no plans and they are now trying to blame everybody except themselves. There are no excuses for what those opposite have done to the state of Victoria!

Premier Brumby was Treasurer to Premier Bracks. He had no plans for the future. He had a wallet full of money that he could have been putting into infrastructure, and he did not do it. You have to think about this so-called argument that is going on now within the Labor Party in relation to what they have called the stability deal. It is a farce. Any of those from the Labor Party know it is a farce. It is the Socialist Left and Labor Unity doing a deal to control preselections. Carr, Griffiths, Conroy and Shorten hate one another's guts. They despise one another, and this has come about because Premier Brumby got done in selecting his candidate for the Kororoit by-election. He wanted Suleyman and the others — Martin Pakula from the Council and the members for Preston and Keilor — wanted Ms Kairouz.

Now the member for Keilor is under threat of being dumped by this party. This is much of what this is about. Poor old George! He has been here and served the party well, he has served his electorate well and he has served his people well, but they want to dump him because he was prepared to stand up and support Ms Kairouz, who is now the member for Kororoit.

This is what the so-called stability of the ALP is about. It is about preselections in the next two state and federal elections. It is all about the preselections and how ALP members can get people in and out. It is about how they can dump them. What a disgrace! We will not get the best candidates. We will just get more union hacks and dumb Labor candidates who will not offer anything to the Victorian community. They will have been selected because they served their union leaders well.

The stability pact does not suit everyone. We know Shorten and Conroy were prepared to sell their souls to Kim Carr and his commo mates for a chance to pick up their favoured candidates. I have a copy of the agreement here, which is really very interesting. I must say it was terrific that it came out from the current member for Kororoit's office. It was faxed from her office, which is really good, because the fax number is still on the top of it — and we reckon that was a really smart move. She must be a pretty smart member. There

are about 4 or 5 pages in this agreement, and I can say it is very interesting. It says:

The party must be united, stable and professional if we are to continue to win.

Let me say, this stability pact is probably the most destabilising thing that has happened to the ALP. I can say, 'Well done, ALP! You are doing it really well. We want to see you split, broken and ruined, because as we go into the next election, given what you have done to the people of Victoria, you deserve what you going to get from those people. The stability that you want, and being united, stable and professional, is not about to come out of this stability pact you have put in place'.

If you look down a little further in the agreement — and I would call this the George clause — you see that it says:

The intent of this agreement is to support sitting MPs in order to provide stability for the party in the lead-up to both the federal and state elections. Specifically, the intent of this agreement is to support all members who are ministers, parliamentary secretaries, marginal seat members, and members who are yet to serve four ... terms.

Honourable members interjecting.

Mr K. SMITH — George! What about George?

Mr Wells — How many terms? Four terms?

Mr K. SMITH — Four terms they want to serve! That gets them into the pension scheme; that is all they are worried about. Those sitting on the other side of the house want to make sure they are rewarded for their incompetence.

So that is the George clause; that is to get rid of George. As you read on further it really is very interesting. Three or four pages set out who are going to get the preselections. Are they going to be Labor Unity people or are they going to be Socialist Left people? There is a reference to federal member Martin Ferguson. It says, 'Further discussions if a vacancy arises'. In relation to the seat of Gorton, Brendan O'Connor's seat, it says, 'If a vacancy occurs ...'. In Lalor, Julia Gillard's seat, it says, 'If a vacancy occurs ...'.

Maybe Mr Rudd is feeling a little bit under threat. Maybe he is feeling a little bit threatened. It has got the Senate. Who is going to get the Senate ones? The no. 1 place goes to the Socialist Left. The no. 2 place goes to Labor Unity. If no. 3 reaches the Public Office Selection Committee, it will go to Labor Unity.

Then we get to our favourites, those who are sitting in this house. A couple of them are interesting. For the

electorate of Ballarat East, it says, 'We will go for the incumbent there, but we will contest it if a vacancy arises'. There are things happening in Ballarat West where it says, 'We will go for the incumbent, but we will contest it if a vacancy arises'. So there are two seats that Labor is a little bit worried about in the Ballarat area. The opposition is grateful for that, because it is going to knock them all off anyhow.

The seat of Geelong will go to the incumbent, but it will go to Labor Unity if a vacancy arises. I wonder if Nipper's boy is really ready for early retirement? The seat of Mount Waverley will go to the incumbent, but it will be contested if a vacancy arises. This is such interesting stuff.

I will now deal with the Legislative Council seats. A Northern Metropolitan Region seat goes to the SL — it is the no. 1 position — if Mr Theophanous retires. Against the Southern Metropolitan Region — obviously Labor is not aware of the recent resignation of Evan Thornley — it notes it is held marginally and that the nominee is under further discussion. This document was obviously prepared before Labor had selected its candidate for that seat. There are 13 Labor Unity people and 7 Socialist Left people hoping to get into the upper house. This is an interesting document.

Honourable members interjecting.

Mr K. SMITH — What about Melton? Let me look up Melton. What does it say about the member for Melton? I could say Labor Unity and the member for Melton will have a heart attack on the other side of the chamber! But the truth of the matter is that the Socialist Left will get the seat for Melton. It may or may not be the present member. As long as it is a leftie it will be all okay, is that right? It is called the brotherhood, the sisterhood or whatever.

I am enjoying this. We also have to be a little bit worried when Labor says there is a stability pact in place. The truth of the matter is that it is not actually in place, because a lot of disenfranchised people and unions have been left out of the deal. The member for Melton is aware of it.

Mr Nardella — Which ones?

Mr K. SMITH — I will tell the member which ones. There are some sections of the Construction, Forestry, Mining and Energy Union; there is the Australian Manufacturing Workers Union and the Electrical Trades Union. We should not forget some of the other dumped unions. There is the Textile, Clothing and Footwear Union of Australia, the United Firefighters Union of Australia, the Shop, Distributive

and Allied Employees Association, the Health Services Union, the Maritime Union of Australia and the all important National Union of Workers — or is it wankers? Nevertheless, it does not matter; we have got it as well. They are some of the unions who could not come to agreement. Those unions were not consulted or asked what they would like to do; they were not asked to be part of it.

This is going to be an interesting battle, because some people think there are not the numbers currently to bring this agreement into place. There was a meeting at the end of January at the Victorian Trades Hall Council. There were 400 sweaty unionists who were called in to endorse what was going on. Not everybody who was there was entitled to a vote, but in the end they decided it was okay and they would support the agreement. But it was not supported by a large number of people, and those people add up to a majority of those who are entitled to vote. It will be interesting to see if this agreement fits into place. It will be interesting to see if Premier Brumby has anything to worry about. I think he has a lot to be worried about because all of a sudden his factions are splitting — left, right and centre.

We know the factions meet on Tuesday mornings. When the Liberal Party and The Nationals go to their coalition meetings, we love one another and we work together. We endorse one another and we support one another's policies. We know that the factions meet separately in other places around Parliament House. They make decisions about what they are going to do. Unfortunately this week, because of all the factional stuff going on, the right faction did not meet. Why? Because it is also split; there is division amongst the members. They cannot even sit in the one room together as a group to talk and make decisions. The factions are not able to do it.

As I said, this is going to be an interesting battle. We know about Premier Brumby who is the unelected Premier. He is former Premier Kirner's blue-eyed boy. He was the teacher's union hack who got dumped by the people of Bendigo and lost a federal seat; then he was given a gift of a state upper house seat by Kirner and former Minister for Transport, Jim 'Scratch Tickets' Kennan. Now we know the Premier set this whole thing up to try to get rid of the member for Keilor, the member for Preston and Mr Pakula, who was the second choice. We know Mr Brumby did not want to have him in his cabinet in any way, shape or form.

We also know this agreement is to keep the Minister for Water under control; he has leadership ambitions and is also a threat to Premier Brumby's position. We know

that if all this fails, the normal Labor Party battle will be on. It will be back to winner-takes-all preselection deals and branch stacking, more ongoing factional brawls and the backstabbing will continue. It is what they tried to do to the Victorian Labor state secretary, Stephen Newnham, who was done over by the National Union of Workers leadership. There were those, including the Premier, who lost out because of the Kororoit preselection when the present member for Kororoit was elected to this house.

The government has lost control of the state's finances. It has lost control of its union masters. It is so racked with factionalism that it cannot work properly for the people of Victoria. You cannot believe this government is still in control when it is racked with so much factionalism. It is wrong. To put this in simple terms, the Premier has lost control of Victoria and we are back to the Cain-Kirner era and the masters who sent the state into bankruptcy in the 1980s. While Victoria burnt last week the Premier was more interested in saving himself from being burnt by his union masters from Trades Hall.

Liberal Party: policies

Mr NARDELLA (Melton) — Today I grieve for the Liberal Party. After nine years in opposition, after the Christmas break and after its parliamentary party love-in at Bendigo last week, the modus operandi of its members, their reasons for being in this house and their approach to their responsibility to the community have not changed. What has not changed? Their lazy, self-indulgent, unfocused and policy-free work. Work is not a word I should use in the same sentence as the Liberal Party and The Nationals. It reminds me of an old TV series called *The Many Loves of Dobie Gillis*.

Mr O'Brien — You are showing your age there.

Mr NARDELLA — Absolutely I am showing my age now, and people like the honourable member for Malvern probably do not know what I am talking about. There was a beatnik in the program called Maynard G. Krebs, who was played by Bob Denver. As an aside, the 'G' actually stood for Walter. He studiously avoided anything to do with work; it was his ultimate four-letter word. Whenever the word was spoken in his presence, he would jump with fear — Hansard can record me jumping up and down — and yelp, 'Work!'. It signified his abhorrence of undertaking any form of work.

Another character in the TV series was a rich boy called Chatsworth Osborne, Jr — and members know where I am heading. Here in the Victorian Parliament

we have Chatsworth Osborne, Jr, leading all the beatnik Maynard G. Krebses — the shadow ministers who jump and yelp, ‘Work!’, every time they have to do any. Some try to break the mould. They attempt to do some work and to follow a plan, but just like Maynard G. Krebs they constantly fail. Opposition members have become observers and commentators, thinking that they do not need to do any work to develop policy.

Let me give the house a very recent example. At 9.19 a.m. the other day the honourable member for Polwarth, the shadow Minister for Public Transport, was interviewed on Jon Faine’s program on 774 ABC Melbourne. He talked about the difficulties being experienced in the rail system due to the extraordinary and unprecedented heatwave. He talked about underinvestment and justified the Kennett government’s awful record. He went on to talk about the wooden sleepers and the buckling of the tracks due to the heat. These events also used to occur when I was growing up, but then he grew up in the country. He was being a commentator, which is a very comfortable place to be when you do not want to think or you have never developed any policy.

But Jon Faine is a thinker. He asked what the member for Polwarth would do. The response was that he would replace all the wooden sleepers in the metropolitan rail network. That is what the honourable member for Polwarth wanted to do. Jon Faine asked where he would get the money to do this. The next utterances were very revealing, they were real policy on the run. When pressed, the member said he would look at programs like the rail tunnel proposed to be built between Kensington and St Kilda Junction — that is, stage 1 of the rail tunnel proposed as part of the \$38 billion Victorian transport plan. That would be cancelled in order to replace all the rail sleepers in the Melbourne metropolitan area. That was policy on the run.

But wait, there is more. Jon Faine then asked if this was the Liberal-Nationals policy.

Ms Beattie — Whoops!

Mr NARDELLA — Absolutely whoops, as the honourable member for Yuroke said. This is where things became even more interesting and the member became unstuck. He vacillated in answering. I was listening to the broadcast and I could not believe it. Jon Faine asked repeatedly whether this was the official policy of the opposition and the honourable member for Polwarth would not confirm it after he had said it. He knows what happens to shadow ministers who make these blunders and put their feet in their mouths.

This demonstrates that the opposition is not ready to govern. The hard policy work has not been done. The analysis of government policy and announcements has not been done. When challenged by smart-thinking journalists, shadow ministers are found to be bereft of any policy. Even when they try to come up with policy, it is too hard for them. It is the Maynard G. Krebs phenomenon. They just cannot do it.

I remember a very interesting occurrence late last year. The deputy leaders of the Liberal Party and The Nationals announced they would plug the pipe. Remember this, Acting Speaker? Finally they had a policy. They were absolutely rock solid. It was a pact of steel, a policy of steel — and it lasted for a whole three days! The pact of steel, the policy of steel, the linking in with their country cousins, lasted a whole three days. They were going to make sure that Melbourne was going to run dry, but finally they were pulled back into line by the Chatsworth Osborne, Jr, of this Parliament. It was a disaster, and it remains a disaster for the Liberal Party and The Nationals, which still have no water policy and will still take water from the north–south pipeline.

The opposition can take its lead from policy implemented under the last coalition government. I guarantee this will be its policy. I have a long memory, and I was in this Parliament when the Kennett government reduced the metropolitan rail timetable to a summer timetable in January 1993. That usually happened, but that change remained and the Kennett government kept the summer timetable for its seven-year term in office. Further, the excess rolling stock was sold off by the Honourable Alan Brown, the Minister for Transport at the time. Each carriage was worth millions of dollars. The carriages built by Comeng and others were sold off for between \$20 000 and \$40 000 each. That is why we have rolling stock capacity issues. That also happened in the regional rail system — carriages were sold off.

Members opposite can take their cue from the Kennett government, which dealt with rail problems and capacity issues in one fell swoop. Its policy position was to close rail lines. When you have a problem, the easiest thing to do to eliminate that problem is to eliminate the rail line. That is what the Kennett government did in Bairnsdale, in Ararat, in Leongatha and three other places. The opposition would pay for infrastructure by cutting services.

It was very interesting to see what happened when the Liberal Party met in Bendigo last week for its love-in. It remained a policy-free zone. Brendan Donohoe reported in the *Herald Sun* on 1 February:

When I rang one MP to ask about the plans for 2009 and up to the 2010 election, he surprised by immediately offering up that a lot of the planning was not about winning the election in November 2010 but what to do after the election when in government.

It's bold and presumptive thinking.

Those opposite want government to fall in their laps. Today we have had two shadow ministers and a backbencher who did not place before this house one new policy saying how they would deal with the matters before the Victorian public today. They have no plans that the Victoria public, the journalists or the commentators can analyse, but they know what they are going to do when they are elected. That is what their meeting last week was about.

What are the Liberals going to do? Close more rail lines? Cut services and jobs? Cut another 12 hospitals in rural Victoria? Attack the rights of Victorians as they did for the seven long, dark years? Are they the things they are going to do once they are in office? They do not want to be scrutinised because whenever they are, whenever they announce a policy or make any utterances publicly, they are absolutely found wanting. That was the case today, and let me say that will be the case when the next opposition members get up and speak. They only criticise and oppose government policy. They have become commentators within the Victorian political system.

Let us go through some examples. Those opposite opposed the Port Phillip Bay dredging. They have opposed every government policy since 1999. They opposed the super-pipe to Bendigo and Ballarat but now they support it. They opposed the desalination plant that is being built at Wonthaggi. They opposed the north-south pipeline and the food bowl modernisation. They have not bettered the government's own policy of recycling 20 per cent of water by 2010. They oppose recycled water to the Latrobe Valley generators. On the water tanks, there is no change to our rebates.

With regard to energy, those on the other side opposed Basslink. Today they were saying, 'What about the Basslink interconnect? It is not secure enough'. But they opposed Basslink right from the beginning. They consistently opposed wind farms. We have put in place over 150 megawatts of wind farms, but every time we or the private industries propose wind farms, The Nationals and the Liberals come out and oppose them. In regard to the Bogong power station the Liberals are silent. The Liberals conspicuously fail to support the Mortlake gas-fired power station which is going to start construction later this month.

In transport they have opposed and criticised regional rail upgrades. The \$800 million program in fact means that trains can continue running, because if we had left the tracks and the rail system as they were, they would not be running today. The member for Polwarth was constantly saying this at the press conferences and opposing the regional rail upgrade. Those opposite promised \$5 million for the Caroline Springs railway station when in fact we have had to allocate \$30 million to build it correctly. They criticised the Southern Cross station building and continue to criticise issues at that station.

The opposition policy is that you can have a magic pudding, where you can decrease taxes but increase services. You can take away the revenue side of the equation, yet you can do more. Opposition members continue to do this with property taxes and with stamp duty. In every one of their utterances they say, 'Victoria is highly taxed; we should reduce the tax base', but what will that mean? It will mean another seven, long dark years. It will mean a continuation of what they know how to do well. They will shut schools. They closed 326 schools in their term. We are rebuilding them but they would shut them. They would shut down rail lines. We opened the one to Ararat and the one to Bairnsdale, but they would close down those two. We are going to reopen the rail line to Maryborough. They would close it.

It will mean that in relation to the things that Victorians hold dear to their heart and want for their futures — jobs, infrastructure and services that are important to them — those opposite will not be able to deliver even in the difficult times and particularly with the global financial crisis. We have Chatsworth Osborne, Jr in the leadership of the opposition. We also have Maynard G. Krebs, who every time the word 'work' is mentioned yelps and leaps into the air. They are lazy; they are not prepared to do the hard work. All they are prepared to do is criticise and to be commentators. I say leave that to the journalists.

Regional Infrastructure Development Fund: administration

Mr RYAN (Leader of The Nationals) — The member for Melton, wind farms and hot air — there is a certain synergy about all that!

I grieve today for country Victorians, particularly in relation to the manner in which the Regional Infrastructure Development Fund is being administered under this government and this minister. I call upon the government to actually spend the money that is contained in the budgeted allocation of \$585 million for

RIDF, as I will term it throughout this contribution. In Bendigo last week I had the pleasure of launching the opposition's campaign 585. The intention of this is to 'help' the government in its task of spending that \$585 million which is dedicated under the relevant act to the benefit of 48 municipalities throughout regional Victoria.

Lest there be any doubt or misunderstanding about the basis of our concerns, I want to refer to the Public Accounts and Estimates Committee (PAEC) report tabled in Parliament in October 2008. It is the *Report on the 2008–09 Budget Estimates — Part Three*. I refer to it as compulsory reading for those in the chamber or those who have an interest in all issues rural and regional, and that extends to those of us on this side of the house. I refer particularly to chapter 8 under the general heading of 'Regional Victoria initiatives and associated matters' at pages 101–128.

The story so far is that \$585 million has been allocated by the government to be spent over a period of 10 years, including in 2010. The minister's evidence before the Public Accounts and Estimates Committee on 30 May last year was that approximately \$400 million of that money had been announced or committed — whatever word one might want to use. Concerningly, further evidence by the minister was that only \$272 million had actually been spent. Therein lies the basic concern. At page 122 of the report, having heard the minister's evidence, the committee comments:

Given that the value of the total announced projects comprises some two-thirds of the funding for RIDF over an eight-year period from 2001–01 to 2007–08 —

and I emphasise this —

the government will need to announce projects over the next two years to 2009–10 that will account for one-third of the remaining approved funding. As such —

and I emphasise again —

an accelerated number of infrastructure projects for provincial Victoria will need to be planned and commenced over the next two years.

Therein lies the conundrum. We need the government to commit and spend the \$585 million that is referred to in the budget and has been allocated to RIDF. So far the government has committed part of it and spent even less, and great uncertainty remains as to how the balance of these funds will be spent. Thus the Target 585 campaign came to be.

When I was in Bendigo various local projects were brought to my attention which would be ideal for

expenditure under RIDF — for example, the Bendigo railway station and precinct infrastructure project and the Bendigo showgrounds exhibition plan stage 2. I pause to say that the government has put significant funding into stage 1, and good on it. I congratulate it on having done that; it is what the whole fund was planned to do, and it is a good thing that it was done. However, stage 2 is there, and the government needs to step up to the plate. A third project would be investment in Bendigo water recycling. There are a number of such potential projects, not the least of which is the Epsom-Spring Gully recycled water line project.

There are various other water recycling projects, particularly around sporting grounds and the like, that the government could fund in Bendigo. A fourth project concerns Bendigo's trams. Bendigo's heritage tramways are a world-class asset, and the Bendigo Trust is now taking on tram restoration and reconstruction projects from all over the world. Here is an opportunity for the government, through RIDF, to contribute to those projects. That is just a snapshot of Bendigo. Of course across the other 47 municipalities that are entitled to share in this fund there are a vast number of projects that are suitable for RIDF funding. We need the government to commit to these and then to spend the money.

That is the essence of what PAEC had to say. They are not my words, not the words of The Nationals or of the Liberal Party or of the coalition; they are the words of PAEC, which is chaired by a government member, putting it to the Parliament in the report to which I have referred that the government is dragging its heels — that is the clear implication — and needs to get on with the job, commit the money and then get it spent.

Last year I wrote to the 48 councils that are entitled to share RIDF funding. I asked them to nominate the top five priority projects in their respective municipalities and to tell me where they think RIDF works well and where they think there are deficiencies. Something of the order of 35 or 38 of those councils wrote back to me, setting out a range of issues. I then wrote to the Minister for Regional and Rural Development summarising the pluses and minuses that the councils had set out. I emphasise that there were pluses — for example, the association the councils have with departmental staff. A strong message came through about working constructively in that regard. There were pluses, but on the other hand the councils expressed a range of concerns, and I set them out in the letter to the minister.

To her credit the minister wrote back to me. We had a civil exchange of correspondence. She set out the

position on behalf of the government. She did not agree with much of what I had to say — surprise, surprise! — but nevertheless we had a civil exchange of correspondence. I again emphasise that the foundation of the commentary relates to the matters that PAEC set out.

What we intend to do is ensure as best we can that the concerns expressed by councils, which are very much around getting projects developed, are addressed. Again this is the essential point of the PAEC report.

I refer to a subset of RIDF, the Small Towns Development Fund. It is a very important element of what RIDF was proposed to do. Its intention, essentially, is to provide funding to the 38 municipalities that have small towns within their boundaries. In a general sense the Small Towns Development Fund is dedicated directly to those communities. The total funding in five programs has been \$66 million.

I wrote to the minister on 15 December last year, putting it to her that, after having spoken with the councils, corresponded back and forth and meeting a lot of them, one of the things I believe the government should do is relax the criteria whereby funding under the Small Towns Development Fund is provided to the councils entitled to receive it. I put this to the minister on the basis that that would be a sensible and appropriate thing to do to ensure that money is spent, particularly in these times when so many of these communities are impacted upon by drought. I said in my letter to the minister that she ought to relax the criteria during the drought. I did not suggest that she relax the criteria forever, but only while the drought is with us — and we all know it is certainly with us now.

The letter I wrote to the minister was accompanied by some media releases in which I called upon the minister to commit to doing what I had asked — that is, to spend the money. A total of \$10 million is allocated under the Small Towns Development Fund for drought initiatives. I called on the minister to get that money spent. At the time it drew a quite extraordinary response from the minister in the form of a press release dated 18 December 2008, which I happen to have with me. Although in the earlier part of the year I had had a very constructive response from the minister, the press release said:

Ms Allan said The Nationals has performed the same old sideshow for about a month making claims the Brumby government is underspending on regional infrastructure.

I simply say that to understand my statements you need only pick up the parliamentary report to which I have

referred and have a look at the recommendations that have been made. The release then goes on with an extraordinary rant about what it is I am supposed to have done by way of attacking country councils in bringing up this issue. I pause to say that the proposition I advanced was supported strongly by the MAV (the Municipal Association of Victoria). On the other hand here we had the minister issuing a press release accusing me of everything except shooting John Kennedy from the grassy knoll. It is unfortunate that this sort of response is the first, knee-jerk reaction from the minister on this important issue. I do not think who is in her office writing this ridiculous, pompous, ill-informed, error-ridden rhetorical garbage, but whoever it is, they really should get on top of the facts.

As it turns out the facts were subsequently pretty well set out in the letter the minister wrote to me on 27 January. Again the minister wrote what I regard as a very reasoned and reasonable response. Concerning my proposition of abandoning the need for matching money from the various councils that are entitled to share in the Small Town Development Fund drought initiatives, she essentially said, 'No, the government does not want to do it'. I refer again to the commentary thrown at me at the time I made suggestion. She concluded her letter — and I thank her for it; she is here in the house now, so I can thank her personally — by saying:

Your continued support for the Small Towns Development Fund and its program to assist small towns to develop economic and social infrastructure is appreciated.

That is a correct sentiment on her part, and I am grateful she should see fit to refer to it. Why it is her media commentary does not reflect that is beyond me. Is it some sort of desperation on the part of the minister and the government? They should speak to the facts.

The other issue in her letter that is of relevance is that in rejecting my proposition that we abandon the need for matching funding the minister said in essence that governments of all persuasions have always required an element of matching funding. She said, in essence, 'It used to be a two for one. You are now wanting me to abandon any buy-in by the councils at all. I say that is not reasonable to do and I am not going to do it'. In the same letter she went on to say:

In addition to this, all regional councils 'exceptional circumstances' (EC) declared received a further \$300 000 in the 2007–08 financial year under the local work infrastructure program to assist in the creation of jobs and building stronger economies in drought-affected areas.

She finished this paragraph by saying:

This money was unmatched.

What she is saying, therefore, is that for that program, which she had specified applied in those areas where councils were declared to be entitled to exceptional circumstances relief, the government did not require any matching funding. I have with me a map from the Bureau of Rural Sciences in Canberra which shows the municipalities across Victoria that are the beneficiaries of exceptional circumstances assistance. This map shows that the whole of the state of Victoria is under exceptional circumstances, save for a couple of small areas — one in the Macalister irrigation district in the electorate of Gippsland East and the other in the southern component of my own electorate of Gippsland South around the area of Wilsons Promontory. Except for those areas the whole of Victoria is declared to have exceptional circumstances. I say to the minister that what she should do therefore is act upon the principle she has already established. All I am asking of her is that she do no more than what she has already done in allowing those municipalities which are entitled to receive money under these initiatives to get it without the necessity of providing matching funding.

There is one other point I want to accommodate. In her responses to me the minister talked about the \$10 million of drought initiatives having been committed to the extent of \$6.5 million, and in that she is technically correct. What she does not say, though, is that only \$1.5 million has actually been spent — and these are grants going back to 2006–07. The fact is the government has got to not only commit this money but spend it. Country Victoria is in dire straits for the reasons we know so well. The dairy industry is in trouble and horticultural enterprise is in trouble. Here is a chance for this minister to get on top of her game and get out there and do the job for country Victoria.

Economy: performance

Ms GREEN (Yan Yean) — It does not give me a lot of pleasure to join the grievance debate, because it is always a concern when one has to grieve about the problems, lack of direction and credible ideas or economic policy response to the impact of the global financial crisis on Victoria by members of the Liberal Party at either a state or federal level. This party has shown itself either in government or opposition, along with its fellow travellers, The Nationals, to have no ideas and no solutions. We saw the economy booming over the last decade during the tenure of the Howard government. There was a boom in mining, so how hard was it to be a good economic manager? The coffers

were overflowing and huge tax revenues were pouring into those coffers. This was an opportunity to use that record tax take to invest in nation-building projects to deliver jobs, infrastructure and better services into the future for Victorian families.

Instead recurrent spending ballooned at the expense of capital. We saw a total withdrawal of funding from urban public transport. We are the only country in the OECD (Organisation for Economic Cooperation and Development) that has completely ignored its obligation to fund urban transport, and this occurred across the country. To see that we only have to look at Victoria's share of commonwealth funding during that period and at commonwealth-state agreements covering areas such as public housing, training to address the skills shortage that occurred over that decade, and roads. Over that decade Victorians contributed more than a quarter of the nation's tax take but received around only one-sixth of road funding. In my time in this place during the tenure of this government I recall commonwealth funding for only one significant road project in the whole of Victoria during the time of a booming economy, which was when more freight needed to be moved and there needed to be improvements in our ports. I am glad that that significant road project was the Hume Freeway project, which has assisted people in my electorate, but the rest of Victoria went begging.

Did the members of the Victorian Liberal Party and The Nationals at either a state or federal level stand up for Victorian families and say, 'Where is our fair share? Money from the mining boom and the record tax take should be spent on projects of benefit to Victorians.'? No! We heard silence — absolute silence. All we saw was the establishment of puerile re-election slush funds. We have all seen the results of the regional rorts. They were projects that were poorly thought out and were often not delivered upon. Promises were made at election time and were overcosted, often to mates in the private sector. Those projects were of no benefit to the economy. There was no job delivery and no services were provided.

By way of contrast, I am proud to have been a member of the Bracks and Brumby governments. We have done all we can in the time of our tenure to invest in infrastructure. Up to the end of last year we were spending on average around \$4 billion a year on infrastructure, which is about four times the amount spent by the Kennett government each year.

That infrastructure spending was to build new and improved hospitals such as the Northern Hospital, which has seen three upgrades during the tenure of the

Bracks and Brumby governments. Another example is the Austin and Mercy hospitals. Doctors at the Austin Hospital, which was pending sell-off under the previous government, perform more specialty surgery than is performed at any other hospital in the state. It is the biggest public hospital project serving the northern suburbs. At the same time the Howard government was contributing less than 40 per cent to Victoria's health system. There have also been new schools built and school upgrades accomplished during the government's time in office.

I have welcomed in the last year a new Prime Minister in Kevin Rudd. He has made a commitment to end the blame game and to work with the Brumby government in driving national reform and doing things in a collaborative way. Sadly during the last 12 months there has been a downward spiral in the world economy. The global financial crisis has hit. Every member, regardless of what party they belong to, needs to pay attention to this crisis and do some work to ensure they can protect the jobs of those they represent. But what have we seen from the coalition? What has been the response? Voodoo economics and saying, 'Do not spend on infrastructure'. The federal Treasury spokesperson is so appallingly bad that we see former Treasurer, Peter Costello, still out there saying, 'I would have done it differently'.

The opposition says we should not spend on infrastructure, we should not protect the jobs of the families we represent or invest in infrastructure which will fill the gap where private investment is suffering and job losses are occurring. In the *Herald Sun* on Monday this week the federal opposition Treasury spokesperson, Julie Bishop, is reported as suggesting that the government cut taxes 'in order to increase the tax base and increase tax revenues'. A primary school maths student would know that that is an absolutely ridiculous proposition.

I was really pleased to see the plan proposed by the Rudd government yesterday. The federal government will work in partnership with the Victorian government and other state governments to deliver projects that are spade ready, so we can get on with the job of delivering schools and hospitals and improving our environment. I really welcome the federal government's announcement on improving energy efficiency in people's homes by subsidising ceiling insulation. This did not occur under the Howard government, whose members were climate change nay-sayers. They would not sign the Kyoto protocol. Every other developed nation had recognised that climate change was a problem and that there was a threat on the horizon, but we had the climate change nay-sayers ignoring it.

At a state level, what policy development have we seen? Rather than working in a collaborative way in preparing policies or looking for solutions for 2009 and 2010 to assist families who are already being affected by and will in the future be affected by the results of the global financial crisis, as Brendan Donohue revealed in the *Herald Sun* last weekend, members of the opposition are thinking, 'The economy is turning down, let us reap the benefits of this. We do not need to do any work; it will fall into our laps'. What are they doing? They are measuring what size their ministerial offices will be, wondering how comfortable their bottoms will be in the white cars that they will be driven around in. They are saying, 'Let us bring back silver service and the big, long lunches we had around the cabinet table'. They are saying, 'We will not have working lunches, we will have a return of the trappings of office and we will not have to tell Victorians what we will do to deal with the problems before them'.

Transport is very important to my electorate and very close to my heart. I heard the member for Polwarth, the opposition spokesperson on transport, being interviewed by the ABC's Jon Faine and criticising the government but not proposing any solutions. He was asked what he would do and whether he would commit to any infrastructure projects. He was asked what the opposition would cut out. He replied that the opposition was not committed to the \$38 billion transport plan. He indicated that there is virtually nothing the opposition would commit to under that plan, and he identified immediately that it would not commit to the tunnel from the Domain to Footscray, which will provide a world-class metro system to give better services and improve congestion on rail lines such as mine in the northern suburbs. The tunnel will mean we will have better access to the underground rail loop and more services, yet the opposition's spokesperson on transport would not commit to that project. What else will he not commit to?

I was very pleased to see that the Clifton Hill rail project was finished last week, more than six months ahead of schedule. This project includes a \$52 million duplication of a bridge which will deliver improvements in reliability and allow for an increase in rail services. Before the bridge was completed only 13 trains per hour could get through the bottleneck on the Hurstbridge and Epping lines. Up to 20 trains an hour can now get through. That increased capacity means that the extension of the Epping line to South Morang can proceed. As was indicated in last year's budget, planning has already begun for that extension, and in the Victorian transport plan we announced an allocation of \$650 million to extend that rail line to South Morang. That project is due to start construction

next year, and my constituents should be able to catch trains on that extended rail line in 2013.

The only threat will be if those on the opposition benches get the keys to the office in November 2010, because then that project could be stopped stone dead. The member for Polwarth has to do some work on what infrastructure is needed to create jobs in transport, and particularly in my electorate.

Another project I am pleased to see is the \$340 million Donnybrook and Beveridge interstate rail terminal. It will not only deliver jobs in the construction phase but also in the long term. It will relocate domestic intermodal freight handling from South Dynon. Interstate domestic freight, which currently travels through the metropolitan area, will terminate at Donnybrook and Beveridge for distribution throughout Melbourne. That is probably another project that this lazy, policy vacuum of an opposition would place under threat if it were to get the keys to office.

I am also pleased the Victorian transport plan includes the north-east link between the Metropolitan Ring-road and the Eastern Freeway at Bulleen. An opposition which has not done the work would fail to understand the importance of that project, not only in terms of road and freight connections but also jobs.

The government's Victorian transport plan has committed to connect 90 per cent of households within the urban growth boundary to being 400 metres from a bus stop. As a result, in this month alone new services are rolling out to service the following areas in the Yan Yean electorate: Epping North, Doreen, Mernda, South Morang, Yarrambat and Plenty. For the first time some of those residents will be able to connect with not just one heavy rail line, but two lines. This will provide enormous benefits. It will mean families can manage with one car, children will have many choices of schools and young people will have more choices for further education, whether it be TAFE or higher education, or to access that most important job or apprenticeship.

I am pleased with the responses and the cooperation from the Brumby government and the federal government in dealing with the impact of the global financial crisis. Brian Welch, the head of the Master Builders Association of Victoria, said in December last year that it was obviously a difficult time for the economy and for the building industry but that there was no better place in the world than Australia — particularly Victoria — to ride that out and to be able to come out well.

The opposition should acknowledge Victoria's strengths, and it should get down and do some work and respond appropriately to the global financial crisis. It needs to be committed to jobs — not just its own — but the jobs of Victorian families.

Question agreed to.

STATEMENTS ON REPORTS

Education and Training Committee: effective strategies for teacher professional learning

Mr HOWARD (Ballarat East) — Yesterday I had the pleasure of presenting to the Parliament the report of the latest inquiry undertaken by the parliamentary Education and Training Committee on effective strategies for teacher professional learning. I am pleased to speak on the results of that inquiry today.

Teachers are important in the education process. It is therefore important that they are well supported and encouraged to regularly review what they are doing and to undertake professional learning activities. The committee looked at a broad range of areas with regard to teacher professional learning — such as the policy frameworks, the types, content and delivery of teacher professional learning and what is happening in schools. It also looked at early childhood education, which is clearly important to the community. A number of issues in kindergartens and child-care centres are different from those we would normally find in the general school system. Clearly there is a need for ongoing professional learning in that sector. There need to be opportunities for staff to update and improve their skills. The committee provides some recommendations resulting from the particular circumstances it looked at in that area.

The committee looked at the education sector across the state as well as international and interstate experiences, and it found there are some areas which need to further develop in line with world best practice. But on the whole it is fair to say the state of Victorian education is generally very good. Our teachers, our educators and our school administrators are positive about the need for the ongoing professional learning of teachers, who are mostly eager to undertake professional learning and to do so on a regular basis.

Under a policy framework setting, the Victorian Institute of Teaching has required teachers, as part of their ongoing registration, to complete a required 100 hours of professional development every five years. In looking at this the committee has

provided a range of recommendations. Of course I cannot go through them all. Other members of the committee will report more on this point, and I look forward to speaking a little more on other occasions. It is fair to say that we recognise that teachers are interested in professional learning, and that professional learning needs to take place at different levels, recognising the area of expertise of the teacher — whether they are a new teacher, one midway through their career or a teacher looking to go into administration, school leadership and so on.

It is also fair to say that professional learning does not need to happen outside schools, although the committee has recommended that providers of professional learning should be accredited. With information technology intranet facilities we should be able to list accredited providers and information about available programs so that teachers can easily access them. As well as going outside schools, it is important that there are programs within schools where teachers can work with other teachers. We need to ensure that programs are put into practice within schools. An ongoing program within the school is vitally important and can be every bit as important as outside activities.

A range of activities have been suggested by the committee. Certainly the in-school activities include teachers working together to evaluate what their particular needs might be and how they might best advance those needs for further professional learning. Then there is how they share the information they might gain with other teachers and build on that by looking either at what is happening in other classrooms or in their own school in the staffroom and talking about those to ensure that they build their knowledge together and that it is fully incorporated within the school program.

I thank all committee members and particularly the staff — Karen Ellingford, Natalie Tyler, Jennifer Hope and Caitlin Whiteman — for their efforts on the report. I commend this report to the house.

Education and Training Committee: effective strategies for teacher professional learning

Mr KOTSIRAS (Bulleen) — I too would like to speak briefly on the Education and Training Committee's report on its inquiry into effective strategies for teacher professional learning. I start off by thanking all members of the committee. I think we worked well together as a group both here and when we travelled interstate and overseas.

I would also like to thank the staff — Karen Ellingford, Jennifer Hope, Caitlin Whiteman and Natalie Tyler. They did a wonderful job. They were very professional, and they made our work even easier than would normally have been the case. I thank them very much.

As a former teacher I taught in many schools, and one thing I recognise is the importance of professional development or professional learning. It is vital if a teacher wants to be up to speed with what is going on in the education field that he or she takes part in professional development. While there have been some problems with accessing professional learning in Victoria, all members of the committee agreed that professional development and professional learning is vital.

It was also agreed that professional learning is most effective when it is of high quality, and that is one of the problems that we currently have in this state. We are not too sure whether the quality is there, because the responsibility of the Victorian Institute of Teaching stops at the quantity. VIT has made sure that teachers undertake 100 hours of professional development (PD) over a five-year period, but it does not stipulate the quality of that professional development. I recall when I was teaching that some teachers counted — and it may be appropriate — their staff or faculty meetings as part of their PD. While there is a place for that too, I think there must be a register of providers which teachers can access to find registered providers who provide a high quality service in relation to professional development.

I would like to quote from what some of the participants have said in chapter 2 of the report under the heading 'Quality not quantity'. It states:

A number of participants commented strongly on the absence of quality specifications, describing the new requirements as 'a mickey mouse approach', '100 hours of sitting on your bum', or simply an 'arbitrary limit' that teachers will 'tick off' with no resulting change to their practice.

The report goes on to quote from a VIT paper in 2006 in which the institute said:

... that its general standards for professional practice have been criticised as 'too general, perhaps to the point where they become meaningless'.

It is vital that current registered teachers be provided with quality in-service training. As I said earlier, VIT ensures that all teachers undertake 100 hours of training, and 50 per cent of those hours must be done internally and 50 per cent externally. However, 'externally' can mean that someone from the outside without any qualifications comes into the school and provides those 50 hours of training. What we have said

is that the providers must be registered with VIT, and then teachers will have access to those registered providers to ensure that the quality is there.

Unfortunately another problem we found is that teachers in regional Victoria cannot access PD in the same way that teachers in the city can, which is a major concern. As we travelled around Victoria we found that it was a major obstacle for some of the teachers in that they were not able to attend PD in the areas they had an interest in. We have therefore recommended to the government that it provide enough resources to ensure that all schools are able to provide their staff with professional development of a high standard. I hope the government listens and provides those resources. In the past many schools have missed out. Some teachers have to travel long distances and in some cases just turn up to a PD simply to do the 100 hours training; they often have little interest in the area of the PD they are undertaking. It is important that the government continue to provide more resources to these schools.

We also found that teachers receive no certification to show that they have undertaken a professional development course or class. We have called for a certification of professional development so that if teachers spend time, whether it is after school, on the weekends or during the school holidays, they will have something to show to prove that they have undertaken PD. Currently many teachers undertake PD during school time, which might be appropriate, but it might also be appropriate that they do it during the school holidays. I think it is important that teachers receive acknowledgement for this.

Road Safety Committee: improving safety at level crossings

Mr SEITZ (Keilor) — I wish to talk about the Road Safety Committee report on the inquiry into improving safety at level crossings. First of all I want to congratulate the committee and the chair in particular, the member for Lara, on presenting such an excellent report which provides an in-depth study of level crossings. I have a personal interest in level crossings, having been a victim of an accident at a level crossing.

I note the comment in the executive summary of the report that:

Ideally, all crossings should either be grade separated with a bridge or underpass ...

I welcome that statement. Perhaps we will be able to undertake more of this work in Victoria now that the Rudd government is funding rail infrastructure work. I know the minister and the government are committed

to improving level crossings, particularly in country areas where collisions mainly involve cars and trucks with trains. The reference to the committee originated from these disasters.

The committee has made 44 recommendations which are all worthwhile and worthy of consideration in the light of the federal funding that is now available for infrastructure work. It is important that we save people who live in regional and rural Victoria as well as those closer to home. I live in St Albans, and it was at a level crossing there that I was knocked over — not by a train but by a car. Drivers become impatient when they are stopped at a level crossing and have little awareness of pedestrians. We should look at pedestrian safety when we are improving level crossings.

Drivers appear to be more aggressive than ever these days. They do not have time to wait for anything, and if they have to stop for a minute, they take off as soon as they can see a bit of space in front of them. I was knocked over. One moment the car was standing still, and then it fully accelerated. I was knocked unconscious onto the windscreen of the car and broke my hip. It was not the fault of a train or associated safety equipment. Rather it was the case that the boom gates went up and I was a bit too slow or the car was too fast. But having said that, I welcome these recommendations and the work that the committee has done.

The committee travelled to country areas where level crossings are sometimes obscured and little notice is taken of them. Local people in those areas, and young people particularly, think a train passes through that area only once a week or that it comes at a certain time in the afternoon and they do not take much notice of it. I well remember the time I used to travel on buses, before I had a drivers licence. At that time there was a law that required buses to stop at level crossings and look for trains before they crossed. That law was abolished some time ago. We had the same rule when I was in the military. We had to slow down to 15 kilometres per hour on the approach to level crossings and check both sides before we entered the crossing.

A lot of education needs to be done in our society and community because we are a fast-living community. Everybody is in a hurry, whether they are here in Melbourne or in a country town. People used to say that country people take it a bit slower and a bit easier. It does not happen these days because we all have the same vehicles and the same pressures of life on us, and we are always in a hurry. Particularly at intersections with train lines, drivers seem to think that their vehicles

are faster and that they can beat the trains. Of course trains have also improved over the years, and drivers do not guess the distance and the speed of the oncoming trains correctly.

All in all, I am looking forward to seeing the government response to this report, which is an excellent bit of work. Once again I congratulate the chair and committee members on the work they have done. I also congratulate those who prepared the submissions that the committee received on this highly important subject that is very dear to me. I hope that the St Albans level crossing will be sorted out in the near future so that in 20 years time no-one else, including any politician who replaces me, will suffer the same fate as I did, finishing up with a broken hip.

**Environment and Natural Resources
Committee: impact of public land management
practices on bushfires in Victoria**

Mr NORTHE (Morwell) — I wish to make a few comments on the report entitled *Inquiry into the Impact of Public Land Management Practices on Bushfires in Victoria*, which was prepared by the Environment and Natural Resources Committee, of which I believe you are a member, Acting Speaker. In particular I refer to recommendation 6.9, in which the committee recommended:

That the Department of Sustainability and Environment and its partner agencies continue to develop a proactive approach to engagement with the local and wider media to achieve continuous improvement in the standard of community information and education.

In its subsequent response the government supported that recommendation by the committee. This matter is particularly pertinent in my electorate at the moment, given the bushfires of last week. I was able to witness firsthand some of the communication efforts by which information was relayed not only through the media but also directly to the community. It certainly underpins how important recommendation 6.9 is. Members know that the fires have devastated up to 30 homes in the Boolarra area. I guess it reinforces the unpredictable and ever-evolving nature of bushfires in that region. It really underpins the importance of ensuring that members of the community are privy to accurate and up-to-date information.

Due credit should be given to the authorities, particularly the Department of Sustainability and Environment (DSE) and Country Fire Authority (CFA), whose personnel attended various community meetings prior to, during and post the bushfires to give the community and the media up-to-date information. I

know that at the meeting last Friday just prior to the fire passing through Boolarra the feeling of the community was one of fear. At that stage DSE and CFA personnel were able to outline to the community and the media the immediate threat that many homes were under. If members put themselves in the position of many homeowners at that time, they will understand there was great fear. Residents had to make a decision on whether to go or stay and try to save their property. As we know, the information that was given at those meetings was outstanding in that we did not suffer any injuries or fatalities as a result of what was such an intense bushfire.

It is important that we have the correct information communicated through the correct channels and authorities. Not only the CFA and DSE were involved. We should not forget that Department of Primary Industries and Department of Human Services staff were also involved. Local councils such as the Latrobe City Council were also providing information to the community and the media. People from the Australian Red Cross and Lifeline were on hand and members of service clubs were involved not only in providing assistance during the bushfires but also in the recovery process. It is important that community members are given accurate information, because as things progress during a bushfire of this nature obviously the circumstances change.

From the committee's report we know that the government's response referred to the fact that ABC radio is the emergency services broadcaster. I commend Gerard Cullinan and the local team for their involvement and for providing up-to-date information to the community. It is an essential service. Given that there were power blackouts at the time, the only way that many of the residents of the region could get information was to tune in to the radio. During the threat of the bushfires, the ABC broadcasters were able to relay up-to-date information full time to the community and others. I commend the ABC for that. The ABC also of course relayed information about the roads. As members could imagine, in that particular area there are numerous roads, both major and minor. In an event of such magnitude it is important for people to know where they can drive and whether they can get access to their homes and properties.

I make mention also of the aerial appliances whose crews saved so many homes through this disaster. There must be coordinated communication between all the authorities in ensuring that the crews of aerial appliances are aware of which homes are under immediate threat. That they were able to come in and save many homes is just amazing. In particular I

commend the committee on recommendation 6.9 and the subsequent support for it from the government.

Electoral Matters Committee: international investigations into political donations and disclosure and voter participation and informal voting

Mr SCOTT (Preston) — I rise to discuss the *Report on International Investigations into Political Donations and Disclosure and Voter Participation and Informal Voting*, following an inquiry conducted by the Electoral Matters Committee, of which I am a member. First I thank the chair, Mr Somyurek, a member for South Eastern Metropolitan Region in another place, and the deputy chair, the honourable member for Malvern. I also thank the committee staff — the executive officer, Mark Roberts, and other staff members, Natalie Wray and Nathaniel Reader — for their good work on this inquiry and other inquiries that the committee has been conducting.

The issues addressed in the report are very serious and go to the heart of how our democracy operates. People should be aware that although Australia, and Victoria particularly, has a good electoral system, there are significant issues about voter participation, which I will focus on first. One of those issues is that more than 5 per cent of people in Victoria who are eligible to be on the electoral roll are not on it. By way of example of what can be achieved, which was discovered during the inquiry, the United Nations was able to enrol a similar number of voters — 92 to 93 per cent, which is only slightly lower than the number who vote in Victoria — in the Democratic Republic of Congo, a nation that has been racked by civil war, with many thousands of people dying as a result. The country essentially has no transport infrastructure and yet in a short time prior to its last election the United Nations was able to enrol as electors a similar proportion of the population as is enrolled in Victoria.

I think that leads to the very obvious conclusion that in Victoria we could do a lot better than we are currently doing. We should seek to achieve levels of enrolment approaching 100 per cent. With the sort of information that is available in 2009 in a society where we make voting and enrolment compulsory by law, we should be seeking to achieve rates of enrolment much higher than we achieve now. Figures from the last election indicate that at least 2 -odd per cent of members of the electorate who attempted to vote on election day because they believed they were entitled to a vote were unable to do so because they were not correctly enrolled. I suspect that there are many thousands of Victorians who would

like to participate in the electoral process but are unable to do so.

Another significant issue is the large number of people living overseas, particularly in the United Kingdom, where at any one time there are somewhere between 500 000 and 700 000 Australians. It is estimated by the agent-general for Victoria that at the time of the last Victorian election approximately 70 000 or 80 000 eligible voters were in the United Kingdom. Of those approximately 3000 people voted. That is a very significant number. We are talking about just under 1000 electors per lower house seat who live in the United Kingdom who have the right to participate in our electoral process but most of whom do not.

I am sure that there are members of this house who would not have been elected had all those people participated in the electoral process. There would have been different electoral results. As we know, elections have been decided by a handful of votes. In a democratic system — particularly, as I said, one where we compel people to vote — we should be looking to ensure that the opportunity to vote exists for all eligible voters, including those overseas, who in many cases could change the electoral results and in fact change who holds executive government.

As to political donations and disclosures, a meeting was conducted with a non-government organisation in the United States called Demos, which is headed by Mr Miles Rapoport, the president of that organisation. Mr Rapoport is a former state legislature member and holder of various platforms of public office in, I believe, Connecticut, and a very interesting individual. He raised the issue of the indirect power of money in politics. It is not just that donations are de facto bribes or that people are acting dishonourably — and he would argue that usually is not the case — but that if raising of funds is an important part of the political process and contributes to electoral victories, a statement that is hard to argue with, a soft power is exercised.

Those involved in the process of exercising political power speak regularly to rich people, because they are the people who have money, and in their speaking regularly to rich people their frame of reference for political discourse is changed. It focuses on those who are donating money. That is a significant issue which I think should provoke thought amongst members in this house when these issues arise.

I understand there is a green paper process occurring federally that deals with this issue and which is likely to lead to wider debate about political donations in our

society. I think that issue of soft power and how people's perceptions are changed by who they deal with naturally in their political engagement is one we should consider. This is an excellent report, which I commend to members and urge them to read. I urge them also to give consideration to the issues raised in it.

Education and Training Committee: effective strategies for teacher professional learning

Mr DIXON (Nepean) — I wish to make a few comments regarding the education and training committee's *Inquiry Into Effective Strategies for Teacher Professional Learning*. First of all I would like to congratulate the staff for the wonderful work they have done working with the MPs on the committee to put this report together. Karen Ellingford, Jennifer Hope, Caitlin Whiteman and Natalie Tyler all did a tremendous amount of work, with Jennifer having main responsibility for the report. This really has turned into a very good report, which will have some far-reaching consequences. It has been awaited, or I could nearly say longed for, by many members of the educational community, and many people, organisations and teachers made contributions and showed an interest in it. Members across all the parties, under the leadership of the member for Ballarat East, worked together very well on the report. All of us have a commitment to an interest in education in this state, and I think the report reflects that.

I would also like to recognise the fantastic work teachers in our schools do and how seriously they take their professional learning. Our teachers are committed to their jobs professionally, and part of that professionalism is a commitment to ongoing professional learning so that not only do they become better teachers but they learn more about their students and more about what they are teaching and how they teach it. It certainly is a sign of a good teacher that they engage in ongoing professional learning. There is nothing more important in terms of the impact of education and the outcomes for our students than quality teaching. You could argue about class sizes and resources and those sorts of inputs into education, but no matter how much money you have or how small your class is, if your teacher is not good and professional then the quality of teaching is going to fail; and the quality of teaching is what more than anything else in schools produces the desired and improved outcomes for our students. Therefore this professional learning inquiry really goes to the heart of what is good educational practice.

Talking about professional learning, it has been interesting that we have just experienced in this state

the first delayed start to the year in that all teachers in all government schools undertook their professional learning — or three quarters of it — for the first three days. Putting the weather aside, which probably was not conducive to hard work, especially in the afternoon, I would find it very interesting to talk to teachers about that.

I am starting to get some anecdotal information about how well that went. I think that is something we need to look at. It needs to be monitored closely — the issue of how effective it was having three days before school started and not allowing schools to have the ability to choose when the best time would have been for them to do their professional learning. Some of the information I have, which I think was foreshadowed last year, suggests that some of the best presenters in professional learning who go out and work with staff were of course in demand from every school on the same day, so they are probably pretty quiet this week. I do not think that is the best way of organising professional learning.

The recommendations in our report are quite extensive. They look at better linkages between professional learning, certification of learning, recognition of learning and the link to student performance. There is a lot of research out there, and it would be good to do it far more and far more effectively on a local level. We also looked at the importance of professional learning to our beginning teachers; this is a vital area, and the committee has looked at teacher education before. Those early years of teaching and the professional learning that takes place then are vital to the future of not only those teachers but education in this state.

We made recommendations regarding teacher registration and the link with professional learning. There were recommendations about leadership training, which is very important as we lose many of our teachers as they retire; we need ongoing leadership development. There were recommendations about the importance of school-based learning, which is very important. We looked at resourcing of schools so that they can conduct adequate professional learning, and we also looked at the cluster model and online facilities.

CARDINIA PLANNING SCHEME: AMENDMENT

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

That under section 46AH of the Planning and Environment Act 1987, amendment C105 part 2 to the Cardinia planning scheme be ratified.

This proposed amendment to the Cardinia planning scheme follows a sequence of events I think I should go through to describe why this is occurring at this stage. The Minister for Planning approved amendment C105 to part 2 of the Cardinia planning scheme on 27 January this year. As I understand it, there is bipartisan support for this amendment proceeding.

The best demonstration of that to date has been that two of the local members for this area, two members for Eastern Victoria Region in the other place, Mr Edward O'Donohue and Mr Johan Scheffer, have been active in pursuing this matter and calling for this type of action. In Parliament on 21 November 2007 and again on 8 October 2008, Mr O'Donohue requested that the Minister for Planning expedite the request and urgently examine the issue so that a satisfactory resolution could be reached. My colleague Johan Scheffer has campaigned long and hard on behalf of the owners of this land, Mr and Mrs de Jong, and has made representations to the Minister for Planning to expedite this amendment. This is the opportunity to do that. The two local members, one Labor and one Liberal, are pursuing this matter. The Minister for Planning has triggered this process by approving the appropriate planning scheme amendment in January, and now this has come before the house.

Specifically this amendment introduces a site-specific control on land at Dixons Road, Cardinia. This will allow for the completion of an eight-lot subdivision at the specific site. The land at Dixons Road was formerly a fertiliser depot. That was considered by all to be an inappropriate use of the land, which is on the edge of the Cardinia township. The history of this issue is that in 1999 the previous government introduced a site-specific control to allow for an eight-lot subdivision of 1 hectare each at Cardinia as a part of the relocation of the fertiliser depot to a more appropriate site in Koo Wee Rup. The owners of the fertiliser depot, Mr and Mrs de Jong, also entered into a section 173 agreement with Cardinia Shire Council, as required under that site-specific control, to relocate the fertiliser depot, which was organised under the previous government.

The first stage of the subdivision was completed in 1999. Five of the eight lots were created and the remaining three lots were to be created following the complete relocation of the fertiliser depot. It was always intended to be a staged relocation and subsequently a staged subdivision. Unfortunately the previous site-specific control in the planning scheme expired in 2000, with the remaining three lots still to be created following the complete relocation of the fertiliser depot. This relocation of the depot has now been completed by the infrastructure — slabs, footings and shedding —

finally being removed in 2006. If the site-specific control had not expired, the subdivision would have been able to proceed without the need for this amendment to the Cardinia planning scheme.

The other piece of background information that needs to be understood is that during this period between 1999 and 2006, when the site-specific control was entered into and the fertiliser depot infrastructure was finally removed, another event occurred. In 2004 Dixons Road, Cardinia, was rezoned as part of green wedge land under the Cardinia planning scheme. In accordance with specific section 46AF(1)(b) of the Planning and Environment Act, this proposed amendment requires ratification by both houses of Parliament, because the outcome of this amendment would allow land in the metropolitan green wedge to be subdivided. As members have heard, it was always the intent of the original site control for this to happen, but time caught up with the process and this other legislative rezoning took place, complicating the completion of the original proposal.

The subject land is located on Dixons Road and is zoned 'green wedge schedule 1' under the Cardinia planning scheme. I can advise the house that the green wedge management team of the Victorian Department of Planning and Community Development in the Victorian public service has considered the proposal and considers it appropriate for the amendment to proceed because of the history and timing of events in regard to this site. As members have heard, this has the support of local members in the area. It is a logical tidying up of a series of events that have taken place. The successful ratification of this amendment will be welcome news to the Cardinia Shire Council, but it will be even more welcome news to Mr and Mrs de Jong. In that context, I have moved this motion. I hope it gets the support of this house, which I expect, and the support of the other chamber. I recommend the amendment to the house.

Mr CLARK (Box Hill) — As the minister has outlined, the motion before the house is to ratify an amendment to Cardinia planning scheme amendment no. C105, part 2, to allow completion of a process involving the relocation of a fertiliser facility formerly at Dixons Road, Cardinia, and the completion of an eight-lot low-density residential subdivision which was negotiated as part of the fertiliser facility relocation. The arrangements that were reached in relation to this were to provide a win-win outcome for both the owners of the fertiliser facility and the community, through the relocation of the facility away from a location close to the Cardinia township.

Unfortunately the process has been caught up in planning red tape and in particular has been caught up with the introduction of the Melbourne 2030 legislation and the green wedge zone legislation, which requires any changes that affect the green wedge zone boundary to come to Parliament for ratification. If not for that legislation, the planning situation could have been resolved by an amendment to the planning scheme to reintroduce a site-specific control without the matter having to come to Parliament for ratification.

As the Minister for Community Development indicated, my colleague in the other house Mr O'Donohue has been pursuing this issue vigorously on behalf of Mr and Mrs de Jong and the community. He first raised the issue with the Minister for Planning in an adjournment matter in November 2007. Although he received a reply from the minister in January 2008, the issue remained outstanding for some considerable time. He again raised the issue in the other place on 8 October 2008. The minister provided him with a further reply and subsequently, as the Minister for Community Development indicated, approved an amendment to the planning scheme. The Minister for Community Development further indicated that Mr Scheffer, a member for Eastern Victoria Region in the other house, has also been pursuing the issue privately and making representations to the Minister for Planning. I certainly do not question what the minister in this house says in relation to what Mr Scheffer has done.

The opposition parties have no objection to this amendment proceeding. It will allow a longstanding win-win outcome to be achieved. However, we have some concerns about the process which needs to be followed and which the government has chosen to follow in relation to amendments such as this. We believe what the Parliament is now being required to do highlights difficulties with the Melbourne 2030 legislation. This motion comes before the house on very short notice, notice having been given only yesterday.

As far as I am aware a briefing by the government has not been provided to the opposition parties in the meantime. Certainly I have not been able to be involved with one this morning, given other commitments, and I am not aware of one taking place. That means the Parliament and particularly the opposition parties have been provided with very limited information about the motion. The Minister for Community Development gave quite a detailed explanation in moving the motion, but there was not adequate time for that to form the basis of the opposition's decision on the motion.

Fortunately in this instance Mr O'Donohue was very familiar with the matter and the shadow Minister for Planning in the other house, Matthew Guy, has done a great deal of work this morning to get on top of the issue. It makes it very difficult when Parliament is being put in the position of having to become a de facto planning authority and make decisions like this on such short notice. The government can say it will provide protection by requiring ratification of these changes in Parliament, but then the community and Parliament are in the very difficult situation of trying to make a decision on the matter.

The further point needs to be made that this is one of dozens if not hundreds of similar cases around Melbourne where land proposals that were part way through being carried out were caught up in the Melbourne 2030 green wedge legislation. It is certainly welcome that this particular instance is being resolved, but the question that has to be asked is what is being done to resolve all the other anomalous cases that have been caught up in the green wedge legislation. This shows the inadequacy of and poor consideration given to the legislation when it was introduced by the government, a point the opposition made at that time and has made on numerous occasions subsequently.

The reason this motion has to come before the house is that the government did not put in place a proper and adequate mechanism to allow transitional issues such as this to be resolved in a common-sense and practical way without the need for motions such as this to be brought before the Parliament. Former Minister for Planning John Thwaites was big on the grand statement and the sweeping promise, which he was generally unable to deliver on, but he was very poor on the detail of his regimes. This Melbourne 2030 outcome is yet another example of that fact.

It is unfortunate that the resolution of this issue has been delayed for so long, at a cost to both the community and Mr and Mrs de Jong. It is unfortunate that it has now had to come to Parliament in the way it has, and it is unfortunate that it has been brought in on such short notice and with such limited information being provided to the opposition parties by the government, which makes it very difficult for this inadequate process to be given proper scrutiny. Nonetheless, and thanks in particular to the hard work of Mr O'Donohue and Mr Guy, the opposition has been able to assess this issue in the very short time allowed to it and is perfectly agreeable to this motion being passed.

Motion agreed to.

Sitting suspended 1.00 p.m. until 2.00 p.m.

Business interrupted pursuant to standing orders.

QUESTIONS WITHOUT NOTICE

Schools: literacy and numeracy

Mr BAILLIEU (Leader of the Opposition) — My question is to the Premier. I refer to the Auditor-General's report released today, which has dramatically revealed that the government has completely failed to deliver improvements in the literacy and numeracy of Victorian schoolchildren, despite the Premier's continuing claim that education is the government's no. 1 priority. I ask: when will the Premier take responsibility for the failure to deliver the most basic of education services, stop the excuses and apologise to the Victorian community?

Mr BRUMBY (Premier) — I thank the Leader of the Opposition for his question. This is a very important issue, and so I appreciate the question he has asked today. We have made education the top priority for our government. We have invested something like \$7.3 billion in education since 1999, and we have put something like 8000 teaching staff back into the system. The Auditor-General's report acknowledges that we have invested heavily in initiatives to improve literacy and numeracy, with \$120 million allocated annually across all government schools and \$42.1 million spent on new initiatives in schools with low literacy and numeracy achievement.

The Auditor-General's report shows that there have been real gains in each of these areas. There has been a 20 per cent increase over the last 10 years in the number of prep students reading at the expected level and a 10 per cent increase for year 2 students. There has been a most substantial improvement in the ability of prep-to-year 2 students to recognise written words, and there has been noticeable improvement evident for years 3 and 5 students in foundation math skills. That is what the Auditor-General said today.

Further to that, last year through the Minister for Education we released the blueprint, which contains further initiatives and further reforms to continue improvements in our state education system. Yesterday, with the Minister for Education, I was out at the Hume Central Secondary College, one of the new schools we are building as part of the regeneration project. There is a new principal there, Glenn Proctor, who came from Mount Waverley Secondary College, so we are getting

the best principals and the best teachers into the schools for the students who need most help.

Let me go to the aspiration that we have for our schools. Last September we had the first release of the national teaching results on literacy and numeracy. Those national results were a glowing report card on Australia's first national testing of students.

Honourable members interjecting.

The SPEAKER — Order! I ask the members for Kew, Scoresby, South-West Coast, Nepean and Malvern not to interject in that manner.

Mr BRUMBY — What the first national assessment ever undertaken showed, and the Auditor-General — —

Mr Baillieu — On a point of order, Speaker, the Premier is debating the question. The question was about the Auditor-General's report. He is seeking to deny the conclusions of the Auditor-General's report.

The SPEAKER — Order! I remind the Leader of the Opposition that props are inappropriate at question time. I warn him that props will not be allowed.

Mr Baillieu — On a point of order, Speaker — —

The SPEAKER — Order! Is this another point of order, or would the Leader of the Opposition like to wait until I have ruled on his initial point of order?

Mr Baillieu — You can rule on the point of order, Speaker.

The SPEAKER — Order! I thank the Leader of the Opposition. I uphold the Leader of the Opposition's point of order. I believe the Premier was beginning to debate the question.

Mr Baillieu — On a point of order, Speaker — —

The SPEAKER — Order! The Leader of the Opposition has been warned about the use of props.

Mr Baillieu — I invite the Speaker to consider whether the Auditor-General's report is a prop.

The SPEAKER — Order! I consider that by deliberately holding up a copy of the Auditor-General's report the Leader of the Opposition is using it as a prop. Anything can be used as a prop; it depends on the manner in which it is used. On a number of occasions I have suspended members from the chamber for using props. I am sure the members for Hastings and Kilsyth remember being suspended from the chamber for a

period of time for the use of props. I have now warned the Leader of the Opposition not to use props.

Mr BRUMBY — As I said, in his report the Auditor-General specifically refers to the national testing results. What those results show is that Victoria ranked amongst the highest performing states and territories in all those areas. The average Victorian student's performance was significantly higher than the Australian average in all year levels and domains, bar one. The exception was year 9 spelling, where Victoria's performance was similar to the Australian average. I will repeat that: in all levels and all domains bar one we were at the top. The performance of Victorian students at years 3, 5, 7 and 9 is significantly higher than the Australian average in reading, writing, grammar, punctuation and numeracy, and in years 3, 5 and 7 it is significantly higher than the Australian average in spelling. I would have thought if you are performing better than all other Australian states, that is a good result.

We have invested heavily in education. We want every child to have the best possible education. It does not matter whether they are rich or poor, it does not matter whether they are in the city or the country, we want every child to have the best opportunity. We have been building up our state education system. We did not sell it off, we did not auction it off. We have been building it up, and in terms of the national standards we are getting great results.

Economy: government initiatives

Ms MUNT (Mordialloc) — My question is to the Premier. I refer to yesterday's release of the annual statement of government intentions, which details the government's plans for supporting families and creating jobs, and I ask: will the Premier detail for the house new measures announced recently to promote jobs and investment in Victoria?

Mr BRUMBY (Premier) — I thank the member for her question. As members know, Australia now faces the most difficult international economic environment that has existed at any time in our generation, and arguably at any time since the Great Depression. This is a challenging time for Australia and our state. As I said yesterday in the statement of government intentions and at question time, our priority for this year is jobs, jobs and jobs. We remain ready — —

Honourable members interjecting.

The SPEAKER — Order! I ask the members for Scoresby and South-West Coast to cooperate.

Mr BRUMBY — We stand shoulder to shoulder with the Rudd government, with the \$42 billion package announced yesterday, to see it rolled out as quickly as possible across our state and across Australia. We should make no mistake about it: this package is absolutely crucial to the economic performance of our state and to the economic performance of Australia as a whole. It includes a huge investment in education, a huge investment in social housing, a huge investment, particularly, in the construction industry and in the generation of jobs.

While we stand shoulder to shoulder with the federal government, the biggest opposition — the biggest obstacle to this big \$42 billion jobs plan — is from those who sit opposite. We have seen the Liberal Party and The Nationals today announce they are opposing Kevin Rudd's \$42 billion job plan.

Honourable members interjecting.

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

Mr BRUMBY — As I said, we support this plan 100 per cent, and the biggest obstacle to this plan and the creation of jobs is those opposite. They support — —

Honourable members interjecting.

The SPEAKER — Order! The Premier will not debate the question. He should restrict his comments to government business and government action.

Mr BRUMBY — Tomorrow I will be in Canberra for the Council of Australian Governments meeting, along with representatives of all the other Australian states and the Prime Minister. I will be telling the Prime Minister that our government supports his package 100 per cent. I would like to say that the Victorian Parliament supports the package 100 per cent, but the Liberals and The Nationals oppose this package.

Honourable members interjecting.

The SPEAKER — Order! I ask the Premier not to continue in that vein or I will sit him down.

Mr BRUMBY — Today, with the Minister for Housing, the Minister for Planning and the Minister for Education and member for Melbourne, I turned the first sod at the Elizabeth Street homeless project, which we announced last April. That is a great project for our state which we are undertaking in partnership with Grocon, which is providing its services without cost. I announced at the sod turning today not only that we are

starting this project a number of months ahead of schedule but also that our government will be using its planning and other legislative powers to fast-track projects that are delayed across our state so that we can get on with generating jobs without delays. This project — the Elizabeth Street Common Ground project — is a good example of that. It had one objector. If that process had run its normal course through the Victorian Civil and Administrative Tribunal (VCAT), it would have been June, July or August before we started that project. The Minister for Planning called in that great project, and as a result we were able to start work on it today.

Our government will be identifying other key projects to fast-track. The planning minister can call them in or take other action as appropriate, and we will get the work and the jobs flowing much more quickly. I know that government intervention by calling in projects may result in some local opposition. The planning minister has pledged to maintain the highest possible levels of consultation and transparency. But it is important that when you think of all of the big projects we are embarked upon across this state to generate jobs and build the future for our state, whether it be the food bowl, whether it be desalination or whether it be channel deepening, you remember that all of these big projects have been opposed by those opposite. They would rather support WorkChoices — —

Honourable members interjecting.

The SPEAKER — Order! I have asked the Premier not to go down the avenue of commenting on the opposition. I ask him not to do so again.

Dr Napthine — On a point of order, Speaker, the Premier has been warned a number of times about debating. In this case not only was he debating the issue but he was telling deliberate lies about the position of the opposition, and it is about time he was held to account for the continual lies that he tells in this Parliament.

Honourable members interjecting.

The SPEAKER — Order! I suggest to the Deputy Leader of the Opposition that I will control the house, and I will give members the call when I deem it appropriate, without her advice.

Mr Hulls — On the point of order, Speaker, I refer you to a ruling made by Speaker Maddigan in August 2004 that it is appropriate for a minister to respond when another government's actions — and we were referring to the stimulus package yesterday — including those of the federal government, may have an

effect on Victorian government business. The Premier has made it quite clear he has to go to COAG and express the views of the Victorian government. He wants to also find out what the Leader of the Opposition's view is in relation to the stimulus package — or does the Leader of the Opposition support Malcolm Turnbull's opposition to it?

The SPEAKER — Order! That may indeed be the Premier's wish. Question time is not an appropriate time to attack the opposition. I do not uphold the Deputy Premier's point of order. I do uphold the point of order raised by the member for South-West Coast. Has the Premier concluded his answer?

Mr BRUMBY — No, Speaker, I have not.

The SPEAKER — Order! I warn the Premier that his comments should be confined to government business on this subject.

Mr BRUMBY — There are currently 1876 pending planning applications before VCAT worth \$1.3 billion, so we will work in partnership with VCAT to see how many of these projects can be fast-tracked.

Honourable members interjecting.

The SPEAKER — Order! I think all members are beginning to abuse all forms of this house. Question time may not end today if we continue with this amount of interjection and interruption. I ask members for some cooperation. The Premier, to conclude his answer.

Mr BRUMBY — As I have said, whether it be working with the federal government in relation to the \$42 billion package, whether it be the \$27 billion on infrastructure that we are spending in this state over the next four years or whether it be using all of the powers that we have at our disposal as a government to fast-track projects to generate jobs, that is exactly what we will do as a government.

Budget: surplus

Mr RYAN (Leader of The Nationals) — My question is to the Premier. Has the Premier abandoned his oft-repeated commitment to deliver a budget surplus equivalent to 1 per cent of revenues?

Mr BRUMBY (Premier) — I thank the Leader of The Nationals for his question. As honourable members are aware, throughout the period we have been in government we have returned budget surpluses on each and every occasion. For the first eight years we were in government our budget surplus target was \$100 million

per annum. In each year in government we have comfortably exceeded that amount.

In last year's budget, in order to ensure that we could secure sufficient cash for long-term infrastructure projects, we set a higher budget target figure of 1 per cent of revenues. I was asked about this issue yesterday by the media, particularly in the context of lower GST receipts for Australia this year and next year. I said that in the current environment, given the need for increased fiscal stimulus, we were prepared to relax the 1 per cent target and return to what has been the historical target of the government, which is a surplus on the operating account of at least \$100 million.

We will continue to deliver an operating surplus, an operating balance going forward. If you have a choice between delivering an operating balance, an operating surplus or a deficit, you would always choose to return a surplus. We will, however, be running a deficit on the cash account, and we will be running a deficit on the net lending account. These are entirely appropriate actions for the government to be undertaking.

It is of course entirely appropriate for the government to be investing heavily in capital works at this point in the economic cycle. I have not met anybody, apart from potentially members of the opposition, who would be opposed to that principle. I have not seen any economist anywhere in Australia who would argue against that — that is, that when the world economy is in recession, when six of our trading partners are in recession, it is crucial for our state to stimulate the economy to the maximum extent possible consistent with sound financial practice.

As I indicated yesterday in Parliament, last week Moody's again confirmed Victoria's strong AAA credit rating. It is nine years in a row now since we have been in government —

Mr Herbert interjected.

The SPEAKER — Order! The member for Eltham!

Mr Ryan — On a point of order, Speaker, the Premier is debating the question. It was a simple, narrow question, which the Premier has answered, and he is now debating the question.

Honourable members interjecting.

The SPEAKER — Order! I remind all members of Parliament that any member has a right to take a point of order and should be heard in silence.

Mr Batchelor — On the point of order, Speaker, the Premier is clearly providing information that relates to the issue of the question at hand about surpluses. What we have seen from the Leader of The Nationals is a deliberate policy of using points of order. Members are entitled to take points of order, but they are not entitled to take frivolous points of order. The point of order taken by the Leader of The Nationals is clearly frivolous. He knows that; you can see him blushing and he is laughing. He is making visual indications to the people behind him on the front row. It is just part of a systematic attack to try to disrupt the Premier, and it should not be allowed.

The SPEAKER — Order! While I do not believe the point of order taken by the Leader of The Nationals was frivolous, I do not uphold the point of order.

Mr BRUMBY — The policies we have in place are entirely appropriate for the circumstance we face — that is, a huge capital works program, working in partnership, as I said, with the Rudd federal government on its \$42 billion package. We will be running a big capital works program. We have a strong AAA credit rating. We will be maintaining an operating surplus and balance, and on the advice I have seen in the last couple of days I believe we will be the only state government running an operating surplus. I am pleased we are in that situation. It is a strong position to be in, while at the same time we are maintaining a competitive tax regime in this place and injecting the biggest capital works stimulus package in the state's history.

Housing: Common Ground project

Mr CARLI (Brunswick) — My question is to the Minister for Housing. I refer the minister to the government's commitment to making Victoria the best place to live, work and raise a family, and I ask: can the minister outline to the house what recent measures the government has taken to reduce homelessness?

Mr WYNNE (Minister for Housing) — I thank the member for Brunswick for his continued support for housing and the homeless. In a week in which the Prime Minister announced the most significant commitment to housing in a generation, it is a great pleasure to inform the house of the Brumby government's further actions on homelessness. As the Premier indicated, this morning we were together in Elizabeth Street, Melbourne, along with the Minister for Education in her capacity as the member for Melbourne, and the Minister for Planning in the Council, to commence work on the \$57 million Common Ground project. For members who want to

know the location of the site, it is up towards Melford Motors as you are going out of the city on Elizabeth Street, just before the big roundabout.

This project is the Brumby government's first down payment on its commitment to the COAG (Council of Australian Governments) agreement to halve homelessness in Australia by 2020. This morning marked a major step in the provision of homeless services in this state. We have, as I have previously reported to the house, piloted supportive housing projects in Victoria. Take, for example, the Step Ahead project of Melbourne Citymission, one of the leaders in this area. We know from these projects that when you provide secure, long-term, affordable and supported housing to homeless people, and when you wrap services around them, people get better and move on to lead productive lives.

With this project in Elizabeth Street we are scaling up from the sorts of projects we have with Melbourne Citymission to a much larger project. This \$57 million project will provide 120 supported housing units, where our most disadvantaged Victorians can get help, and 40 two-bedroom units for low-income Victorians. This project is being undertaken in partnership with Yarra Community Housing — one of our housing associations — and HomeGround Services, with which I am sure many members of Parliament will have been associated as it is one of the great organisations delivering services to the homeless.

We will provide to all of those residents clinical services, rehabilitation services, employment services, drug and alcohol services and mental health services. We believe that will address on site — and that is the key — stable and affordable housing to assist people in dealing with the underlying problems which render them homeless in the first place. The project will also provide a major stimulus to the building and construction industry. Initially there will be 145 construction jobs, and there will be a flow-on effect through the building industry more generally. They will be jobs created by the government.

It is appropriate for me to also acknowledge the extraordinary philanthropic contribution made to this project by the Grocon corporation. As the Premier indicated in his earlier answer, the Grocon corporation will be building this facility for the government at cost, which is an effective philanthropic contribution of more than \$4 million. It is a fantastic contribution and one of the biggest ever made to deal with homelessness by the private sector, and we acknowledge Daniel Grollo and the Grocon corporation.

Mr Seitz interjected.

The SPEAKER — Order! The member for Keilor knows not to interject in that manner, and I ask for his cooperation.

Mr WYNNE — The member for Keilor is a very strong advocate of homeless services. The Victorian government has always led the way in the provision of homeless services, and it is not just me saying that as a minister; it has been widely recognised by independent bodies such as the Australian Institute of Health and Welfare that Victoria leads all of the states in terms of its provision of homeless services.

It is in that respect that we can build upon the wonderful work that all of our community organisations do in this area. This is a great time for housing and for dealing with homelessness. The extraordinary contribution made by the federal government yesterday builds on the record \$500 million investment by this government in 2007–08 in housing and in dealing with homelessness, which is a record investment by any state government ever. Of course that will provide a further \$1.5 billion of new money from the federal government — assuming the stimulus package is passed by the federal Parliament — which would lead to the building of a further 5000 units of housing over the next two years.

Mr K. Smith interjected.

Mr WYNNE — The member for Bass, more than any other person, would know very well the importance of those 5000 units of housing. This builds on the very successful renegotiation of a new commonwealth-state housing agreement, which will deliver a further \$1.4 billion to Victoria over the next five years, and of course the record achievement through the COAG process, led by our Premier, of another \$156 million over the next four years specifically targeted for homelessness.

I have been associated with housing for more than 20 years. These are record amounts of money that are being provided by this government and by the federal government for housing and to deal with homelessness. Housing and homelessness are not issues about which we should have a political divide. We do not have such a divide because plenty of representations on those issues are made by members on the other side, and I was talking to an opposition member about them just a couple of days ago. We ought to have a bipartisan position on this, and I say to opposition members: you ought to ring up the federal opposition leader and tell him this is the wrong path for him to take.

Honourable members interjecting.

The SPEAKER — Order! I suggest to the Minister for Housing that he not continue to go down that path.

Mr WYNNE — In conclusion, housing and homelessness are issues that do not divide this Parliament. This is an opportunity for us to take advantage of what is an extraordinary contribution by the federal government, which builds on the work of this government over the last number of years. This is a unique opportunity, and we ought to seize it together and speak with one voice.

Budget: surplus

Mr RYAN (Leader of The Nationals) — My question is to the Premier. Given that the Prime Minister has published the revised budget estimates for Australia for the next four years, will the Premier now be open, honest and accountable and detail the revised forward estimates for the Victorian budget for the next four years?

Mr BRUMBY (Premier) — The estimates of course were released in mid-December last year, and I remember at the time the opposition saying, ‘Bring them forward, bring them forward. Don’t wait until January, don’t wait until February. Release them in December’, and we did. The midyear budget update figures are out there. The federal government has revised its figures because it made a major economic statement yesterday. We will be introducing our budget, obviously, in the first week of May. But I reiterate that in terms of the aggregate numbers, in terms of the budget position which the Leader of The Nationals asked me about a moment ago, our budget operating position remains in surplus. I intend that it should remain in surplus going forward, and it will remain in surplus going forward.

We will be running a deficit on the cash account and a deficit on the net lending account, and we will be embarking on the biggest infrastructure project in our history. Obviously growth will be slower in the year ahead than all governments have previously forecast because the world economy has slowed significantly since last year’s budget. The next updates; the quarterly reports, are due out in late March, if my memory is correct. They will contain the latest quarterly estimates, and as we move through to the budget there will be new estimates of the growth in the economy.

Yesterday the federal Treasury predicted growth in the current financial year of 1 per cent and next year at 0.75 per cent. I should say that the building approval

and retail trade figures that came through today for our state were positive. Victoria had the highest value of building approvals of any state in December. It was \$1.3 billion, which was above Queensland at \$1.1 billion and New South Wales at \$0.97 billion. Interestingly, total national approvals were \$4.3 billion, so we are \$1.3 billion out of \$4.3 billion. We are a quarter of the nation’s population and are producing nearly a third of the nation’s building approvals. Retail trade figures out today again show that we are performing better than the national average, with growth in December of 3.9 per cent versus the national average of 3.8 per cent.

Rail: infrastructure

Mr DONNELLAN (Narre Warren North) — 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: can the minister update the house on recent upgrades to public transport infrastructure which have created jobs and supported Victorian families?

Ms KOSKY (Minister for Public Transport) — I thank the member for Narre Warren North for his question and indeed for his great interest in public transport. Last week the Premier and I witnessed several of the first trains travelling across the new 750-metre rail bridge at Clifton Hill. It runs across the Merri Creek between the Westgarth and Clifton Hill stations. This bridge provides improved services for 60 000 people who travel through Clifton Hill each week day. It impacts on 60 000 people each week day. I am delighted to say that since Monday of last week more than 400 000 trips have been taken by passengers through that Clifton Hill junction. It is a \$52 million project which has doubled the capacity of that crucial junction. Everyone who travels through that junction understands the importance of this project and the importance of our investment to remove one of the bottlenecks in our rail network.

We are delivering more services to move more people more often through our rail system. Track by track we are rebuilding our system and the network to carry more passengers than ever before. At the moment we have more than \$1 billion worth of projects taking place on the metropolitan public transport network, work that is occurring now. That is before we even commence on the Victorian transport plan. It is a considerable amount of work before we even commence with the \$38 billion that has been allocated through the Victorian transport plan.

Clifton Hill was a very complex project. It involved the construction of a new 750-metre long bridge which has been developed to fit in with the local environment — that was very important — as well as the existing heritage structures. It involved duplicating the track and upgrading signalling and overhead power between the Clifton Hill and Westgarth stations. These major works have been completed six months ahead of schedule. That means that those 60 000 people who travel through that junction every day have the benefit of these works six months ahead of schedule. This was a very important project. We are investing to make sure Victorians can spend more time with family and friends and less time commuting.

Of course this project sits alongside other projects that are currently under way. There are works under way at Laverton and Westall on rail upgrades, the North Melbourne station works, the electrification that will take place from Sydenham to Sunbury at a cost of \$270 million, the rail extension from Epping to South Morang at a cost of \$650 million and also the 70 new suburban trains that we will be purchasing.

At \$38 billion the Victorian transport plan will deliver 10 000 jobs every year or 100 000 jobs over the life of this plan, and that is very important to the Brumby government. It is very important to Victorians, and I would hope it is very important to everyone in this Parliament. We are getting on with the job of delivering more services to move more people more often, and we welcome the support of those opposite to help us help Victorians.

Taxation: review

Mr WELLS (Scoresby) — My question without notice is to the Premier. Will the Premier confirm that the government is commissioning a confidential external review of Victorian state taxes?

Mr BRUMBY (Premier) — As the honourable member would be aware from the announcements of the Prime Minister and federal Treasurer last year, the federal government has embarked on a national review of taxation.

An honourable member interjected.

Mr BRUMBY — Yes, it is called the Henry review.

Honourable members interjecting.

Mr BRUMBY — He is the secretary of the Treasury. The states have been asked to provide comment to the federal government on aspects of that review, which we will do in due course. In the course of

providing that comment obviously the Department of Treasury and Finance will be undertaking some work so that we can make a well-considered submission to the Henry review. You would expect that would be the case.

Schools: funding

Mr NOONAN (Williamstown) — My question is to the Minister for Education. I refer to the government's commitment to making Victoria the best place to live, work and raise a family, and I ask: as schools return for 2009, can the minister update the house on how the government is supporting families by ensuring that their children have the skills they will need to access jobs in a tougher global environment?

Ms PIKE (Minister for Education) — I thank the member for Williamstown for his question. The government has made a commitment to continually improve the education of our young people here in Victoria. We have demonstrated that in many, many ways and most recently through our new education blueprint. As part of all of our plans there is a plan to rebuild, renovate or modernise every single Victorian school. This year we opened six brand new schools so that students in those areas of the state would have access to high-quality facilities. This year 536 000 young Victorians have started school and that includes 43 000 new preps.

We were absolutely delighted to hear yesterday an announcement by the Prime Minister of an additional \$14.7 billion, which of course will add considerable strength to the Victorian schools plan. The money that has been announced is for every single primary school right across our state. I would be absolutely astounded if anybody would want to take that money away from our children. I would be absolutely astounded if anybody would want to stand in the way of the rollout of those kinds of resources to our families and our kids. I would be absolutely gobsmacked if someone would want to reduce that promise from \$14.7 billion down to \$3 billion. I think Victorians would be horrified if any of their elected politicians actually condoned a plan to reduce \$14.7 billion down to \$3 billion. We are of course absolutely delighted with the opportunity to have those additional resources because they will add further strength to our plans to improve the quality of infrastructure for our schoolchildren.

We are recognised as an international leader in the provision of information technology within our schools. As the Premier said, on the first day of school I joined the Premier to make a very exciting announcement at Hume Central Secondary College. We are conducting

the largest ever trial of mini netbook computers for 10 000 young people. Young people from 340 schools will be part of this trial, looking at the impact of this kind of 24-hour-available information technology and infrastructure for our students, to take their learning beyond the classroom into the home and the other contexts of their lives so that they can learn anywhere at any time.

The impact on rural and regional Victoria of these kinds of devices will be extremely beneficial and will enable great sharing of resources and provide extra opportunities for young people right across the state. Victorian government schools are technology rich, thanks to the unprecedented investment in classroom technology, including the rollout of wireless access points and upgrades to all schools. These 10 000 pieces of new equipment will add to the \$140 million that we provide annually for cutting-edge technology programs, the \$60.5 million development of the ultranet and the \$89.3 million investment in high-speed broadband.

We know the kinds of things that are needed to continue to improve the quality of education for our young people. We are providing those resources. We are continuing to evaluate everything that we do to continually improve it and to further invest, because we want every single young person, wherever they live and whatever their socioeconomic status, to have access to a high-quality education. We perform incredibly well when it comes to national and international comparisons, yet we know that we can never sit still in this area, and that is why we continue to strive for the very best quality education for all our young people.

Taxation: review

Mr WELLS (Scoresby) — My question without notice is to the Premier. Given the Premier's admission that there will be a secret review of state taxes, will the Premier now rule out the introduction of new taxes — —

Mr Batchelor — On a point of order, Speaker, the member in his question has put forward a premise that is untrue, that is false. He knows that, and everybody here knows that. The Premier made no such admission as was alleged. I ask you to rule that his question is out of order and that the member should not make these sorts of imputations in his question.

Ms Asher interjected.

Mr Batchelor — I won't shut up. I will raise these points.

Honourable members interjecting.

The SPEAKER — Order! Before calling the Leader of the Opposition, I advise that the behaviour across the table of the minister and the Deputy Leader of the Opposition was most inappropriate.

Mr Baillieu — On the point of order, Speaker, just a little while ago the Leader of the House indicated by way of joining a debate on a point of order that he abhorred frivolous points of order. He has just committed the sin in his own right. I invite you to rule so.

The SPEAKER — Order! I do not uphold the point of order raised by the Leader of the Opposition. Questions should be factual, succinct and relate to government business. I believe that the member for Scoresby has embellished the Premier's answer. I am not prepared to not hear the question, but I ask the member for Scoresby to ask his question without such embellishment.

Honourable members interjecting.

The SPEAKER — Order! Members of the government will come to order. If I need to call another member of the government, I will do so under standing order 124.

Mr WELLS — My question without notice is to the Premier. I refer the Premier to his previous answer, and I ask: will the Premier now rule out the introduction of new taxes, fees, fines or charges or the increase of existing taxes?

Mr BRUMBY (Premier) — I guess we could get this well-researched question every day right up until budget time, could we not, because these sorts of questions are always asked in the run-up to the budget and the budget is presented in the first week of May? What I can do is refer the honourable member to the recent statement by the Business Council of Australia, which was in fact very complimentary about Victoria. I am sure the honourable member has read the statement. Having read the statement the honourable member would be aware that the Business Council of Australia was very critical of a number of states for increasing taxes in the current global economic environment. It was very critical of New South Wales, it was critical of Queensland, it was critical of South Australia — —

Mr McIntosh — My point of order, Speaker, relates to the relevance of the Premier's answer. The question was quite specific to ruling in or out an increase in state taxation and had nothing to do with the Business Council of Australia. I ask you to bring him back to the question and have him answer that question.

Honourable members interjecting.

The SPEAKER — Order! I fully appreciate that question time has been going for almost an hour. With members' cooperation, we might finish it within the hour. I ask for the debate across the table to stop.

Mr Hulls — On the point of order, Speaker, the fact that the opposition may not like the answer does not mean the answer is not absolutely relevant to the question. The question was asked twice by the honourable member, and the Premier is absolutely on point in his answer. That the opposition does not like it does not mean it is not on point.

Honourable members interjecting.

The SPEAKER — Order! Just to make sure that all members in this house understand, any member has a right to take a point of order.

Mr Batchelor — On the point of order, Speaker, the Premier was asked the question, and in this instance it referred back to the Henry inquiry, which is a wide — —

Honourable members interjecting.

Mr Batchelor — Yes, it was; the member for Scoresby in his question — —

Honourable members interjecting.

The SPEAKER — Order! The member for Polwarth is warned!

Mr Batchelor — The member for Scoresby in his question on this occasion referred to his previous question, and the answer given by the Premier on that occasion made reference to the Henry inquiry. The Henry inquiry is a wide-ranging review of all taxation in Australia, and the Premier is answering accordingly.

Mr Baillieu — On the point of order, Speaker, it is quite clear the Premier does not want to answer the question and is therefore debating the question and putting his two props up instead.

The SPEAKER — Order! It appears that question time will not be finished within the hour. I go back to the point of order taken by the member for Kew, which was taken within 60 seconds of the Premier having been asked that question. We have now had 2½ minutes of points of order. I think all members need to look at the behaviour of members in today's question time. I am not prepared to uphold the point of order taken by the member for Kew. The Premier had commenced his answer. I believe the information was relevant.

Mr BRUMBY — I was saying in answer to the honourable member's adjusted question that we have been in the business of reducing taxes. We have cut payroll tax. This year payroll tax comes down below 5 per cent. As I said, it is the first time payroll tax has ever been below 5 per cent. Land tax — —

Honourable members interjecting.

The SPEAKER — Order! The member for Warrandyte incurred standing order 124 yesterday. I warn him to cease interjecting in that manner. The member for South-West Coast should also cease interjecting.

Mr BRUMBY — Land tax, as honourable members will recall, has been reduced again. The top rate under the former government was 5 per cent; the rate today is 2¼ per cent. WorkCover premiums have been reduced now in five budgets in a row — a 45 per cent reduction and the lowest premiums in the state's history.

This is what the Business Council of Australia referred to. Other states — some of them — have been putting taxes up; we have been in the business of cutting our taxes. Our tax rates — whether it be payroll tax, whether it be land tax, whether it be stamp duty on owner-occupier purchases — are the lowest in the state's history, and we intend to keep a competitive state to attract investment so that we can generate jobs for our state. We have an excellent record of doing that, and we intend to continue with our excellent record in the future.

Apprentices: government assistance

Mr STENSCHOLT (Burwood) — My question is to the Minister for Skills and Workforce Participation. 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 tell the house how the government is supporting families by helping apprentices while they develop their skills — skills we need to grow the economy and create jobs into the future?

Ms ALLAN (Minister for Skills and Workforce Participation) — I thank very much the member for Burwood for his question and for his ongoing support for jobs and apprentices here in Victoria. As many members of the house already know, the Brumby government has been working hard to help Victorians to gain the skills they need to secure the jobs they want. We are doing this because we know it is good for the economy to have more skilled people. But most importantly the Brumby Labor government recognises

that the best way we can support families is to give them access to a job.

One of the most important functions of our training system here in Victoria is of course giving young people access to apprenticeships. An apprenticeship is a great choice for young Victorians as they get the opportunity to combine both practical work experience with skills and training development.

Apprenticeships are a great choice for the economy. Our apprentices today are the foundation of our workforce in the future. That is why the Labor government has made massive investments in our training system. As a result I am proud to say that in Victoria in 2008 we had more than 100 000 apprentices and trainees registered, which is more than in any other state. That is 100 000 people who are training now and will be the foundation of our workforce in the future. But we have to continue this hard work and to keep on training more apprentices.

The Brumby government has a raft of measures to support apprentices and their employers. They include the apprenticeship and traineeship completion bonus that supports employers in bringing on apprentices — and there are apprenticeship field officers who work right across the state in supporting apprentices in their workplaces — and we have boosted the overnight accommodation allowance to support those apprentices who have to travel to undertake their training.

Because the Brumby government wants more apprentices to undertake training and more apprentices to complete their trade, we have introduced a new apprentice dispute resolution process that strengthens the support for apprentices should a dispute arise. We also have the government's apprentice trade bonus. This is a \$500 bonus that is paid directly to apprentices when they complete their first year of training. This has been a great success in having more young people come in, take on an apprenticeship and stay during the first year, which is a critical time.

Just two weeks ago I was very pleased to present the 90 000th trade bonus to Simon Doherty, an apprentice electrician at Laser Electrical in Bendigo, and to have the opportunity to thank his employer, Gary Frank, for backing young people who go into the trades.

I am sure that Victorians were further delighted yesterday by the news that our apprentices were to receive additional support. On top of all of this support from the Brumby government, apprentices are going to receive additional support from the federal Rudd Labor government following the announcement of an

additional \$950 bonus payment. This is what you get when you have a state Labor government and a federal Labor government cooperating and working together to skill young people for the future and support workers and their families.

We know, however, that some of this is at risk. We know that it appears that the federal coalition is copying the Victorian coalition's play book when it comes to standing for nothing and opposing everything, but we are rejecting this approach. We are working very hard to support more apprentices in gaining the vital skills and secure the jobs that they need now and will need into the future. We will continue to do this through the raft of measures I have already outlined and through our \$316 million skills reform package. That is the single biggest investment in training in Victoria's history that will help more Victorians to get access to more training places so they can get the skills they need for the jobs they want.

SERIOUS SEX OFFENDERS MONITORING AMENDMENT BILL

Second reading

Debate resumed from 3 February; motion of Mr CAMERON (Minister for Corrections).

Mr McINTOSH (Kew) — The Serious Sex Offenders Monitoring Amendment Bill provides a great deal of concern for both sides of the house. However, having said that, from the outset I will say that the opposition will support the amendments proposed to this act by the government. The opposition has facilitated the early passage of this bill through this chamber, expediting the second-reading speech yesterday by the minister. We will do everything in our power to facilitate the amendments not only through this chamber but also through the upper house. I understand there have been some discussions with other parties. The opposition and, I am sure, the government are content that this bill will have passed through both chambers by the close of business tomorrow.

The first I heard about this bill was on Monday afternoon when the minister rang me and indicated that there was a matter of profound concern that had arisen as a result of a recent decision of the Court of Appeal that perhaps undercut parameters on which all of us in this place had assumed the test for granting an extended supervision order by the court would be made. When I say 'undercut' — it was explained to me by the minister — the test was based upon a decision of the Court of Appeal in 2006, which relied heavily upon the

speeches that I and other members in this place made at the time of the passage of the original legislation and amending legislation to set the high-jump bar in a particular position. Regrettably, as a result of a subsequent decision by the Court of Appeal late last year, what the people involved in corrections, applicants and members of this house had assumed was the hurdle changed radically.

Essentially at the end of last year the Court of Appeal determined that the original decision of the Court of Appeal was incorrect. The law of precedent dictates that a previous decision will bind a subsequent Court of Appeal but in this very rare circumstance of the court deciding the original decision was wrong, given that we are talking about the liberty of the subject, the court determined it was in a position to correct the original decision. The subsequent decision of the Court of Appeal at the end of last year perhaps — I use the word ‘perhaps’ advisedly — changed radically the common understanding that had arisen among all members of this place. Indeed reference was made in the decision to a perusal of speeches made during debate on the second-reading stage of the original bill. As I said, this radically changed the view we had about where the high-jump bar or hurdle would be placed in relation to determining the criteria for granting an extended supervision order. Our understanding had been adopted by the original Court of Appeal decision but regrettably was changed by the subsequent decision. This bill seeks to correct that position.

We are all concerned about doing this given that, while we are preserving in the amending bill the decision of the Court of Appeal last year in that particular circumstance, we are setting new criteria for the granting of an extended supervision order that will be a new test for any further applications for extended supervision orders and certainly providing some clarity as to the way sections 11 and 23 of the principal act can be interpreted. As I said, it is very rare for a Court of Appeal to change a precedent decision of its own court. It is also a rare step for this place that a decision has been made to overrule that court decision by way of statute for all subsequent decisions in relation to the granting of extended supervision orders.

Having said that, I will provide my understanding of the circumstances. In doing so I again acknowledge that this is probably what we do best in this place in that there is cooperation between both sides to achieve an outcome that all of us see as being important for the community. I am very grateful to the minister, who expedited the matter. We were able to obtain a detailed briefing from the department. The material requested before and at that briefing was provided by the minister.

I am very grateful for that. It certainly enlightened this matter for me.

Importantly, given the serious concerns about this bill, the consequences of not amending the legislation are pretty devastating. It has been put to the opposition that if we do not pass this bill the extended supervision orders which place strict controls on the movements and actions of as many as 20 or 30 people both in Ararat and out in the community could be radically changed by the decision of the Court of Appeal last year. Everybody understands those extended supervision orders have been put in place to protect the community. As I said, the common understanding of all of us as to what the hurdle would be has been changed as a result of the court’s decision.

Extended supervision orders leave all of us with some degree of concern. We all understand that when someone is convicted of a particular offence, if someone is convicted of murder, for example, they face the consequences the Parliament dictates in the sentencing provisions for that offence. If they are convicted of rape, they face the consequences of the sentencing provisions for that offence. We all understand that one of the consequences is that the offender is deprived of their liberty and sent to jail. With extended supervision orders and the provisions of the Serious Sex Offenders Monitoring Act you do not have a defined outcome. You do not have a conviction. All you have is a concern or an expectation but that is not sufficient to invoke the provisions of the act. Most importantly this comes about because there is a real fear among the relevant authorities in Corrections Victoria, the Adult Parole Board of Victoria or otherwise that there is a likelihood of someone reoffending.

Originally this only related to child-sex offences, but it was later amended to take into account adult sex offences such as rape. The consequences of someone who has been convicted of these offences reoffending can be quite serious not only for the victims but also their families and the burden that may place on the state. In all of those circumstances this place was concerned. That concern had been expressed to me by a number of people in corrections and the parole board before the original act was passed.

I am sure the current and former ministers had those concerns expressed to them. Indeed I recall talking to someone involved in corrections who described it as saying after you have interviewed someone who has been incarcerated for a number of years, after they have refused to attend any appropriate treatment, after they have refused to attend any appropriate programs, you just know they are likely to reoffend. Previously once

they got to the end of their term of imprisonment they were released back into the community, where regrettably they were free to reoffend. As I said, the consequences of that exercised the minds of every member in this place, and notwithstanding the fact that you do not have any defined outcomes such as a conviction — it is only a belief — the government had to determine a particular hurdle over which a court would have to jump in granting an extended supervision order.

The criteria for the granting of an order are set out in section 11 of the principal act. Section 23 of that act provides for the review of such an order. The original grant can be up to 15 years, but there is also provision to have it reviewed regularly. As I understand it the respondent or person against whom the extended supervision order is made can invoke the provisions to have the order reviewed if there is new material. A number of clinicians are called in to give evidence. Their material has to be dealt with in a fairly circumspect way, because you are not dealing with an actual crime, you are dealing with a belief, an expectation, a concern. All of those people give their evidence, but it can never be concrete. You can never be absolutely sure that someone is likely to reoffend. You can be personally convinced, but you have to prove it to a particular point.

The criterion set out in the original act was that there be 'a high degree of probability that the offender is likely'. That is set out in sections 11 and 23 of that act. The person involved in the 2006 case is known only by the initials TSL, as quite strict confidentiality provisions are provided in relation to all of this, again because you are dealing with a belief, an expectation, a concern rather than the concrete fact of a crime and a conviction following the requisite standard of proof being established. The identity of people is protected by the strict confidentiality provisions surrounding this.

In the case of TSL the court found — and again I will use my interpretation — that yes, there has to be a high degree of probability or likelihood that the offender could re-offend if released, the consequences of which could be quite serious. But it is difficult to establish a mathematical formula. It is hard to say if it is going to be a 75 per cent chance or a 25 per cent chance. The court essentially said you do not have to prove it is going to be 50 per cent plus one; you do not have to prove a mathematical formula. You weigh up the evidence that can be called by both sides, and if the court believes there is a high degree of probability that the offender is likely to commit the offence, which does not come out as a mathematical formula, then the court may extend the supervision order — and only in those

circumstances where there is a high probability after weighing up all the material.

Unfortunately the decision of the Court of Appeal at the end of last year changed that. In effect it said you have to establish a high probability that the offender is likely to reoffend, and that means essentially 50 per cent plus one. As I understand it from the minister and from the second-reading speech, in the case of female sex offenders, paedophiles or people involved in child pornography, a lot of the mathematical assessments of the likelihood have not necessarily been validated, so it is an unknown concept. The court radically changed that concept.

The bill substitutes a new test for that, given the decision of the Court of Appeal on the last occasion. It sets out new criteria in clauses 4 and 5, adopting, as I understand it, the words that have been put in place in similar legislation in New Zealand. Proposed section 11(2A) says that:

... an offender is likely to commit a relevant offence if there is a risk of the offender committing a relevant offence and that risk is both real and ongoing and cannot sensibly be ignored having regard to the nature and gravity of the possible offending.

In proposed section 11(2B) there is an embellishment which says:

For the avoidance of doubt, subsection 1 permits a determination that an offender is likely to commit a relevant offence on the basis of a lower threshold than a threshold of more than likely than not.

The difficulty was caused by that embellishment or interpretation of the current provision, which is that you had to establish that it was more likely than not — in effect a mathematical calculation.

The bill inserts a new determination for subsequent offences. In relation to existing extended supervision orders clause 6 inserts proposed section 52, which essentially provides that same interpretation for existing extended supervision orders. Anything further has the greater, the higher or the better test, which is set out in clauses 4 and 5 which insert changes to sections 11 and 23. A mechanism is provided for interpreting the current regime. That all means that extended supervision orders subsequently will be conducted under the new tests set out in clauses 4 and 5, which insert proposed subsections 11(2A) and 23(2A) into the principal act. When dealing with any existing extended supervision order, for an abundance of clarity they are providing an interpretive tool to say what the Court of Appeal interpreted is not correct, and we are not going

to have a mathematical formula that is 50 per cent plus one.

I will say that the opposition — and I am sure the government — is uncomfortable about imposing a new interpretive tool for existing extended supervision orders. I can understand a substitution for prospective, further or subsequent extended supervision orders that may be sought in the future. But going back and providing a new interpretive tool is a rare step.

I emphasise that the government at least has preserved the rights of the parties in the Court of Appeal case of RJE at the end of last year. That case has been specifically preserved. But in relation to the existing extended supervision orders there is an interpretive mechanism that is set out in clauses 4 and 5 of the bill. It is a rare step to move expeditiously to change a decision of the Court of Appeal to substitute a new interpretive regime even for existing extended supervision orders, but in these cases the opposition understands why the government has moved so quickly. We are concerned that if there are 20 or 30 applications that might be brought back on review, it may cause a great deal of concern in the community.

The consequences to the community if someone were released and re-offended, the gravity of the outcome of the sex offence, particularly against a child — which was the basis of the original legislation — would be appalling, and the consequences to the community would be unacceptable. It does not sit well with the opposition, and I expect it does not sit well with the government. It is a necessary step, as the rather draconian Serious Sex Offender Monitoring Act is, because you are not certain, and it is perhaps a belief or a concern or an expectation that leads to seeking extended supervision orders.

I had the opportunity to go to Ararat prison and see the facilities that some convicted sex offenders are kept in. I readily accept that the government is doing all in its power to maintain the most humane conditions possible for the keeping of people who are incarcerated there or, should I say, kept in the facility; they are not actually kept inside the prison walls but outside in another area. All of this is a matter of profound concern.

I understand why the Court of Appeal made the decision it did. The liberty of the subject is something that is paramount in how courts go about their business. If there is a problem in legislation, the courts always seek to clarify that. Issues of liberty are always interpreted for the benefit of the defendant or respondent. Sometimes you need to move quickly, and I certainly understand why the government has moved

quickly in these circumstances. Having said that, I reiterate that the opposition is more than willing to facilitate the passage of the bill, although it is not happy about it, and that it supports what the government has done in moving as expeditiously as possible to rectify this significant but understandable problem.

Ms GREEN (Yan Yean) — I am pleased to join the debate on the Serious Sex Offenders Monitoring Amendment Bill. There are very few matters of public policy or things that happen in the community that unite the community in one voice and one opinion as much as the abhorrence of almost the whole community regarding crimes of a sexual nature, particularly when the victims are children but also when they are adults. I am very pleased to see that the unanimity of the views of the community is reflected in the opposition's support. I thank the opposition lead speaker, the member for Kew, whose contribution was just prior to mine, for indicating the opposition's support for this bill.

Sex crimes, their implications, their sentencing and their effect on the community are things the government has taken very seriously. That is why during the last Parliament, which was when I entered Parliament, we established the Serious Sex Offenders Monitoring Act 2005, which contains provisions enabling the courts to make extended supervision orders for perpetrators of sex crimes. This was deemed to be necessary because the evidence in Victoria, Australia and worldwide suggests that sadly — and we do not necessarily know why this is — perpetrators of sexual offences are more likely to reoffend than any other type of criminal.

The decision to create extended supervision orders was not taken lightly. With most other crimes, most members of the community would say that if you have done the time, you should be able to rejoin the community and it is assumed that you will have your chance at rehabilitation. The regime of extended supervision orders was created under the Serious Sex Offenders Monitoring Act in order to provide greater protection to the community. In the community safety policy that the Labor Party took to the last state election, we indicated that we would strengthen some of these measures and work with the Sentencing Advisory Council to improve the scheme for those serious sex offenders who pose a high ongoing risk to the community.

I welcome the fact that in the annual statement of government intentions, which was presented by the Premier yesterday, there is an intention to further strengthen the laws this year through the Serious Sex

Offenders (Detention and Supervision) Bill. I look forward to a similar amount of unanimity of support for that down the track.

On 18 December last year, just prior to Christmas, the Court of Appeal brought down a decision in *RJE v. Secretary to the Department of Justice*. This decision has seriously jeopardised the regime of extended supervision orders and has required a speedy clarification so that there is not a flood of successful appeals along the same lines as that case.

The decision to amend the legislation through the bill before the house was not made lightly. I place on record my thanks to the opposition for agreeing to a truncated process to have the bill pass speedily through both houses of Parliament this week, and I would very much like to thank the Department of Justice staff who have worked very quickly to have this dealt with in the first sitting week following that decision of the Court of Appeal. With those words, I commend the changes to the regime of extended supervision orders contained in the bill before the house and wish it a speedy passage.

Mr MORRIS (Mornington) — It has been a very civilised debate so far, and I will try to maintain the tone that has been established. It is a pleasure to have the opportunity to make a few comments on the bill. As the member for Kew indicated, the opposition recognises and appreciates the situation the government finds itself in.

The Court of Appeal decision on 18 December last year put the government in a difficult position and it has acted at the first opportunity. While I am never a fan of introducing and whacking through bills within a couple of days, I think it is more than reasonable to accommodate the need not only of the government but of the community on this occasion.

Nevertheless it is important to make the point that Parliament should give proper consideration to matters of this nature because, after all, we are talking about the deprivation of liberty. That is a serious step to take under any circumstances, no matter who is being deprived of their liberty, and these sorts of blunt instruments should only be entertained under truly exceptional circumstances, and I expect that these cases are truly exceptional. As a matter of principle and as a general rule these things should only be enacted after the Parliament and the community have had the opportunity to reflect on the implications of the decision.

Unfortunately the original bill went through under similar circumstances. It was introduced and second

read on 22 February 2005, passed by the Assembly the next day and received royal assent on 1 March. As far as I am concerned the saving grace is that these orders are only able to be dealt with by the Supreme Court and by the County Court, so there is an obvious built-in safeguard, although, as the Court of Appeal decision indicates, that can bring its own problems as well. Unfortunately the Scrutiny of Acts and Regulations Committee (SARC) has not had the opportunity to address the issue. I will certainly look forward to its comment, retrospective though that will be, because there are a number of issues that that committee's members could get their teeth into.

The minister was quite right when he said the second-reading speech that the community is concerned about offenders who have demonstrated and been clinically assessed as having a proclivity towards this type of offending. He went on to assert that the extended supervision orders have prevented further crimes from being committed. I am not sure that assertion can be proved, but I certainly suspect that it is in fact the case. It is certainly correct to say that even a moderate risk of such offending is unacceptable if it involves a risk of serious sexual offences because of the impact of the crimes, particularly on victims but also for the community generally. I would imagine it would be difficult to ever recover from such crimes. A sexual offence has an horrendous impact and does an enormous amount of damage, and that is why this matter needs to be considered.

It is interesting that in 2005 when the bill went through there was a move to extend the application of the act to other areas, and it has been extended since then. The government has taken the view that it has gone as far as it can go. I suspect the community probably has a different viewpoint, and perhaps that is an issue that could be addressed further down the track when the amendments that have been foreshadowed might be taken into consideration.

The bill is essentially a direct response to the Court of Appeal decision, *RJE v. Secretary to the Department of Justice*. If Parliament allows the impact of that decision to remain unaddressed, the principal act and the processes that are in place under the principal act will almost certainly be fatally compromised. The act essentially will not be worth the paper it is written on. In that sense alone these amendments are justified.

The crux of the issue is the interpretation of the word 'likely' in the principal act — in section 11(1), which is about the making of an extended supervision order (ESO), and section 23, which is about the determination of review of an ESO. I will quote from the majority

judgement of Justice Maxwell and Justice Weinberg, paragraph 53 of which states:

We conclude, therefore, than on ordinary principles of interpretation the meaning of the word 'likely' in section 11(1) of the monitoring act is 'more likely than not'.

They had already made the comment in paragraph 37 that 'more likely than not' required a probability of greater than 50 per cent. I understand that evidence was given during the course of the hearing that indicated the likelihood in that case was less than 40 per cent. Clearly this reduces this whole matter to an actuarial discussion, and these things are far more important than that, so I am more than happy to support the amendments proposed by clauses 4 and 5 — that is, the introduction of new sections 11(2A) and (2B) and section 23(2A).

During the course of the briefing yesterday a comment was made — and I believe it to be correct — that the amendments proposed under clause 4 introduce a more qualitative test. That is probably right and, in terms of the review, that is a concept that we could consider extending and applying more, because putting in qualitative tests will improve the outcomes for everyone concerned. It is a concept that is certainly worth examining.

In the time remaining I want to refer to other factors that are not explored in this bill. As I said, Justices Maxwell and Weinberg handed down the majority decision. There was a separate but concurring decision from Justice Nettle. The majority view determined that the meaning of 'likely' need not be determined by reference to section 32 of the Charter of Human Rights and Responsibilities Act — that is, as far as possible statutory provisions must be interpreted in a way that is compatible with human rights. Justice Nettle had a different view to his colleagues. His view was:

... the making of an extended supervision order of itself so restricts an offender's right to move freely within Victoria and to enter and leave it ... and his right to privacy ... if not his right to liberty ... that it is not capable of demonstrable justification in the relevant sense unless the risk of the offender committing a relevant offence is at least more likely than not.

He accepted that the Parliament's intention at the time of enacting section 11 was that 'likely' need not mean 'more likely than not', but with the adoption of the charter he asserts:

To adopt now the construction which I prefer is to accept that the intention has changed. But that appears to be the way in which the charter was intended to operate.

Notwithstanding the minister's comments in the statement of compatibility, it does bring into question

the effect on other statutory instruments and how they are impacted in unexpected ways. I will look forward to SARC's comments on those issues.

In conclusion I do have concerns about the time lines but I accept the necessity. I believe the bill could have been improved by committee scrutiny, but I accept that that must be done retrospectively and cannot be done earlier. I certainly accept the government's amendments as the most acceptable way available at the moment to protect the community and to protect people who are subject to these orders. As members of the opposition have said, we certainly will be supporting the bill.

Mr CAMERON (Minister for Corrections) — At the outset, I thank the members for Kew, Yan Yean and Mornington for their comments and the way this debate has been conducted. In particular I think the member for Kew for facilitating the passage of this bill very promptly this week. As the member for Kew said, I explained the legal situation on Monday afternoon, and he quickly appreciated the issues involved. That was subsequently followed up with a detailed briefing. On behalf of the government I again thank the member for Kew and the opposition for the way this matter has been dealt with. It was one of those situations where we wanted to move quickly, and it was appropriate and sensible to move quickly, particularly as the serious sex offenders monitoring regime is about community protection.

As a result of the decision just before Christmas, the government believed it was important to move quickly. The personnel involved at Corrections Victoria and the Department of Justice have done an enormous amount of work over Christmas analysing the issues and the dimension of the problem and trying to bring about a very rapid solution, which has resulted in this piece of legislation. I thank the officers at parliamentary counsel for their enormous input. I also thank the Acting Speaker, because he also had the potential, as any one member of this place can, to delay matters. I thank him for allowing the very speedy passage of this legislation.

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 3 February; motion of Mr HULLS (Attorney-General).

Dr SYKES (Benalla) — I rise to continue my contribution to the second-reading debate on the Equal Opportunity Amendment (Governance) Bill and proceed with discussing the proposition in the second-reading speech that there will be an increased capacity, and presumably it will be the intention of the revamped commission, to take action against systemic discrimination. I note that the Attorney-General has been flagging some examples in his mind of systemic discrimination in the media recently in the commentary on single-sex clubs and single-sex schools. I also note that the Premier, in his annual statement of government intentions, indicates that the government is going to take action on the appointment of women to government boards by having a target of 50 per cent of new appointments to government boards being women.

I ask the minister, when he is summing up, to indicate whether the Equal Opportunity Board under its new approach is going to address a number of issues that I consider are examples of systemic discrimination which impact significantly on the constituents in the electorate of Benalla and many parts of Victoria. The first, which would also impact on constituents in the Acting Speaker's electorate, is the issue of country students being discriminated against systemically in terms of access to tertiary education.

The ACTING SPEAKER (Mr Ingram) — Order! I remind the member for Benalla that the bill before the house relates to governance arrangements for the Equal Opportunity Board and is not an opportunity for members to debate equal opportunity. I ask the member to confine his comments to the bill before the house.

Dr SYKES — Thank you, Acting Speaker. I accept your guidance. From my perspective, if there is an intention and a facilitation by a restructuring of the board, as the legislation provides for, to undertake investigations into systemic discrimination, then prior to receiving your guidance I would have thought it reasonable to raise some examples on which the minister could make comment. It being the case that you are in the chair, and I respect the position of the Chair, I will not proceed to list a number of examples of discrimination in country Victoria which certain subgroups of the population felt could perhaps be addressed.

A concern we have is that if we are going to have the creation of a full-time commissioner and replace the well-recognised structure of chair, board and commissioner, and if we are going to have a concentration of power in the hands of that commissioner, as was raised in some detail by the member for Box Hill, like the member for Box Hill I have concerns about how that may operate. It would be of concern to me if that person were subjected to undue influence by any party or if through their own particular philosophies or approach to life they proceeded down a course that showed some form of bias. The reason we have chairs and boards in place to manage large corporations and government authorities is to provide a balanced approach to the delivery of services and the implementation of the general philosophical objectives of the overseeing body. The removal of that guiding influence is of concern to me personally as a member of The Nationals and to me as a member of The Nationals and Liberal Party coalition. That means we will have great difficulty in supporting the bill in its current form.

The other concern, which was again mentioned by previous speakers, is the issue of this bill and the restructuring of the Equal Opportunity Commission in the context of the broader philosophy in relation to the Charter of Human Rights and Responsibilities, which is covered in the second-reading speech. We again have a concern about the direction of this new structure and how it will affect the administration of the legislation.

Equally there is an underlying concern that the use of the provisions of the equal opportunity legislation under this new structure can result in misuse of the power and a waste of the time of the commissioner and the time of the staff in the commission to the point where we have it being abused and used, as has been demonstrated by the charter of human rights, by criminals and by other people who basically sought to frustrate the administration of justice rather than protecting the rights of individuals and those who need protection, as was originally intended. We are concerned that this restructuring proposal is a continuation of that, so while the intention might theoretically be good, the discharge of the duties and the abuse of the system by members of the public may frustrate the intention being achieved.

Mr HUDSON (Bentleigh) — It is a pleasure to speak in support of the Equal Opportunity Amendment (Governance) Bill. This bill delivers a modern and effective structure for the operation of equal opportunity and human rights in Victoria through the Victorian Equal Opportunity and Human Rights Commission. It lays the foundations for the government's election commitment to expand the capacity of the commission to address systemic

discrimination and it delivers on the first part of our response to the recommendations of the Equal Opportunity Act review conducted by Julian Gardner.

We need to recognise that the Victorian Equal Opportunity and Human Rights Commission is unique. There is no other state body in Australia that has the range of expansive powers and responsibilities that this Victorian human rights body has. It has responsibility for the Equal Opportunity Act. We have the unique Racial and Religious Tolerance Act, and of course we have a new area of work emerging under the Charter of Human Rights and Responsibilities.

The commission has an important role in Victoria in conducting research and educating the community about human rights. It has a free telephone advice line, it has an education and consultancy service which is tailored to the needs of workplaces, and of course it also deals with individual complaints. Last year it dealt with 2168 lodged complaints, which was an increase of 23 per cent on the previous year. So the commission has a key role in supporting Victorians to deal with discrimination, particularly in areas such as discrimination in employment, and because of disability or impairment, which is one of the areas in which —

The ACTING SPEAKER (Mr Ingram) — Order! The member for Bentleigh! I reminded the last speaker about the nature of the bill. It does not allow members to look at all the work of the commission. It is about the governance.

Mr HUDSON — I am talking about the bill — —

The ACTING SPEAKER (Mr Ingram) — Order! I just remind the member for Bentleigh to stay relevant to the bill.

Mr HUDSON — Acting Speaker, I accept your wise guidance. It is important to remember that all of those figures represent real people, and the reason why we are changing the structure of the commission is not just to deal with the individual complaints which I was bringing to the attention of the house but also to point out that it is going to be important in the future for the commission to have a more strategic focus on systemic discrimination.

Systemic discrimination, as members of the house will be aware, can often not be seen but can nevertheless create unfair barriers for people in our community. I will quote one example, if I may, of a woman who required a wheelchair and booked a room via the internet in a large city hotel. She specifically requested wheelchair access. She received an email confirming the booking and a deposit was deducted from her credit

card; however, a later email advised that a wheelchair accessible room was not actually available, as the booking was for a standard room. Given that this was not suitable, she cancelled the booking to find that the hotel refused to refund her the deposit, and it appeared that the internet booking system was one that treated disability requirements as ‘special requests’ which could then only be processed once a booking had been accepted rather than as a condition of a reservation.

That is an example of where systemic discrimination is built into the operations of a hotel which the commission, with the new governance structure and with the new arrangements, will be able to look at more systematically. We know that the areas of employment, accommodation and disability and impairment are the main areas in which people do suffer significant discrimination.

This incident is not an isolated one, and the Equal Opportunity Act review conducted by Julian Gardner has made two key recommendations. It has recommended, firstly, that the commission have the power to initiate an investigation or inquiry, and the power to issue a compliance notice that would be enforceable and appealable at the Victorian Civil and Administrative Tribunal; and secondly, it recommends a change to the governance arrangements of the commission. The review found that there was a lack of clarity around the roles of the chairperson of the commission and the chief executive officer; and it also found a lack of clarity as to whether the commission members operated as a board of governance or as an advisory board.

I remind the house that that confusion was created by the amendments introduced by the Kennett government in the early 1990s. What happened was that the then Attorney-General, Jan Wade, sacked Moira Rayner in 1993 because she spoke out against the discriminatory policies of the Kennett government. The Kennett government was going to close Fairlea Women’s Prison and transfer all the inmates from Fairlea to the Jika Jika high security unit at Pentridge prison. Just imagine that — Jika Jika for the women! Women who were often in there for low-level drug and prostitution offences were going to be transferred to the men’s high security unit at Pentridge.

The commissioner at that point made an application to the Equal Opportunity Board to prevent that closure. Not only did the Kennett government sack the commissioner but it abolished the position altogether and legislated so that commission members could be ‘removed at any time’, which meant ‘removed at the will of the government’.

I put it to you, Acting Speaker, that human rights are not subject to the whim of the government. Human rights are immutable. Human rights are embedded in the Charter of Human Rights and Responsibilities. They are embedded in our equal opportunity law. We need an independent and robust commissioner and commission that can investigate complaints and look at systemic discrimination without fear or favour, and of course the commission was not able to do that when it was nobbled by the Kennett government.

What these amendments do is rectify that situation. They put the commissioner in a position of independence, appointed for a period of five years, with a board that will provide strategic advice to the commissioner. The individual complaint-handling responsibilities that have been taken up to a certain extent by board members will be removed from the board and they will be appropriately delegated by the commissioner through to the chief operating officer and to appropriately skilled staff. It will be a modern, efficient and effective governance structure for the commission to take us into the next decade.

We have yet to see the next tranche of reforms foreshadowed by the Attorney-General, but that will allow the commission, under the commissioner, to undertake more extensive work in relation to systemic discrimination and to more effectively fulfil its responsibilities in relation to the Charter of Human Rights and Responsibilities that applies not only to government and government bodies but also to the private sector.

I want to commend the work of Julian Gardner and finish with a quote from the speech he delivered at the launch of his report:

No law, by itself, can eliminate discrimination, but what this report proposes is a way forward: a more modern act, one that builds on the charter and which substantially changes the focus of the commission's activities from a body that is required primarily to process complaints to one which advocates for the act and which has the capacity to tackle systemic discrimination.

I would like to thank Julian Gardner for his work. He has been a long-time advocate for human rights and the law in Victoria. I want to thank Fiona Smith, the most recent chair of the Equal Opportunity and Human Rights Commission, and Helen Szoke, the chief executive officer. We, in Victoria, are lucky to have such fine advocates for greater equality and human rights. I commend the bill to the house.

Ms ASHER (Brighton) — As has already been indicated by the member for Box Hill, the coalition is opposing this bill.

Mr Hudson — Shame!

Ms ASHER — I want to take up the interjection of 'Shame!' from the member for Bentleigh and indeed the comments made yesterday by the member for Yan Yean. They seem to confuse opposition based on governance structures with opposition to the concept of equal opportunity. Let me say at the outset that I completely support — and supported in 1977 — the Hamer government's Equal Opportunity Act. I was around then — not in Parliament, but I was certainly around the political scene. A lot of work was done by one of my predecessors in the seat of Brighton, Jeannette Patrick.

I also sat on a Scrutiny of Acts and Regulations Committee review of the Equal Opportunity Act when I was on the back bench in the early 1990s. That particular report recommended a number of changes, including expanding the grounds of discrimination, and the Kennett government adopted those improvements to the Equal Opportunity Act.

There is no doubt where I stand. I have been an advocate of the legislation since the 1970s, and I suspect there are not too many people in this chamber who have been an advocate of equal opportunity legislation since the 1970s. I remember the key case of Deborah Wardley, or Deborah Lawrie, that made this legislation famous. She had applied to become a pilot with Ansett Airlines. She scored the requisite number of points on the independent test to be a pilot, but she was knocked back.

Ms Munt interjected.

Ms ASHER — Deborah Wardley, Deborah Lawrie — you choose a surname. She used two. It was independently judged that, even though she had the required number of points to be a pilot, she could not be simply because she was a woman. It was a landmark case, and I was very proud that the Hamer Liberal government introduced legislation to make that a case of discrimination. However, this bill is about governance, it is not about the principles of equal opportunity.

The current structure — you can argue whether it is adequate or not, and I am open to views on it — is a chief executive officer who is the chief conciliator and a board of up to five members. The bill proposes a board of up to seven members to be chaired by the commissioner as well as a range of other reforms in governance. But that is the sticking point for the opposition — not the concept of equal opportunity, but the model of governance that has been put forward in

the bill. The key objection from this side of the house is that the commission has a full-time CEO (chief executive officer) and chairperson of the board who will be the same person. This flies in the face of modern governance, which specifies — and it is throughout the corporate sector and throughout the government sector — that you have one person as chair and another person as CEO.

We do not like the concentration of power. We do not like that structure, and that is the reason we are opposing this legislation. It is a nonsense for the other side of the house to complicate our objection to this structure of governance with our support for the concept of equal opportunity legislation.

I also point out that in the second-reading speech the government referred to the Gardner report entitled *An Equality Act for a Fairer Victoria — Equal Opportunity Review*, which was the final report published in June 2008. I am prepared to indicate that there are many things in the Gardner report on which I imagine I will be speaking when future bills come to this place, but one of the issues that I find curious is that although Julian Gardner devotes chapter 7 to a governance structure, the government has rejected the recommendations of the Gardner report in terms of structure. The government gives the impression in the second-reading speech that it is adopting the recommendations, but it is not. Indeed I refer to page 139, where Mr Gardner makes the point that:

The model best suited to the commission's new broad mandate is a commissioner supported by a board with a strategic oversight function.

He then goes on to say:

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

In actual fact the bill before the house contradicts that recommendation. Again I quote from the report, this time from page 142:

While the CEO will report to the commissioner, he or she should be appointed by the board, which will also monitor his or her performance, ensuring the board's governance role. In practice, the commissioner should chair a selection committee of board members that makes a recommendation to the full board on the appointment of a CEO.

But the government has chosen to have the same person in what is in effect the CEO's role and the chairperson's role. At point 7.28 the report says:

Under the recommended model, the commissioner, rather than the board, will delegate operational responsibilities to the CEO. The CEO will be appointed on a full-time basis and would not be a board member but would attend meetings.

As I said, I do not think everything in this report is gospel, but I make the point that the government gave the impression in the second-reading speech that it was following its own review, but it clearly is not.

The more modern governance structure, where the chair and the CEO are two different people, is a much better model. It introduces much greater scrutiny and is much more transparent. That is the basis of the opposition's lack of support for this bill before the house.

I want also to reply to a number of points raised by the members for Bentleigh and Yan Yean. Because the second-reading speech was very broad and referred to the first iteration of the Equal Opportunity Act in 1977 and to the previous government's changes in 1993, the members for Yan Yean and Bentleigh made much reference to Moira Rayner, a cause célèbre of the Left. I will refrain from individual comment on Moira Rayner. I think equal opportunity is bigger than individuals.

I wish to use my experience in this place and in politics generally to acquaint members of the Labor Party with what they did when in government earlier. I refer to an article in the *Age* of 2 December 1989. I remember reading this headline:

McCutcheon forces equal opportunity commissioner to quit.

The first paragraph of that article says:

Victoria's equal opportunity commissioner, Ms Barbara Wertheim, has resigned under pressure from the Attorney-General, Mr McCutcheon.

For those members of this Parliament who do not remember Mr McCutcheon — the member for Albert Park will, as he was from his territory — he of course was an Attorney-General with no legal qualification. He was not regarded as being sympathetic to women's rights. He was recorded as accepting her resignation 'without regret'.

We have heard this piece of nonsense from members of the Labor Party who are making allegations against the Liberal Party, including a former Attorney-General, Jan Wade, and the previous Premier. They are indicating that the removal of the structure which resulted in Moira Rayner leaving as equal opportunity commissioner is somehow unique to the Liberal Party, whereas in fact one of their own attorneys-general dismissed the commissioner. I advise the young men opposite — and the not so young ones as well — to read the *Age* of 10 December 1989. I quote:

... there are many who believe the government has lost interest in an issue that was once politically popular.

That is a reference to equal opportunity. The article goes on, in reference to Ms Wertheim, who was sacked by the Labor Party:

She had been tempted more than once to go public about two years of frustrations, lack of money and staff, and a Labor government that spoke nicely about equality of opportunity but, according to many observers, deliberately let the office run down. She is unable to say what she and others believe — that the public service report was initiated in September to provide an excuse to get rid of her.

Again I make the point, quoting the 2 December article:

... it is believed she was asked to resign by Mr McCutcheon during meetings on Thursday and yesterday.

Yesterday I heard railing in this chamber. In fact the Labor Party is guilty of the same offence.

Ms BEATTIE (Yuroke) — It is a pleasure to speak following the somewhat flawed history given to us by an elder statesperson of the house. I have heard the Chair reprimand other members as they have strayed. I will attempt to stick to the governance issues that are contained within the Equal Opportunity Amendment (Governance) Bill 2008.

The bill amends the Equal Opportunity Act 1995 to create a governance structure for the Victorian Equal Opportunity and Human Rights Commission. The purpose of the bill is to create for the commission a governance structure that provides clear lines of responsibility and accountability. It creates a new position of commissioner and provides for the appointment of a board of members with sufficient capacity to provide the strategic oversight of the commission's existing broad responsibilities under the Equal Opportunity Act, the Charter of Human Rights and Responsibilities Act 2006, and the Racial and Religious Tolerance Act 2001.

Before I go to the details of the bill I would like to refute some of the assertions made by the member for Brighton. She asserted that the bill creates a concentration of power in the commissioner. The bill does not do so. On the contrary, the bill provides for the appointment of a board whose members will have strategic oversight of the commission's operations. The bill provides that whilst the commissioner will have responsibility for the day-to-day administration of the commission, that will be done in accordance with the policies, priorities and strategies determined by the board. This is far from a concentration of power and simply reflects good governance principles.

Another assertion put forward by the member for Brighton, which has been claimed also by other opposition members and which I refute, is that the bill

departs from a recommendation of the Gardner review by not providing for a statutory role of CEO (chief executive officer). That is clearly not the case. Whilst the Gardner review recommended that operational powers should be delegated to a CEO, in no way did it recommend that the position be specified in the legislation. To accommodate that recommendation, the bill provides for the power of delegation, which would enable delegation to be made to a CEO. This approach is entirely consistent with that of the Australian Human Rights Commission, which has a non-statutory executive director appointed by and accountable to its president for organisational management and operations.

Members can see that the bill does not depart in any way from the recommendation of the Gardner review. They are the matters put forward by the member for Brighton which I refute.

I will go now into the details of the bill. The bill creates a full-time position of commissioner who is appointed by the Governor in Council for a renewable term of five years. The history of the previous commissioner has been put by other members, who described how that commissioner was sacked overnight at the stroke of a pen. The bill provides that the commissioner will have control of the day-to-day administration of affairs of the commission, in accordance with the policies, priorities and strategies as determined by the board. It provides also that the commissioner will chair a board of between five and seven members. Those board members will be appointed on a part-time basis by the Governor in Council on recommendation of the minister, again for a renewable term of five years.

The bill gives the board a clear strategic oversight function and the power to make strategic decisions and set the organisation's strategic directions. Consistent with the board's new strategic functions, the bill removes completely the board members' complaint-handling functions and powers and allocates complaint-handling powers and functions to the commissioner who can then delegate them to the appropriately skilled staff. The bill abolishes the chief conciliator-chief executive officer position. A separate order will be made by the Governor in Council, timed to coincide with the commencement of the bill.

The commissioner is a public service body head for the purposes of section 16 of the Public Administration Act, and the commissioner can employ staff directly. That is in line with a sound governance and accountability framework.

We have heard a bit of the history of the bill. Members will know that in June 2008 Mr Julian Gardner, a former public advocate, submitted to the Attorney-General his final report. I would like to congratulate Mr Gardner for his report. He has been a tireless advocate for human rights and is to be commended for his work, which made 93 recommendations focusing on four main areas. It was about making modern legislation. We heard the previous speaker talking about Andrew McCutcheon in 1983.

Mr O'Brien — It was 1989.

Ms BEATTIE — Almost 20 years ago. I was going to say over 20 years ago, but I will say almost 20 years ago — I thank the member for Malvern. But it is still old-fashioned legislation from 20 years ago. Twenty years ago there were barely any computers, so I put it to the member for Malvern that that was a long time ago. This is modern legislation that reflects the need to work towards real equality and to improve the law's response to discrimination. It caters for fast and effective dispute resolution, better ways of facilitating and enforcing compliance with the Equal Opportunity Act and improving the commission's governance structure. Mr Gardner concentrated on those four areas, and we see the bill coming forward from that.

I am disappointed that the opposition is not supporting this bill, for the reasons I mentioned. It does need to be modern legislation that reflects a good governance structure. Human rights belong to everybody. We have heard some criticism of prisoners using human rights legislation; I put it to this house that prisoners have human rights too. An incarcerated person does not forgo all their human rights. Human rights are available to everybody, and Victoria is a leader in human rights legislation.

I would just like to touch on one of the aspects of human rights, the right to privacy and freedom of expression, because in the last couple of weeks we have seen cases of high-profile people being chased and photographed. It is fine for the high-profile people, but the families of politicians should not have their human rights abrogated.

I am disappointed the opposition is opposing this legislation, which will carry us forward for many years in the area of human rights. It is well acknowledged throughout Australia that Victoria is a leader in human rights and equal opportunity, and this legislation and Julian Gardner's review are further evidence of our place in this nation as the no. 1 state for human rights and responsibility. I commend the bill to the house.

Mr O'Brien (Malvern) — The Equal Opportunity Amendment (Governance) Bill seeks to alter the governance and complaint-handling processes of the Victorian Equal Opportunity and Human Rights Commission. This bill is the first in a series proposed by the Brumby government, and it seeks to fundamentally change the nature and the administration of equal opportunity laws in this state. While this bill is opposed by the coalition for its flaws and failings, which the member for Box Hill amongst others has set out at length, it would be naive in the extreme to ignore the fact that this bill is really just the thin end of the wedge. What is that wedge?

What is the Labor government's agenda? It is to turn the Victorian Equal Opportunity and Human Rights Commission into an unaccountable agency armed with oppressive powers to storm into schools, workplaces, churches, small businesses and community organisations and compel obedience to the Labor Party's radical social agenda. This bill before the house today is just the first stage in that plan.

This bill seeks to gut accountability within the commission by creating an all-powerful position of commissioner that combines the positions of chairman and chief executive officer. The commissioner will chair the board — the very board that is supposed to be holding the commissioner accountable. This Enron-style model of corporate governance is alien to corporate Australia, but the Brumby government wants to introduce it. The Brumby government wants to introduce an Enron style of corporate governance into Victoria. This style of corporate governance is completely inappropriate for an agency such as the equal opportunity commission.

While purporting to strengthen the independence of the commission, this Attorney-General is in fact weakening the accountability of the commission to the community, and in particular weakening the accountability of the chief executive officer to the board of the commission. Clause 5 of the bill sets out the responsibilities of the board within the government's proposed structure, and proposed new section 163(2) says:

The Board is responsible for —

- (a) determining the Commission's strategic direction and the general nature of activities to be undertaken by the Commission in performing its functions; and
- (b) setting policies, priorities and strategies for the Commission in performing its functions.

Where is the reference to the accountability of this newly created and all-powerful position of commissioner? It is nowhere, because there is no

accountability. There is no accountability for the commissioner under Labor's Enron-style corporate governance model proposed for this commission.

Just as Ken Lay was both the chairman and the chief executive officer (CEO) of Enron and managed to destroy that company and inflict a lot of damage on the community because no-one was there to hold him accountable, Labor is proposing exactly the same style of American corporate governance of the Victorian Equal Opportunity and Human Rights Commission. As the member for Brighton pointed out extensively in her contribution, this is completely contrary to the recommendations of the Gardner report. It is completely contrary to what Mr Gardner recommended. Recommendation 7.20 of his report says:

While the CEO will report to the commissioner, he or she should be appointed by the board ...

I will stop there. This bill is completely contrary to what is in the report because the CEO will not be appointed by the board; the CEO will be appointed by the government. While Mr Gardner recommends the board appoints the CEO, the government has said, 'We will take that power and we will appoint the chief executive officer'. The recommendation then says the CEO should be appointed by the board:

... which will also monitor his or her performance, ensuring the board's governance role. In practice, the commissioner should chair a selection committee of board members that makes a recommendation to the full board on the appointment of a CEO.

You can then combine that with recommendation 7.28, which is:

Under the recommended model, the commissioner, rather than the board, will delegate operational responsibilities to the CEO.

There we are. It is established that the commissioner and the CEO should be exercising separate powers. This should be a delegation of powers from the commissioner to the CEO. The recommendation of the Gardner report is that the same person in one position not exercise all of the powers. There is to be a separation of powers within the commission structure. A CEO should exercise some powers and the commissioner should exercise other powers. That is the model that was recommended by Mr Gardner. but the government has ripped up that model, thrown it in the bin and brought out its own model, where the combined power of the CEO and commissioner is vested in the one body and that person is appointed by the government not by the board.

Recommendation 7.28 says:

The CEO will be appointed on a full-time basis and would not be a board member but would attend meetings.

Under this proposal before us today, the CEO will be a member of the board because that job is combined in the commissioner's job. The commissioner will be a member of the board. There are two clear-cut, black and white examples where the government has ignored and ripped up Julian Gardner's recommendations. It has increased the government's own power at the expense of dispersing power within the commission. Let us not hear any more hypocrisy from members opposite about how this will increase accountability; this will not increase any accountability at all. This simply increases the power of the Attorney-General and his mates to try to run these bureaucracies for their own purposes. That is what this is all about. The reason why the opposition opposes this bill is that when you are giving substantial powers to any statutory appointee, it is absolutely essential that there be proper accountability and proper oversight.

I refer to the comments that the member for Yan Yean made yesterday. She waxed lyrical about Moira Rayner, a former chair of the Equal Opportunity Commission. It is actually a very sad tale because what happened to Ms Rayner when she was an acting chair of the Crime and Corruption Commission in Western Australia is a real example of what happens when there is too much power and not enough accountability.

What happened in that very sad case was that Ms Rayner was the acting chair of the CCC in Western Australia. The CCC was investigating the Clerk of the Legislative Council of the Western Australian Parliament who had embezzled over \$200 000 from that Parliament. While that person was under investigation, Ms Rayner as acting chair of the CCC tipped off that person that he was under investigation. She warned him not to speak lest he be picked up by CCC wiretaps. Ms Rayner quite rightly resigned in disgrace — —

Honourable members interjecting.

Mr O'BRIEN — If members opposite want to defend that conduct as not being corrupt — —

Honourable members interjecting.

Mr O'BRIEN — I hear the interjections of the member for Albert Park and the member for Melton who are defending the behaviour of Moira Rayner in tipping off the subjects of corruption and criminal investigations. That tells you all you need to know

about why the Liberal Party and The Nationals are opposed to this bill: you cannot have this sort of power concentrated in the one position. You should not have a commissioner and a CEO as the one position. You should not have those positions all being appointed by the government when the recommendations are that the CEO should be appointed by the board, because people make mistakes and people are fallible. That is why you need checks and balances built into the system. That is why this model which has been proposed by the government in this bill is completely inappropriate.

This is an Enron-style corporate governance structure, because it is the combining of the CEO and chairman into the one position. It maximises power and minimises accountability. That is going to be exactly the outcome again. When you take that into account with this government's plans to turn the Victorian Equal Opportunity and Human Rights Commission into an agency which will enforce Labor's radical social agenda with draconian powers, you can see why the Labor Party wants to have no accountability and all power. But this side of the house will stand up for the separation of powers and accountability, and that is why we are opposing this bill.

Mr FOLEY (Albert Park) — It is a pleasure to follow the member for Malvern, having just witnessed a trashing of his reputation or whatever little reputation he might have had in this place and any aspirations he may have had to some day be a leader aspirant. Leadership is about being able to lift your vision a bit; leadership is about being able to get above the grubbiness of it. The member for Malvern has just revealed himself to be a first-grade grub — fair dinkum!

It is a joy to rise and support this bill for two reasons. Firstly, it reflects further evidence of this government's determination to modernise and keep the rights and obligations of citizens, organisations and all of those who operate in our society up to date in a contemporary model of equal rights and equal opportunity and establish appropriate governance to ensure this.

Secondly, an even greater reason it is a joy to support this bill, particularly given the depths to which the member for Malvern sank in his contribution, is that it reflects the stark differences between the Labor side of this house and those hopeless troglodytes on the other side of the house when it comes to this issue.

This bill highlights yet again that this government is proudly active in the space of the sensible, modern, democratic role of the state as an agent of change, of applying modern management and outcomes based on

ensuring that justice and fairness are the underlying principles of the type of society we want and therefore justifying, and indeed demanding, that the state be more than just an arbiter and protector of property rights and the last refuge of security and enforcement of law and order and other necessary activities.

This bill forms the basis on which the governance of a modern human rights and equal opportunity commission can start to reflect some of this. This stands in stark contrast to the approach of those in the opposition parties. In their contributions Liberal members have yet again revealed their party to be one with no ideas beyond the blind adoption of opposition to any role for the state in building a modern and fair society. That is because their view of the state is that it is evil and should be wound back. They think the state has no role to play in promoting, defending and extending justice and fairness as social outcomes. Their view is that it is a matter of regret that the state has a role beyond allowing market forces and market relationships and contracts to be let rip on social relationships. These people are backward-looking troglodytes.

Interestingly their rural coalition partners, The Nationals, find themselves in the very odd ideological position of having to sign up to this Liberal Party world view as the price they pay for trying to claw their way back into big white cars. But what they always harbour is a hankering for the role of the state in protecting some of their communities and some of the social relationships they value. That is why The Nationals have perfected the technique of walking both sides of the street, of saying one thing to one constituency in one forum and the direct opposite somewhere else. The member for Benalla reflected that perfectly in his contribution today.

The member for Benalla opposed the bill but wanted to point out a range of examples of systemic discrimination against some of his rural constituency. It was classic Nationals behaviour — say one thing to one group and say the complete opposite to another, except that this time he has been caught out in *Hansard*. That technique is always going to end in tears for our friends from The Nationals. In this modern 24/7 media world with communications and internet availability this kind of duplicity is easily found out and more easily spread to show the hypocrisy involved.

It comes as no surprise that those opposite have decided to yet again show how out of touch they are with the real world. Before I turn to some of the specifics, let me concur with our Prime Minister when he said:

Government, properly constituted and properly directed, is for the common good, embracing both individual freedom and fairness, a project designed for the many, not just the few.

I recommend members opposite go and get a copy of this month's *Monthly* and have a look at the analysis the Prime Minister quite correctly makes of the fact that they have missed the train of history, that their ideological views of the world, as reflected in their opposition to this bill, stand for what they are — out of touch and backward looking. The positions of the two sides of the house on this bill make it clear yet again who stands with the many on the side of fairness and freedom and who stands with the few wanting to restrict and bend the role of the state to avoid its role as an agent of fairness.

Mr O'Brien — On a point of order, Acting Speaker, the member for Albert Park is now more than halfway through his speech, and he is yet to refer to a single provision in the bill. He has spent time attacking the Liberal Party and The Nationals and talking about the Prime Minister, Kevin Rudd, and his article in the *Monthly* magazine. I ask you to draw him back to the provisions in the bill. He is not the lead speaker on this bill.

Mr FOLEY — On the point of order, Acting Speaker, I disagree with the member for Malvern's assessment. I point to the fact that on a number of occasions I have referred to the government's principles around how this bill will operate and that I am shortly about to deal with some of the specifics. That stands in stark contrast to the grubby assassination of Moira Rayner that the member for Malvern sought to incorporate into his speech.

The ACTING SPEAKER (Ms Munt) — Order! I do not uphold the point of order. It has been a broad-ranging debate. The member for Malvern also strayed off the bill somewhat. I ask the member to confine himself closely to the bill for his remaining 3½ minutes.

Mr FOLEY — I will of course abide by your wise counsel in this regard, Acting Speaker. Let us consider then the specifics of this bill. Let us consider the comments of the opposition and quote from the contribution the member for Box Hill made yesterday, which has been supported by a number of members of the Liberal Party so far today. I think I do him credit. According to the *Daily Hansard* he said:

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, and for no good reason. Therefore we oppose the bill.

I contend that this is a lame excuse. The member for Yuroke has already pointed to a range of examples where, to be blunt, the concentration-of-power argument is incorrect, and she said that the bill departs from the recommendations of the Gardner review in regard to the statutory role of the chief executive officer. I refer members opposite to my friend the member for Yuroke's contribution. But what is hiding behind this process of opposition to modern public service management here is that a lot of members opposite find lots of lame excuses about how they want to oppose a revamped and modernised human rights and equal opportunity commission because they oppose modern human rights and equal opportunity.

What we are really talking about when you peel back the layers is whether you support a modern commission charged with a new and exciting role to go about its role as set out in this new bill or you do not. The opposition parties oppose the modernisation and effective operation of this commission because they do not support the delivery of a modern human rights agenda. They do not support the delivery of equal opportunity. They do not support assistance for the powerless and the excluded because that clashes with their failed world view of a contract-based society with a dog-eat-dog mentality and the unfettered role of the powerful over the powerless. It shows that they oppose this sensible bill, which is the first significant step in the implementation of the Gardner review of the current workings of the act, and its focus on extending the commission's role from a bandaid reactive role that allows the sort of grubby activities others have referred to in regard to the contrived dismissal of Moira Rayner by the former Liberal government to a role based on advocacy, leadership, education, human rights and an approach to dealing with systemic discrimination which will be considered by the commission in the future.

Rather than using the forums of this place as an opportunity to score some cheap historic points that some people cannot get over, we should be looking at how in a modern, 21st century world we can build a society based on models and principles of fairness and opportunity that deal with the real issues the people of Victoria expect us to deal with. In this regard this bill is the first stage in enabling the framework for that to occur. It is indeed a pleasure to rise to support the bill. Not only do I congratulate Gardner and the team from the Department of Justice and the Victorian Equal Opportunity and Human Rights Commission which reviewed this work but I also wish the bill a speedy passage.

Mr WAKELING (Ferntree Gully) — It gives me pleasure to rise to contribute to the debate on the Equal

Opportunity Amendment (Governance) Bill 2008. As has been indicated by the member for Box Hill and other members on this side of the house, the Liberal Party and The Nationals in coalition will be opposing the bill. This bill seeks to amend the Equal Opportunity Act by altering the governance and complaint-handling arrangements for the Victorian Equal Opportunity and Human Rights Commission. As has been put by members before me, our party's opposition to this bill is not based on our hatred of the Equal Opportunity Act.

As the member for Brighton has already indicated, it was a Liberal government that introduced equal opportunity legislation into this house back in 1977. Our deep-rooted concern is with the structure that the government has proposed in this bill. The bill seeks through clause 5 to replace the existing structure of a chief executive officer-chief conciliator and a board of five members, which includes a chairperson with a commissioner and a board of up to seven members chaired by the commissioner. As those who have spoken before me have already explained, this will be centralising power with one person performing both the role of chair of the commission and also the administrative chief executive officer functions. This goes against the recommendations that Mr Gardner handed down in chapter 7 of his report.

As much as the government seeks to sugar coat the discussions on this issue, Mr Gardner recommended one thing and this government is proposing to do another. It can seek to do whatever it likes in discussing and explaining how there will be some form of delegation and everything will be fine and everyone will be happy with the outcome, but if they are saying there will be a different person to perform the role of chairperson from the person who performs the role of chief executive officer, the simple solution is to put it in the legislation. The government has the opportunity to put it into legislation, and it has failed to do so. It has failed for one reason — because it does not want to have a separate person. If it wanted two people to perform two clearly distinct roles, it would have put that provision in this piece of legislation.

The bill seeks to do a range of other things. It will allow the commissioner to be made a public service body head under the Public Administration Act 2004, so that the commissioner can directly employ staff. Clause 6 will remove the complaint-handling function from the board and commission and make the commissioner responsible for complaint handling and conciliation with the power to delegate staff. As the member for Malvern indicated, this is just the first round of a suite of changes to the Equal Opportunity Act. Those opposite indicate that it is about modernising the

commission. At the end of the day people who have complaints in 2009 are no different to people who had complaints in 1977. If people believe they have been discriminated against on a range of attributes, they have the capacity to lodge a complaint with the commission. That has been the role. It is no different from people who seek to lodge complaints with various industrial relations jurisdictions throughout this country if their employment has been terminated.

However, this government is seeking to turn the system of equal opportunity on its head. It will change from being a system that enables individuals who feel aggrieved by an act that has been perpetrated upon them to make a complaint. The government is seeking to establish a group of individuals who will proactively look into workplaces, sporting clubs and church bodies and do their own investigation to determine whether or not those organisations have in some way, shape or form systemically discriminated against an individual, even if not one person in that organisation has made a complaint.

I do not understand how a system that turns over the equal opportunity system that we have had since 1977 is justified in this current environment. I do not understand what dramatic thing has happened in the last two years to call for this change. People in this state, as in every other jurisdiction, have the capacity to lodge a complaint with various bodies if they believe they have been wronged. In the area of discrimination they can lodge a complaint with the tribunal, so there is no clear indication as to why we need to move to such a system.

Those opposite have said that the justification for changing the administrative structure is linked to the requirement for setting up a system which now allows for a focus on systemic discrimination. I do not understand how the two are at all linked. One is talking about the role of the administration, about whether or not the same individual who is potentially going to be deciding on matters should be performing the role of an administrative head. Various bodies around this country have two clearly separate roles performed by different individuals. As the member for Malvern indicated we only have to look at what happened in the case of the Enron Corporation. Those opposite were complaining about that, but most of them clearly did not understand what the Enron decision was about. We believe there is a clear need in this legislation for a distinct separation between the role of a chief executive officer, who is going to be performing administrative functions, and the role of the commissioner, who will be overseeing matters that come before the tribunal.

Those opposite can go on about the role of the Kennett government. As the member for Brighton said, let us get a few facts on the table. One, it was the Liberals who established the commission, and two, it was the Labor Party that in the 1980s oversaw the removal of the then head of the commission. If we are going to dig up the dirt, let us get those facts on the table. The reality is that if you are going to have a system in place to deal with equal opportunity you need to have a clear delineation between the role of the chief executive officer and the chairman. The member for Yuroke spoke about delegation and a whole range of things. She said, 'Trust us, we know what is right for you. Everything is OK; it will be all right on the day. Leave it up to the board members, they know what they are doing'. In fact if the government is saying there is a clear separation between two roles, it should put that in the legislation so that everyone understands exactly what the role of the chief executive officer will be, as opposed to the role of the commissioner, who will be chairing the board.

There is a range of concerns about this bill. The Gardner report clearly articulated what was expected with regard to this issue. Those opposite have not sought to disagree with our interpretation of chapter 7 of the Gardner report; all they have done is indicate that they believe the two roles will be separate on the day. The reality is that in chapter 7 of the report — the report that those opposite say champions the need for changes in the area of equal opportunity — the key recommendations that were handed down by Gardner on the issue of governance clearly articulate the concerns that have been put forward by the Liberal-Nationals coalition.

Those opposite have a stark choice: they can look at the report and take on board its recommendations, look at the legislation and determine where it needs to be changed and resubmit the bill before the house. What we have before us is not good governance. The role of this house is to ensure we have the best and most effective institutions in place. It is incumbent upon us to ensure we have good legislation; this is bad legislation, and I will not be supporting it.

Ms D'AMBROSIO (Mill Park) — I am pleased to rise to support the Equal Opportunity Amendment (Governance) Bill. A lot has been said about the validity or otherwise of the bill, and I am very keen to highlight how the bill will cause an important shift towards a more modern and responsive justice system in Victoria. It is important that we see the introduction of this bill and the debates surrounding it in this context. The Victorian government and the Attorney-General have a clear and praiseworthy

commitment to upgrading and modernising the justice system, making it more accessible, more accountable and speedier — all under the parameters of what is good for human rights in the community. The bill is another chapter in that very happy story for Victoria.

As has already been mentioned, the bill is one response to the review of the Equal Opportunity Act that was undertaken last year by Mr Julian Gardner. A raft of recommendations arose from that review process, and this bill specifically addresses the issue of the governance of the Victorian Equal Opportunity and Human Rights Commission.

Victoria has a very wonderful and very diverse community, and there is relative harmony between many sections of it — whether they be men, women, disabled people, people of different cultural backgrounds, people of different sexual orientations or the like. However, it is very important to recognise that what underpins relative harmony in a community is the understanding that harmony is relative. There are elements of the community that do not always enjoy harmony in terms of equal and fair treatment in the community. It is also underpinned by strong leadership and instruments of government that are utilised to effect change, including behavioural change for the better in terms of unfair discrimination against sections of our community or individuals within our community. This bill helps to bolster the responsiveness of the commission to achieve that aim. That is very important for us to remember during this debate.

The Victorian Equal Opportunity and Human Rights Commission is an essential institution that underpins the confidence of our community that unfair discrimination will not be tolerated and that redress can be sought. That is very important. The logical step beyond the current governance arrangements of the commission is to increase its capacity to move against systemic discriminatory behaviour.

There has been a lot of scaremongering engaged in by those opposite who have declared their opposition to a modernised governance arrangement for the Victorian Equal Opportunity and Human Rights Commission, which we should remember is underpinned and guided by the human rights obligations of Australia and Victoria. These obligations are quite salutary to the community. Until now the commission has not had the power to seek out or act upon systemic unfair discrimination, it has only had the capacity to respond to the lodgement of complaints. It is very important that we now move to this new phase of a proactive commission which has the capacity, the resources and the jurisdiction to carry out research, effect policy

change and undertake proactive steps towards tackling systemic discrimination. That is something with which our community is very comfortable. Julian Gardner undertook an extensive consultation process in the course of the review. The bill has very broad support in the community.

The government indicated that it would provide this capacity as one response to the recommendations of the Gardner report to facilitate early and tailored dispute resolution opportunities that will fit, if you like, the particular complaints of discrimination and ensure that fair dispute resolution procedures are available for those situations where the issues are straightforward and could be resolved in a speedy and efficient fashion, all the while acting fairly to the parties involved.

It also creates an obligation not to discriminate, irrespective of whether a complaint is lodged or not. That is a very important benchmark and a very important statement to make and one which is very much supported by our community. How timely this legislation is! In the last couple of days we have seen a great example of what can be brought about through collaboration between the state and federal governments in terms of homelessness and providing social housing. In its response to the Gardner report the government will look at bringing to the Parliament new laws which provide protection from discrimination for the homeless and for volunteers in our community and requiring reasonable adjustments to be made for people with disabilities.

This government is moving with community expectations and listening to the debate that has been happening in the community for a number of years about people's perceptions of unfair discrimination. We all know that perceptions change. What may not have been seen to be unfair discrimination a number of years ago may very well be accepted now as such. Other forms of unfair discrimination are static and constant, so I do not want simply to say that a shift in time necessarily takes us to a different understanding of what is unfair discrimination.

The bill will give effect to some of these commitments that I have already stated in response to the Gardner report, especially as they affect the governance arrangements and capacities of the commission. This legislation will make the commission ready to undertake the government's responses in a broader sense to the Gardner report. That is why it is a salutary step forward to mark this government's commitment to change for the better in terms of unfair discrimination. It will give clear definition to the roles and responsibilities of the commission members and to the

full-time commissioner. There has been a lot of discussion about what that means.

Some far-fetched claims have been made which have drawn comparisons between this legislation and the governance of the Enron Corporation. I sincerely believe the member who made that contribution will not want to have a look at how *Daily Hansard* reads tomorrow, because he will probably be very embarrassed by it. I think that is enough said on my part in terms of my rebuttal of his absurd assertions and drawing of parallels. This government does not shy away from tackling unfair discrimination in our community, and I know that the changes made through this bill will serve our community well in moving to the next phase.

Whilst this bill will not be supported by those opposite, I am very clear in my mind perhaps in 10, 15 or 20 years time it may be supported. I remember having a similar debate on the Occupational Health and Safety Act a couple of years ago, and 20 years after the first act was introduced we finally heard an admission from the opposition benches that it was a good bill after all. Hopefully it will not take another 20 years for members of the opposition to realise that this bill is an important and salutary first step in tackling systemic and unfair discrimination in our community.

Mr THOMPSON (Sandringham) — In joining the debate on the Equal Opportunity Amendment (Governance) Bill, which the opposition opposes, I would like to commence by referring to the December 1998 edition of the *Law Institute News*, specifically an article headed 'Party politics at the president's luncheon', during which a former member for Northcote is reported to have told the November president's luncheon that the then Kennett government had restricted the legal right to appeal to the Supreme Court in about 200 bills. She was quoted as having said:

This is an absolutely unprecedented in Australia and, no doubt, in most of the Western world. It is a savage and cynical attack on the democratic notion of judicial review.

I turn to *Alert Digest* No. 1 of this year prepared by the Scrutiny of Acts and Regulations Committee. On page 15, under the heading 'Repeal, alteration or variation of section 85 of the Constitution Act 1975', the *Alert Digest* states:

The committee notes the section 85 statement in the minister's second-reading speech —

Section 211 of the Equal Opportunity Act 1995 alters or varies section 85 of the Constitution Act 1975 to the extent necessary to prevent the bringing before the Supreme Court of any action in relation to a complaint

dismissed by the commission under sections 108, 110, 113, 117 or 123 of the Equal Opportunity Act 1995.

The effect of section 211 is to limit a complainant's right to pursue further legal action once the commission has dismissed a complaint where the complainant has failed to request a referral to VCAT within 60 days of being advised by the commission of his or her rights of referral. The 60-day time limit provides a complainant with sufficient time to consider his or her options and to seek legal advice if necessary. It would create uncertainty and place an unfair burden on respondents if matters that have been dismissed by the commission could be relitigated.

The bill inserts new section 211(2) into the Equal Opportunity Act 1995 so that the decisions of the commissioner pursuant to sections 108, 110, 113, 117 or 123 of the Equal Opportunity Act 1995 may not be brought before the Supreme Court. This is required because complaints will no longer be dismissed by the 'commission' under the Equal Opportunity Act 1995; all complaint-handling functions will rest with the commissioner.

Section 211(c) of the Equal Opportunity Act 1995 alters or varies section 85 of the Constitution Act 1975 to the extent necessary to prevent the bringing before the Supreme Court of any action in relation to a complaint where a person has chosen another avenue under section 103 of the Public Sector Management Act 1992 in relation to the same subject matter. It is appropriate that this bill repeals section 211(c) because the reference to the Public Sector Management Act 1992 and section 103 of that act is obsolete; the Public Sector Management Act 1992 has been repealed.

Going on to comment on this particular provision, the Scrutiny of Acts and Regulations Committee:

... notes that clause 14 prevents the bringing of any action before the Supreme Court in relation to a complaint dismissed by the commissioner under sections 108, 110, 113, 117 or 123.

The committee having reviewed the section 85 statement made in the second-reading speech, the declaratory and enabling clauses and the explanatory memorandum is of the opinion that the proposed provisions altering or varying section 85 of the Constitution Act are appropriate and desirable in all the circumstances.

The committee made no further comment.

Around the same time the former leader of the Labor Party, who went on to become Premier, made comparable remarks at the law institute's president's luncheon which were also reported in the *Law Institute News*. He suggested that a future Labor government would repeal over 200 acts of Parliament that removed access to the jurisdiction of the Supreme Court. What is the reality of the bill before the house in relation to the 200 acts that members of the Labor Party said that they would repeal? If one examines the statute book, one would find that the Labor Party has failed to remove or

repeal acts which at the time were regarded by the then member for Northcote as:

... absolutely unprecedented in Australia and, no doubt, in most of the Western world. It is a savage and cynical attack on the democratic notion of review.

Yet before the house we have a bill that is removing access to the jurisdiction of the Supreme Court. It so happens that the all-party Scrutiny of Acts and Regulations Committee has deemed that limitation of access to be appropriate and desirable in all circumstances, but the former Premier of Victoria, who was the Leader of the Opposition in 1999, and the former member for Northcote when they were speaking to the law institute failed to objectively review those acts which they regarded as being a cynical abuse of power in restricting and limiting access to the jurisdiction of the Supreme Court. Despite a number of approaches to the current Attorney-General, he has declined to go to the law institute and address another luncheon to say that the Labor Party was wrong in its public pronouncements subsequently reported to the legal profession in Victoria regarding limitation of access to the jurisdiction of the Supreme Court.

It is important when members on the other side are reporting about fairness that the Labor Party acknowledges its accountability and the misleading of the legal profession in Victoria by statements made in addresses at different times in the late 1990s.

Turning to the content of the bill more specifically, its purpose is to amend the Equal Opportunity Act 1995 to alter the governance and complaint-handling arrangements for the Victorian Equal Opportunity and Human Rights Commission. The main provisions in the bill have been outlined by other members who have spoken before me, and the opposition opposes this bill for a number of reasons that have been well articulated. The bill concentrates power in the hands of a commissioner who will be both a full-time chief executive officer (CEO) of the commission and chair of the board. There is a precedent that this governance arrangement is not in the best interests of governance principles. It is contrary to the corporate governance model that has generally proved superior in Australia of having a chair of the board other than the CEO of an organisation. It is also contrary to the recommendation of the Gardner review, which proposed a CEO separate from the commissioner. The concentration of power is also particularly worrying in the absence of a broadbased anticorruption commission in Victoria to provide some check against abuse of office.

There are some further powers under the bill which will allow the commissioner to refer a matter to the

commission for investigation when in the course of dealing with a complaint the commissioner becomes aware of circumstances where a breach of the Equal Opportunity Act 1995 or the Racial and Religious Tolerance Act 2001 may have occurred. Members of the house would be aware of the case which led to two parties spending hundreds of thousands of dollars on a matter that was ultimately, as I understand it, mediated. There are grave risks in placing undue burdens upon members of the Victorian community in matters which are incapable of being resolved in a Victorian tribunal because they traverse issues that cover 1500 years of disputation. If a lower level tribunal in Victoria tried to work through and resolve the matter I have referred to, it would prove to be complex, burdensome and highly costly, so there are a range of other concerns in relation to the bill which will perhaps unfold down the track.

I come back to my opening proposition that leading members of the Labor Party misled the Law Institute of Victoria and the legal profession across the state by statements made in relation to the operation of the jurisdiction of the Supreme Court of Victoria and access to that jurisdiction.

Mr Carli interjected.

Mr THOMPSON — The member for Coburg made a good point on the bill, and I draw his attention to the section 85 clause in the bill, one which the Labor Party in other contexts said was an abuse of power in limiting access to the jurisdiction of the Supreme Court.

Mr SCOTT (Preston) — It gives me great pleasure to rise to support the Equal Opportunity Amendment (Governance) Bill. I have listened with some interest to the contributions of opposition members who, sadly, appear to have opposed the bill. I take issue on two points with my good friend the member for Malvern, with whom I serve on a parliamentary committee.

Firstly, there is the hyperbole regarding the Enron Corporation case and the comparison being made with it, which is wholly inappropriate, particularly when you consider that aside from the governance arrangements there were all sorts of accounting issues around Enron. The comparison, as was pointed out by the member for Mill Park, is one that the member for Malvern will regret when he reads *Daily Hansard* tomorrow. It is an outrageous slur on those involved in the governance of the commission.

Secondly, I think the cat was let out of the bag by the member for Ferntree Gully as to the reason for the opposition's opposition. At the heart of this is a concern that has stemmed not from a genuine concern about the

governance of the organisation but from unease about an active role for the commission in protecting human rights. Members of the opposition have a very libertarian view of human rights where protecting human rights is simply removing government and removing the role of government in instructing individuals in their lives. I have noted that in various debates that has been the case, whereas we on the Labor side realise there is a constructive role for the state in protecting the rights of the weak. My own engagement in politics derived from my loathing of racism in all its forms, which originally interested me in government.

There is definitely a role for government in intervening to protect the rights of those who cannot protect themselves. These changes, which are based on transferring the role of the commission from a complaints-handling body to one that reaches out to deal with systemic discrimination by researching, educating and actively helping people is one that is welcome, and I wholeheartedly support it. I think upon reflection in years to come all members of this house would look back on these changes and regard them as a positive step for equal opportunity in this state. All discrimination should be abhorrent to all persons in this place, and we should realise that a more proactive commission which reaches out to people and helps them is a positive step which this government should be proud of.

This is a bill to improve the governance arrangements to deal with these broader responsibilities, and other members have adequately dealt with some of the earlier criticisms of the legislation. I think the member for Yuroke touched upon the criticisms that opposition members made in their contributions to the debate around the alleged concentration of power. The bill increases the size of the board and clarifies the role of members and the commissioner.

Going back to another issue that the member for Malvern raised, it is very unfortunate in debates when we play the person rather than the ball. The member for Yan Yean mentioned the good work done by Moira Rayner during an earlier period in this state's history. It would have been appropriate, if the member for Malvern did not agree with those comments, for him to deal with the actions of Moira Rayner during that period. To simply draw attention to a later controversy and discredit the work she did and the contribution of the member for Yan Yean does not do credit to the member for Malvern or this house.

If someone makes an unfortunate error of judgement with serious consequences for them later in life, that does not wipe from the slate their earlier contribution to

our society. We should not just dismiss people and the work they have done with such personal attacks. I would hope in future the member for Malvern would reflect upon his ridiculous Enron comment and his analysis of Moira Rayner's contribution to the state in an earlier period and realise that that is not the best use of this forum.

This is an excellent bill. I also commend the words of the member for Mill Park in discussing the usefulness of the expanded role of the commission, proactively seeking to tackle systemic discrimination. The bill builds on a long tradition in this house, and I hope all members loathe discrimination in all of its forms.

I have an aunty of Japanese heritage, and the racist political debates I heard during my youth in the 1980s inspired my activity in politics. None of us should forget that it is not enough simply to remove the obstacles of the state from interfering in the lives of individuals; there are times when people need the protection of the state from active discrimination by people who mean ill. That can often be discrimination of a subtle nature, not overt racism or discrimination of minority groups or people who are weak. Systemic discrimination can influence the lives of people and their capacity to live the sorts of lives they wish to be free to enjoy.

I hope members opposite reflect on that point and realise that the state has an active role to play in protecting people's lives and, importantly, allowing them to live full lives. People who purport to be committed to liberty should realise that sometimes you have to set people free in order for them to live the life they choose. I commend the bill to the house. It makes an excellent contribution to the long struggle for human rights in Victoria, and it is one I am proud to contribute to.

Mrs POWELL (Shepparton) — I am also glad to speak on the bill. Its purpose is to amend the Equal Opportunity Act 1995. It also makes consequential amendments to the Racial and Religious Tolerance Act and the Victorian Civil and Administrative Tribunal Act. The current structure of a CEO (chief executive officer), or chief conciliator and a five-member board, including a chairperson, will be replaced by a commissioner and a board of up to seven members. The bill also removes the complaint-handling functions from the board and the commission, and gives that conciliation responsibility to the commissioner, who can also delegate that function to the staff.

The new full-time commissioner will have control of the day-to-day administration, and he or she will also

chair the board. As I said earlier, the board will be increased from five to seven members because it will reflect the increased functions it will also receive under the Charter of Human Rights and Responsibilities. The board will be an important facet of this structure as board members are usually chosen because of their skills, knowledge or community advocacy.

The Liberal-Nationals coalition is opposing the legislation for a number of reasons. One reason is that the second-reading speech does not explain why the government is changing the corporate governance and structure of the commission and of the person taking the two positions. It is moving away from sound corporate governance practices which allow for the separation of powers between the organisation and the board. Board members are usually chosen from the community because of certain attributes they bring to a committee. In Victoria particularly, and Australia as well, that has been a good way of administering any corporate function where the power of the administration and the CEO are separate from the board and its chairman. They have had two distinct and separate powers.

In the past the board provided the community input and the direction and policies and the organisation under the CEO administered that policy direction. That has worked well in Victoria for many years. No reason is given in the second-reading speech, in the Scrutiny of Acts and Regulations Committee's report or in the Gardner review about why this should be changed. In fact the recommendation to go the way the government is going is contrary to the Gardner review recommendations, which were completed in June last year. It proposed that the CEO and the commissioner should remain separate.

In the second-reading speech the government has said it has gone along with most of the recommendations in the Gardner review. Mr Gardner was asked to review the Equal Opportunity Act, and he recommended keeping those two positions separate. It is fairly telling of the government that it has decided not to do that; and without the government giving sufficient reason for doing so, we are concerned.

The member for Box Hill outlined the opposition's concern about the concentration of power, with one person taking on the two important positions, which effectively is the CEO and the chair of the board. It is just the strangest thing that you would give that much power to one person. There is a perception — whether it is reality or not — that the two positions need to be separate because they both have different roles to play. One is an administrative role and the other is more the

communication and the directions role, and to put one person in the two roles will have the perceived effect of too much power and not as much accountability or transparency in the position.

The Equal Opportunity Board and the commissioner for equal opportunity were created in 1977, and in 1993 structural and operational changes were made to the Equal Opportunity (Amendment) Act 1993, including replacing the equal opportunity commissioner with a five-member Equal Opportunity Commission, which gave the responsibility to the board rather than to the commissioner. It now seems that we are going the other way and giving the power to the CEO, who will then also become the chairman of the board. It is a backward step to place this one person in control of those two very different roles.

The community has every right to perceive that that person will have far too much power, and there was no reason given why the other structure did not work or why the structure the government is proposing will work any better, given that if you look at any other board or executive, the way it works best is to have an administration arm and a community arm, and then a policy arm to drive the administration.

When people are seeking help on discrimination issues or human rights issues they need to have confidence that the system they are making the complaint to is listening and ensuring that their complaint is heard in a non-partisan and non-discriminatory manner. They need to feel that they are listened to, whichever side of the complaint they are on.

We need to ensure that there is more impartiality in the commission. A number of years ago a constituent came to see me after they had received a letter from the Equal Opportunity Commission. The letter stated that the commission had received a complaint from this person's employee about some comments that the employer allegedly made in a racially discriminating way about some Aboriginal friends of the employee. My constituent, the employer, then rang the commission and asked for some advice. They wanted to know what to do as they believed the complaint was not right. The commission advised them to seek legal advice. When my constituent asked for some help to write a letter and to make some sort of defence, the commission told my constituent that was not its role.

It seems to me that in this instance, where an organisation is going to make a judgement on who is right and who is wrong, it has already taken account of the person who has made the complaint rather than staying impartial and giving assistance to both the

employee making the complaint and the employer who is trying to defend the allegations. I know there was mediation and in the end there was compensation, but at the end of the day that employer was so stressed out. He did not have a lot of money and was trying to defend himself against what this employee had said. The employee was not able to give any factual evidence; it was all hearsay, and yet it was up to the employer to defend those allegations. They were told they had to get legal advice.

There was some conciliation but at the end of the day the outcome was that the employee wanted to be paid — they wanted an apology and to get some money. I think we need to make sure that the equal opportunity commission is seen to be impartial and that it does not discriminate against the person who is making the complaint. The commission must be seen to be impartial whether it is dealing with the person making the complaint or the person who is trying to defend it.

The equal opportunity commission can make some changes in a number of areas. Most people deserve the right to be considered innocent until proven guilty. In this instance I did not make a judgement about who was right or who was wrong, but I still believe that person had every right to have some sort of justice delivered to them given that this was the commission that was going to be making the decision about who was right and who was wrong. I think the commission itself should have acted for both of these people or given them each the same assistance, because the person against whom the complaint was made was very stressed. The process caused them a lot of health problems and would almost have caused problems in their marriage had information about the complaint got out publicly. The opposition has concerns about this legislation and has put those on the record. As I said, the opposition opposes this legislation.

Ms CAMPBELL (Pascoe Vale) — I take this opportunity to speak on the Equal Opportunity Amendment (Governance) Bill 2008. I want to do two things. The first is to outline what this bill achieves. The second is to take up the point raised by members of the opposition in relation to accountability of the board and of those working in this new governance structure. To look at the bill first, I think it is important that we put on the record that this bill creates a modern and effective governance structure for the Victorian Equal Opportunity and Human Rights Commission. How does it achieve this? Firstly, it does it by creating a structure that provides clear lines of responsibility and accountability. Secondly, it creates the position of commissioner to provide leadership to the commission.

Thirdly, it establishes a board which will provide strategic oversight of the commission's operations. Fourthly, it provides more robust provisions for removal of board members and commissioners.

We are debating this today because of the recommendations made by the Julian Gardner review of the Equal Opportunity Act. In that review Mr Gardner noted the limitations of the commission's current structure and wished to address them, particularly the lack of clarity around the respective roles of the chairperson and chief conciliator, the lack of clarity around the role of commission members as a board and finally that the structure had not been updated to reflect the range of functions the commission undertakes.

The key point the opposition attempted to make, primarily I think by the member for Sandringham, was in relation to accountability and governance. I draw the member's attention to page 2 of the bill, where reference is made to the governance principles that will apply under this legislation. I put to the member and also to others in the opposition who may have contributed in this regard at a time when I was not physically present in the house that this bill has the strength of accountability provisions that are under the Public Administration Act 2004. That is outlined at the bottom of page 2 of the bill. It says:

The Governance Principles in Division 2 of Part 5 of the Public Administration Act 2004 will apply to the commission as a result of an order to be made by the Governor in Council.

That is fairly straightforward. It is not difficult to take the next step and get a copy of the Public Administration Act from the centre table on the floor of the chamber. If you look at division 2, which deals with the governance principles of part 5 of that act, you will see it is comprehensive. I will just run through some of the headings before I go to the detail of it. The governance principles are contained in provisions with the headings 'Application of Division', 'Other duties not affected', 'Duties of directors', 'Duties of chairperson', 'Duties of entity', 'Public entity not to make loans to directors', 'Sub-committees', 'Subsidiaries', 'Accountability', 'Injunctions' and 'Public entity or Minister may bring proceedings'. Those issues are all covered at pages 88 to 95 of the act. Again, it is not difficult to get the answer to the concerns of those in the opposition by looking in detail at each of those provisions.

Let us look, for example, at section 79 dealing with the duties of directors. I quote:

- (1) A director of a public entity must at all times in the exercise of the functions of his or her office act —
 - (a) honestly; and
 - (b) in good faith in the best interests of the public entity; and
 - (c) with integrity; and
 - (d) in a financially responsible manner; and
 - (e) with a reasonable degree of care, diligence and skill; and
 - (f) in compliance with the act or subordinate instrument or other document under which the public entity is established.

There are all sorts of other acts that apply to public entities. I know that the Acting Speaker is a member of the Public Accounts and Estimates Committee and members of that committee would be critically aware of the range of acts that apply to those with such responsible positions as we are discussing in this bill.

I will pick up another couple of points in the Public Administration Act that I hope will allay the fears of the opposition. The duties of an entity, for example, are stated in section 81 as:

- (1) The board of a public entity must —
 - (a) act consistently with the functions and objectives of the entity and with any business or strategic plan or other document relevant to the work program of the entity; and
 - (b) inform the Minister responsible for the public entity and the relevant Department Head of known major risks to the effective operation of the entity and of the risk management systems that it has in place to address those risks ...

Subsection (1)(e) provides that the board must:

... ensure that a code of conduct applicable to directors is in place ...

That is a public document. Again, if opposition members are concerned, they need only look at such public documentation. They can express any reservations or concerns to find, through the Public Accounts and Estimates Committee process or other mechanisms, that their fears are unfounded. If by some chance something needed extra attention, it could be dealt with expeditiously, based upon the Public Administration Act.

Rather than go through every page of the act, I refer the member for Sandringham and other opposition members who are concerned about such matters to read the Public Administration Act from pages 88 to 96. I believe their fears would be answered there. I support the bill and wish it a speedy passage.

Mr CRISP (Mildura) — I rise to speak on the Equal Opportunity Amendment (Governance) Bill 2008. The purpose of the bill is to amend the Equal Opportunity Act 1995 and to alter governance and complaint-handling arrangements for the Victorian Equal Opportunity and Human Rights Commission. The bill contains a number of provisions amending the principal act. Clause 5 provides for the replacement of the current structure of a chief conciliator-chief executive officer and a board of five members, including a chairperson, with a commissioner and a board of up to seven members, chaired by a commissioner. It provides for the commissioner to be a public service body head under the Public Administration Act 2004, so that the commissioner can directly employ staff under part 3 of that act. It removes complaint-handling functions from the board and makes the commissioner responsible for complaint handling and conciliation, with the power to delegate to staff. It allows the commissioner to refer a matter to the commission for investigation in circumstances where a breach of the Equal Opportunity Act or the Racial and Religious Tolerance Act may have occurred. It inserts a section 85 to prevent the bringing before the Supreme Court of any action in relation to a complaint dismissed by the commissioner under various sections of the act.

The Nationals have a couple of concerns with the bill. First I refer to clause 14, which inserts a subsection in section 211 of the principal act which limits the complainant's right to pursue further action once the commission has dismissed a complaint. A complainant has 60 days to take the matter to the Victorian Civil and Administrative Tribunal. There is a concern that that cuts off being able to go to the Supreme Court. Earlier today members heard from the Premier of the state that VCAT members are extremely busy and that the government is looking at what it can do to ease the VCAT load. By taking out the opportunity to take action in the Supreme Court, where, as members have heard in debates on other bills, there are problems with waiting lists, those problems will be transferred to VCAT. Adequate resources have to be available to VCAT to ensure that we do not just shift a backlog or difficult area from one jurisdiction to another.

The other matter I want to mention is the governance model. This has been widely debated by earlier speakers. I have a significant difficulty with the CEO

(chief executive officer) and the chair being the same person. The debate has gone backwards and forwards. The speaker before me has made comments that there are adequate checks and balances elsewhere. If you can fix something up-front, you do not have to rely on being able to go to all those other places. We are dealing here with human nature. The longstanding practice of separating the powers of the CEO and the chair is not to be ignored.

I acknowledge that other members have referred to the Auditor-General having made comments on the principle of the separation of the powers of the chair and the CEO. Something that runs through all the bodies that most of us have dealt with over our time as members of this place and prior to that has been that the CEO and the chair or chief commissioner or head of the board are separate people with separate functions. That need for an independent chair and to create balance for the CEO is important. If the model does go wrong in such an important area as equal opportunity, it will be terribly embarrassing.

We are taking a risk here with something that is precious and important to us. We need the equal opportunity commission to be above any stormy weather or controversy. If controversy arises, that reignites debate. It has also been mentioned previously by members that if someone is unhappy and levels a complaint it absorbs enormous resources while that complaint is being resolved. It is far wiser just not to have in place a structure that makes it possible for any of those things to become a reality.

It is common sense to separate the functions of the chair and the CEO. It is normal governance practice. As I said, this is a risk that we should not need to take. It is a convention that applies across other jurisdictions. I do not think any of the other states that have the structures addressed by the bill have chosen to combine those powers. With something as important as equal opportunity we should not be messing with an experiment in governance. If the government must experiment, it should experiment somewhere else, where it is far less important. Other organisations even at community levels do not provide for the roles to be undertaken by one person. It is incumbent on the government to amend the bill because it is so important not to end up in trouble in this area.

With those comments and having expressed those concerns, The Nationals in coalition will oppose this bill because it breaches what we believe are basic common-sense governance principles. We are very concerned about the future of the organisation should

the bill proceed with provision for the two roles to be combined.

Ms THOMSON (Footscray) — It is with great pleasure that I rise to support the Equal Opportunity Amendment (Governance) Bill 2008. I note that it is the first of many bills to be brought to this house to modernise our equal opportunity legislation. The importance of equal opportunity in our community is our greatest strength. The acknowledgement of equal opportunity is the fabric by which we ensure that we have a tolerant society where people can live together side by side, irrespective of their religious beliefs, their race and whether they are male or female. The fact that we take out discrimination and invoke a sense of tolerance towards one another makes this a unique community when compared with any other in the world.

For a long time equal opportunity legislation has had bipartisan support. It has already been mentioned in the house that the original legislation was brought to the Parliament in 1977 under a Liberal government by the then Premier, Dick Hamer. He was a man I greatly admired. He would probably have been horrified by some of the positions that members of the party he once led have taken in this very conservative age, when the small-l liberal has been taken out of the Liberal Party.

The Equal Opportunity Act 1977, which Dick Hamer created, developed the Equal Opportunity Board and established the Office of the Equal Opportunity Commissioner. Then, in 1993, with the election of the Kennett government, bipartisanship went out the window. The then Premier, Jeff Kennett, not liking what the equal opportunity commissioner of the day had to say, decided to cut out the tongue and to rip off the arms and legs of the equal opportunity commissioner, all because Moira Rayner dared to criticise some of the government's policy at the time and restructured the commission accordingly.

This government is actually committed to equal opportunity and to acting on Mr Julian Gardner's report, *An Equality Act for a Fairer Victoria*, which seeks to strengthen Victoria's laws against discrimination and the capacity for the commission to act against systemic discrimination.

But there is also a role for research and education and for community members to be working together and to also work to resolve disputes rather than exacerbate them, and I want to spend a little bit of time talking about this.

I think it was the member for Ferntree Gully, but I cannot be sure — I was not in the house at the time — who said nothing had changed since 1977. I think he needs to take a snapshot look at the community in the 1970s and another at the community we have now. The very reason we come to this Parliament is to ensure that our legislation reflects the changes that have happened in the community over that period of time. There have been many changes in the 30-odd years since 1977, and this legislation reflects that. That is an important thing to consider. More women are now actively involved in the workforce than they were in the 1970s. Our community is far more ethnically diverse than in the 1970s. The religious diversity in our community is there for all to see in a way in which it was not seen in the 1970s. Our community has undergone substantial change, and our laws need to reflect that change. This is what this bill does: it starts the process of our equal opportunity legislation reflecting the changes to our society.

I also want to mention the importance of the role of education and research that the new commissioner and the board will take on. It is important to stress this. Nobody wants to see vexatious action taken against anyone under this act. But we want community members to be well educated so that they understand the sensitivities that exist and so that community members do not inadvertently discriminate against people. We have heard of it occurring and we have all been witnesses to it occurring. We are a community that will be better for the role that the commissioner and the board will take on in relation to education and research. That is one of the strengths of this legislation.

I also want to talk a bit about section 85 issues, which have been mentioned today. The section 85 issue does not really change anything. There was a section 85 issue in the existing legislation. What has changed is that in the existing legislation the provision affecting section 85 referred to the commission, but because the power in relation to determining outcomes is moving to the commissioner, the new provision affecting section 85 now refers to the commissioner. That is the only change in the legislation in relation to a provision affecting section 85 and is the reason why it is there.

Members have talked about accountability. The member for Pascoe Vale went through in great detail the levels of accountability that are there for the commissioner and the board to ensure that they are undertaking their responsibilities in ways envisaged by the act, and I think that nullifies the position of the opposition. The question then arises: why is the opposition voting against this piece of legislation? I think it is because members of the opposition have lost

the level of tolerance they once held that really made them small-l liberals. In fact that no longer is a label that most of them can wear or want to wear. They are now truly the new conservatives. They probably harken back to a time when our society looked a lot different and was a lot less diverse. They are probably frightened by the diversity that exists in today's community.

My government colleagues and I embrace our community's diversity. We are a richer and more exciting society for the people we have brought into this community. We have developed a lot more in the sciences, in sporting fields and in artistic and literary pursuits for the diversity that has come into this community. Business leaders who have come from various places around the globe have brought in new ways and means of doing business and new products to develop, creating an exciting environment in which we can all engage in business and in community.

We are a better place for all these people coming to our shores and enriching our lives in so many ways. That is why I support this legislation and why I will support the legislation that will follow to ensure we protect this diversity and encourage people to understand why it is healthy and good and why everyone, no matter where they come from, no matter what their background, no matter what their sex, no matter whether they are recent arrivals or have been here for generations, will be treated equally and have equal opportunity in this state. I believe these are very important principles to support, and I wholeheartedly endorse this piece of legislation. I admire the commitment of the Attorney-General in ensuring we meet our commitment as a government to make Victoria a better place to live, work and raise a family.

Mr PERERA (Cranbourne) — I rise to speak in favour of the Equal Opportunity Amendment (Governance) Bill 2008. This bill to beef up the powers of the Victorian Equal Opportunity and Human Rights Commission represents another chapter in the rise of community justice in Victoria. When the equal opportunity law was first enacted it was groundbreaking, but today it seems a bit outdated. Life has moved on. Today's society is much more multicultural and multifaith than it was 30, 40 and 50 years ago. Modern society itself has created issues which require much more attention to equal opportunity and human rights.

The existing act does not allow the ability to address systemic discrimination and is restricted to a complaint-driven system. In my view we should go beyond that and identify issues that change has

introduced. These reforms were brought in as a response to recommendations made in the final report of an independent review of the Equal Opportunity Act conducted by the former public advocate, Mr Julian Gardner.

In his report Mr Gardner noted that the limitations of the commission's current structure included the lack of clarity around the respective roles of the chairperson of the commission and the chief conciliator-chief executive officer. The chief conciliator does not chair the board, and a part-time member of the board becomes the chairperson. The chief conciliator is also the chief executive officer, which is different from the usual government business structure. This is the equal opportunity commission, and the chief conciliator's role is to handle complaints. They are not really running a business. That is a role that could be incorporated into the commissioner's role.

Mr Gardner also noted the lack of clarity around the members of the commission as a board and that the structure had not been updated to reflect the range of functions the commission undertakes. The current inefficient structure was the making of members opposite when they were in government. The equal opportunity commissioner was sacked by the Kennett Liberal government for her role in criticising the then government's policy. Not only did the Kennett Liberal government sack the commissioner, but it also abolished the position altogether and legislated that commission members could be removed at any time. That is how the Kennett government got rid of the potential thorn in the side of its regime. For that reason no-one should expect the opposition to support this bill because it cannot go back on the policy it made when it was in government.

The bill creates a modern and effective structure for the Victorian Equal Opportunity and Human Rights Commission by creating a structure that provides clear lines of responsibility and accountability and a commissioner position to provide leadership to the commission. This is a full-time position appointed by the Governor in Council for a renewable term of five years. The commissioner will chair the board and lead the organisation as the single point of accountability for both the strategic direction and operational performance of the organisation, which is required by organisations such as the equal opportunity commission. The establishment of a board will provide strategic oversight of the commission's operations and more robust provisions for the removal of board members and the commissioner.

The bill will provide an appropriate and effective governance structure to support the recommended change in the focus and functions of the commission from a reactive complaints-focused organisation to an organisation that can identify and resolve discrimination, particularly systemic issues. Now the commission should be able to conduct its own-motion investigations into the systemic issues arising from disputes that the commission becomes aware of and any circumstances where a breach of the act may have occurred or is about to occur. At present the commission can act only on individual complaints and offer conciliation services to the parties when the complaints are lodged. The duty to eliminate discrimination combined with a commission power to initiate an inquiry means that action can be taken to enforce the law even when there is no complaint.

The governance structure provided in the bill provides the type of equal opportunity and human rights commission that Victoria deserves. I commend the bill to the house.

Mr CARLI (Brunswick) — It is with great pleasure that I rise to support the Equal Opportunity Amendment (Governance) Bill. Ultimately it is a bill which will modernise the governance of the Victorian Equal Opportunity and Human Rights Commission, but it does more than that. It obviously follows the recommendations of the Gardner report. The bill is also about the renewed mandate in this state for equal opportunity and human rights that have come as a result of groundbreaking legislation that has been put forward by the Brumby government and the Victorian Attorney-General. That renewed mandate comes from the Charter of Human Rights and Responsibilities Act and the Racial and Religious Tolerance Act, which call for a renewed role for the equal opportunity commission and a more overt role in tackling systemic and structural discrimination in our society. It is a quantum improvement to move from a commission that fundamentally focuses on individual complaints and the resolution of those complaints — which is incredibly important — to one that now tackles the issues of systemic structural discrimination in the state of Victoria.

I share the concerns of the member for Footscray when she asked why the opposition is opposing this bill and creating a red herring by focusing on the establishment of the supposedly extraordinary powers of the new commissioner, by suggesting the new commissioner will follow the same governance model of management as that of the Enron Corporation and on how it is against the traditions of Westminster democracy. There is a whole lot of opposition to this bill which largely

rests on a false premise about an overarching power that will rest with the commissioner.

What we are really seeing is the demise of the small-l Liberals on the opposition side. Yes, it was the Liberal Party which was the first to push forward with equal opportunity legislation in Victoria, along with other issues about social reforms, equality, tolerance and multiculturalism, but we are now seeing the loss of that support. It is using the excuse of this new governance model to hide the fact that it does not support the human rights agenda which has been put forward and is a part of this government's mandate and which is now a part of the Victorian public service role centred around the Charter of Human Rights and Responsibilities Act and the Racial and Religious Tolerance Act.

It is worth considering the power of the commissioner. The members opposite have claimed that we are creating an all-powerful commissioner — the equivalent of the corrupt management of the Enron Corporation. We are in fact creating a board of between five and seven members. It will be the board which will provide the policy direction, the priorities and the strategies. The commissioner will provide the day-to-day administration. They will be the full-time person who is responsible, but there is a board which will take forward the strategies and follow government legislation and government policies. There is no concentration of power; what we are seeing is a good governance model.

The commissioner will head the board and be responsible for the day-to-day running of the commission, and those five to seven people on the board will determine the direction of the commission. The commission will have a very different role. Instead of dealing with day-to-day complaints and their resolution it will have a much more strategic role in tackling discrimination in this state wherever it manifests itself.

The other issue is another furphy, another red herring, another straw man argument, and that is this idea that the commissioner and the CEO (chief executive officer) will invariably be the same person. The claim is that this is a departure from the Gardner review. I think it is worth pointing out and clarifying what the bill says. Clause 5 inserts new section 176 into the principal act. Under new section 176(3) we find that there is provision for the commissioner to delegate the power to run the commission to the CEO. It does not need to be specified in the legislation. This is not unusual. If we look at the structure of the Australian Human Rights Commission, we see that it has an executive director and that position is not in the legislation. It is a

delegated, non-statutory position and the person appointed to the position is accountable to the president of the commission for the organisation, management and operation of the commission. It is not a model which is about an all-powerful commissioner taking all responsibility and driving the commission in all sorts of untoward directions. What we are looking at in this bill is a change in the governance of the Victorian Equal Opportunity and Human Rights Commission. This will underpin other changes that will come out of the Gardner report and from modernising the Equal Opportunity Act.

The main element of this bill, and the main part of the debate, has been the issue of the commissioner. The commissioner will be full time and will have a five-year appointment that is renewable. More importantly there will be a board and there will be clarification of the strategic direction of the board. It will have the overall strategic function. It will set strategic directions for the organisation. That is pretty important because the commission will no longer focus just on individual complaints about discrimination, which as I said before are important. It will go further than that because it will look at discrimination that is more systemic or structural and deal with those issues. It is a much more strategic role for the board and much more in line with the other reforms made by the Brumby government, such as those around driving a human rights agenda or driving a multicultural agenda and an agenda around tolerance.

This is an important piece of legislation, and it will form the basis of changes in this state. As the member for Footscray emphasised, it is about driving what this government believes and what one would hope the whole Parliament believes, and that is that we should strive for a society which is tolerant and strives to eliminate discrimination, a society which sees itself as a beacon of tolerance and understanding on a worldwide basis. That has certainly been the direction of the Victorian government. There is no doubt that in Australia Victoria drives the agenda in terms of the recognition, codification and placing of human rights in the forefront in the political agenda of government. I wish this bill a speedy passage.

Mr LIM (Clayton) — I rise to support the Equal Opportunity Amendment (Governance) Bill 2008. Having heard so much from both sides of the house I would venture to say that a modern, enlightened and tolerant society values all its people no matter where they come from or their gender, appearance, age, beliefs, religion or creed. Such a society values and indeed is enriched by the diversity and vibrancy of people from different backgrounds.

Unfortunately there are still some who instead of valuing diversity engage in discrimination. Julian Gardner chaired the review which led to this bill and he had this to say at the launch of the final report:

Forty years ago I knew an overseas student who was refused entry to a hotel because of the colour of his skin. It was therefore distressing to meet — during the consultations — a young woman who only last year was refused entry to a suburban hotel because she was Aboriginal.

Such discrimination is unwarranted. It is sick, illogical and most importantly illegal. A modern society would hope to combat discrimination through understanding and education. However, there are hard-core racists and misogynists who are not easily educated or persuaded. When they go beyond holding a private view and deny people access to a pub because of the colour of their skin or refuse employment because of their gender or religion or abuse someone because of their race, then as a society we say that through our Parliament we will deal with such behaviour with laws.

In Victoria various forms of discrimination have been illegal for over 30 years. The principal legislation is the Equal Opportunity Act, which is backed by more recent legislation enacted by our government such as the Racial and Religious Tolerance Act. The cornerstone of this legislation, which administers, educates, conciliates and arbitrates, is the Victorian Equal Opportunity and Human Rights Commission. This bill creates a new governance structure for the commission. In particular the chief executive officer position is to be replaced by a full-time commissioner who will both chair a board and have control of the day-to-day administration and staff. I am sure those members opposite, from who we have heard plenty today, would not want me to remind them of the shameful days of the Kennett government when it removed and sacked and nobbled the state's watchdogs such as the Auditor-General, the accident compensation judges and the equal opportunity commissioner.

The bill clearly sets out the grounds for removing commissioners. Clause 5 of the bill inserts a new part 5 into the Equal Opportunity Act 1995. A new section 165, headed 'Resignation and removal', deals with situations such as criminal convictions and bankruptcy.

I mentioned earlier that Julian Gardner chaired the review into the Equal Opportunity Act. There was extensive public consultation, including a discussion paper, submissions and a final report entitled *An Equality Act for a Fairer Victoria — Equal Opportunity Review Final Report*. The final report, which was submitted in June 2008, made 93 recommendations

focusing on four main areas. These were modern legislation that reflects the need to work towards real equality and improving the law's response to discrimination, fast and effective dispute resolution, better ways of facilitating and enforcing compliance with the Equal Opportunity Act, and the commission's governance structure. I can do nothing but commend the bill to the house.

Ms MUNT (Mordialloc) — I am very pleased to rise to give a short contribution in support of the Equal Opportunity Amendment (Governance) Bill 2008.

Ms Allan interjected.

Ms MUNT — I will give a very short, considered, long contribution.

The ACTING SPEAKER (Dr Sykes) — Order! The member for Mordialloc will speak through the Chair.

Ms MUNT — I am very pleased to rise to speak on this bill. I was in the chamber for a considerable time listening to other contributions on this bill. Before this Acting Speaker was in the chair, I was the Acting Speaker listening to the considered contributions of both sides of the house. I have to say that I am disappointed that this bill will not be supported by both sides of the house because I do believe it is a good bill.

The government has committed to acting on this bill after the public advocate, Mr Julian Gardner, completed a review of the act and made recommendations. The bill is intended to strengthen Victoria's laws against discrimination and the capacity of the commission to take action against systemic discrimination. It does that in a range of ways. There are changes to the governance of the Victorian Equal Opportunity and Human Rights Commission where a board will be created with sufficient capacity to provide strategic oversight of the commission's existing, broad responsibilities under the act and the Charter of Human Rights and Responsibilities

So there will be a new, full-time position of commissioner appointed by the Governor in Council for a renewable term of five years, and the bill will provide the commissioner with a board of between five and seven members. Board members will be appointed on a part-time basis by the Governor in Council on recommendation of the minister with a renewable term of five years. The bill also gives the board a clear oversight function.

Consistent with the board's new strategic functions, board members' functions to handle complaints will be

removed, and the complaint handling will be allocated to the commissioner, who can then delegate appropriately to other staff. This is a very important restructuring because it broadens the role of the commission from basically a complaint-handling group to one that will act on systemic discrimination, which will do research and educate and actively help people to resolve discrimination disputes and to comply with the law. This will replace the slow-moving, paper-based complaint system with early and flexible alternative dispute resolution to be provided by the commission, giving victims of discrimination a new choice to go straight to VCAT (Victorian Civil and Administrative Tribunal), supported by external legal advice and assistance, and creating a duty not to discriminate even in the absence of a complaint. It will provide protection from discrimination for the homeless, for volunteers and for people with an irrelevant criminal record and specifically require people to make reasonable adjustments to those with disabilities.

This is a very important piece of legislation. I always try to stand and speak in support of legislation that protects women and children and that acts against discrimination and bigotry. While I was in the chair I was very interested to listen to the contribution of the member for Preston, who said that really as a Parliament it is our duty to act in any way that we can to remove discrimination and bigotry wherever it may arise in the Victorian community. This is another piece of legislation that helps in that regard.

No Parliament and no community can be comfortable with bigotry or discrimination on the basis of race, on the basis of sex or on the basis of disability, wherever it may be. Other times in this Parliament when I have listened to contributions on these types of bills I have heard from the conservative side a raft of reasons why we should not put together socially progressive legislation to address those issues that confront women, children and people in our society who are not so well off. There is always one reason or another, always this reason or that reason, always some reason put forward for not doing that. I cannot support that general thrust. As a government and a Parliament we have to take care to protect those in our society who are not so able to protect themselves.

This bill is in that group of legislation. This sort of board has actually been in place for many years. It has acted on its charter responsibly and provided a great service for the Victorian community. This legislation will update it and bring it into the new century. It will provide the commission with further functions that have to be considered now in our modern Victoria — to not only deal with complaints but to take proactive action

to make recommendations to address issues when they arise and, as has been mentioned, to do research to also address those issues.

Springvale South, part of which is in my electorate of Mordialloc, is predominately populated by new arrivals to Victoria — Cambodians, Vietnamese and Chinese. It is a very multicultural area. As part of my duties as member for Mordialloc, I often go to the citizenship ceremonies conducted by the City of Greater Dandenong to welcome new citizens to Australia. More than half the residents of the Greater Dandenong area were born overseas. I doorknock in Springvale South, and I have found that a lot of new arrivals simply want a good life and to educate their children and are not as familiar with the rules, regulations and laws of Australia as we are.

We need to put every protection in place for them so that they are not discriminated against and so that they are supported in this country when they take the great step of coming here. As I say at the citizenship ceremonies, these people have come to Australia and given us the great gift of their children and their children's children. We owe it to them to have a fair, open and inclusive Victoria. This bill can help to provide that, to root out discrimination and bigotry wherever it might arise.

I support this bill. It is another good piece of legislation from the Brumby government, which believes in fairness and equity. I commend the bill to the house.

Ms ALLAN (Minister for Regional and Rural Development) — I am pleased to speak on and support this bill, the Equal Opportunity Amendment (Governance) Bill 2008. It is important that we have legislation that upholds the principle that makes Victoria a great place to live, work and raise a family — that is, the principle that Victoria is a tolerant society. It is a society that shows respect to all the different groups in our community; it is a society that reaches out and lends a hand, as we have seen over the past week or so. People checking on their neighbours to see if they need a bit of assistance because of the impact of the bushfires or the impact of the difficult weather conditions we have been experiencing is what makes Victoria a great place to live. It is a society whose members support one another through difficult times. However, it relies on a legislative framework that supports these activities.

It is incumbent on us in this chamber to show leadership, to put our mark in the ground and say, 'This is what we stand for. This is the sort of society we want to see in Victoria.' We want to make sure the legislative

framework supports a state whose members are tolerant and who show respect to all groups in the community. That is why it is important that this bill modernises the operations of the Victorian Equal Opportunity and Human Rights Commission. As the house has already heard this evening, the bill provides for a raft of governance changes around the operation of the commission, enabling it to get out on the front foot and be a proactive organisation in tackling the issues around equal opportunity in this state.

Having said that, it is astonishing that the conservatives on the other side would choose not to support this legislation. It is hard to understand why they do not support it. The bill merely strengthens one of the things that makes Victoria a great place to live — that is, that it is a place of respect. With that respect comes responsibility to act in a certain way. One would have thought that any sensible opposition would support this legislation. Unfortunately in this house a leopard does not change its spots. We know that members opposite belong to a party that when in government abolished or gagged the Auditor-General and wound back the powers of the then Equal Opportunity Commission.

Mr McIntosh — On the bill.

Ms ALLAN — I am talking about reforms to the equal opportunity amendment bill. It is not surprising that the Liberal Party's opposition to the bill continues to this day.

The government has taken a number of steps to strengthen the legislative framework to support the activities of all Victorians. Whether it is through the amendments to the Equal Opportunity Act, the introduction of things like the Charter of Human Rights and Responsibilities and the Racial and Religious Tolerance Act or the restoration of the independence of the Auditor-General — I remember that was one of the very first acts of the new Labor government after winning government in 1999 — all these activities come together to support the sort of society we like to live in.

It was not that long ago that we also celebrated Australia Day. I am sure many of us attended the ceremonies in our electorates at which many people became new Australians. It is always a proud moment to see people taking the oath of citizenship in Victoria. They are choosing Australia, and in particular Victoria, as a home because they know it is the place of a fair go. Unfortunately the Liberal-Nationals opposition does not support the principle of a fair go. It does not support the changes introduced through this governance bill that

ensure that the fundamentals are in place so that people can get a fair go in this state.

Those of us on this side of the house are proud to support the bill. Over a number of years I have had the great privilege of working with the former Equal Opportunity Commission Victoria in a number of different areas. In my previous portfolio of employment I worked with it on projects to support more people with disabilities to find employment opportunities in Victoria. I worked with the commission on a number of anti-bullying strategies for our schools. This is an important issue; we need to support young people to deal with bullying in schools. The commission also gave me great support in my previous portfolio of youth affairs, working with gay and lesbian young people and making sure they felt supported in their communities and schools and had every opportunity to participate in our great life in Victoria.

It is for those reasons that I am proud to stand as a member of a government that supports equality, tolerance and the right of all Victorians to have a fair go. It is a great shame that those opposite do not support that approach.

Sitting suspended 6.30 p.m. until 8.04 p.m.

Mr LANGUILLER (Derrimut) — It gives me great pleasure to speak on the Equal Opportunity Amendment (Governance) Bill. Today is a great day for Victoria, for human rights and for those who unfortunately from time to time may require the protection of the law of the state and indeed of a good government that is committed to delivering improvement in the area of human rights and its administration and governance. It is a delight for me to be able to make a contribution on this bill.

From the outset what one ought to put on record is that this bill will amend the Equal Opportunity Act 1995 to create a new governance structure for the Victorian Equal Opportunity and Human Rights Commission. The bill will create a new full-time position of commissioner. The commissioner will be appointed by the Governor in Council for a renewable term of five years. It also provides that the commissioner will control the day-to-day administration of the commission's affairs in accordance with the policies, priorities and strategies determined by the board.

In addition the bill provides that the commissioner will chair a board comprising between five and seven members and that board members will be appointed on a part-time basis by the Governor in Council on the recommendation of the minister with a renewable term

of five years. It will give the board a clear strategic oversight function, the power to make strategic decisions and to set the organisation's strategic direction consistent with the board's new functions. The bill will remove board members' complaint-handling functions and power completely and will allocate those powers and functions to the commissioner, who will have the power to delegate to appropriately skilled staff.

This is good reform and brings the Victorian Equal Opportunity and Human Rights Commission up to speed and, in terms of its governance and structure, moves it into the 21st century. This legislation demonstrates once again that Victoria leads the way when it comes to human rights and in protecting those people in the community who for one reason or another may be vulnerable and consequently require the protection of the commission.

This legislation delivers a precise improvement in the functioning of the commission. It is appropriate that these amendments and reforms have been brought about by this government and the Attorney-General. These reforms are the outcome of a broad process of consultation carried out by the former public advocate, Julian Gardner. In his consultation and discussions he received submissions, spoke to groups, individuals and organisations and concluded that we needed to create a new structure to provide clear lines of responsibility and accountability. He also concluded that in order to bring about improvement in terms of governance we needed reform to create the position of a commissioner to be able to provide leadership to the commission and we would have to establish a board that would provide strategic oversight, as I have indicated earlier, and provide a more robust provision for the removal of board members and the commissioner.

In his report to the Parliament and the government Mr Gardner noted that there were a range of failures or shortcomings in the functioning of the commission in the existing structure that needed to be addressed. He clearly identified their cause as lack of clarity around the respective roles of the chairperson of the commission and the CEO (chief executive officer) of the commission. He also pointed to a lack of clarity around the role of the commission's members as either a board of governance or an advisory board, and he also noted that the structure had not been updated to reflect the range of functions that the commission undertakes.

People in my electorate of Derrimut will pay close attention to the reforms that this government brings about to protect them and other Victorians should the necessity arise. However, it is sad that members of the

opposition will be opposing these amendments. We could probably argue about the background for the opposition's lack of support for this legislation. On this side of the house we remember the time when those opposite, who were then in government during the course of the dark years of the Kennett government, sacked a commissioner precisely for representing those who required attention and protection and for speaking her mind. That was a shameful act on the part of the colleagues of those who today sit opposite.

We on this side of the house remember that there is only one political party in Victoria that is absolutely fair dinkum about protecting the rights of individuals and communities and that is committed to countering discrimination, whether it is based on racial, ethnic or religious grounds or on the grounds of gender or disability. Members on this side of the house are very proud of the fact that the one political party that is fair dinkum, genuinely committed and has been consistent in its commitment to protecting human rights happens to be the Labor Party. We remember that those opposite sacked the commissioner. They abolished that position altogether and legislated that commission members could be removed at any time.

Speaking of consultation, I paid attention to the contributions to the debate by members opposite who questioned the process of consultation. What a shame that members opposite talk about consultation because when they brought about their reforms there was no consultation with the commissioner and there was no consultation with board members. The former government removed them without any consultation. We on this side of the house are proud that the reforms now being introduced will improve the structure of the commission. It will make it accountable, it will make it more efficient, and it will also bring about reforms which I believe are significant.

I want to point out that the government has committed to acting on the *An Equality Act for a Fairer Victoria* report to strengthen Victoria's laws against discrimination and the capacity of the commission to take action against systemic discrimination.

The other important point that needs to be made is that the government is considering implementing a range of reforms recommended in the report, including transforming the commission from a complaints-handling body to a body that will act on systemic discrimination, do proper research, educate the community and actively help people to resolve discrimination disputes and comply with the law. It will replace the very slow-moving paper-based complaints

system with early and flexible alternative dispute resolution to be provided by the commission.

These are good reforms that people in the community will be talking about. People have raised these issues with the government and with the opposition again and again. They indicated that we need to go beyond the existing structure. They indicated that it was fundamental to human rights in Victoria that we gave the role and powers to the commission to be able to do research properly, to be able to educate and work with the community, to be able to provide empirical evidence and to move from a purely complaints type of operation to one that deals with systemic discrimination in the community. Today is a good day for Victoria. It is the day when we take a step further in protecting human rights. Today is a good day because our government once again delivers on its promises and implements the reforms recommended by the former public advocate, Julian Gardner.

Mr LANGDON (Ivanhoe) — It is always fun being Government Whip and speaking on a bill at the same time. It is with great pleasure that I add my voice to the debate on the Equal Opportunity Amendment (Governance) Bill. This legislation had been held over from last year and we are dealing with it today. This bill does quite a few things. It is about good governance of the Equal Opportunity Act and it acts on the recommendations in the Gardner review. I will go through the reasons we are introducing this bill. I had to go through yesterday's *Daily Hansard* to see why the opposition is opposing this bill, because I could not understand why anybody would oppose it. I found the answer, and I will comment on it a bit later, but it took some reading of *Daily Hansard* to get the reason why the opposition is opposing the bill.

The Equal Opportunity Amendment (Governance) Bill does quite a few things. It will amend the Equal Opportunity Act 1995 and create a new governance structure for the Victorian Equal Opportunity and Human Rights Commission. In summary the bill will create a new full-time position of commissioner appointed by the Governor in Council for a renewable term of five years; provide that the commissioner will have control of the day-to-day administration of the affairs of the commission in accordance with the policies, priorities and strategies determined by the board; provide that the commissioner will chair a board with between five and seven members; and provide that board members will be appointed on a part-time basis by the Governor in Council on recommendation of the minister, with a renewable term of five years.

The bill will give the board a clear strategic oversight function and the power to make strategic decisions and to set the organisation's strategic direction. Consistent with the board's new strategic functions, it will remove the board members' complaint-handling functions and powers completely, and allocate complaint-handling powers and functions to the commissioner who can then delegate to appropriately skilled staff. The bill will also abolish the current chief conciliator-chief executive officer position.

They are the aims of the bill. Having read those aims to the house and having read the bill I find it quite amazing that anyone could oppose it. I read the contribution by the member for Box Hill to the debate. The opposition's objections are that there is no reference to a separate chief executive officer who is not a member of the board and that in effect the new position of commissioner appears also intended to be the chief executive officer. It is that aspect of the bill that most concerns the opposition.

The opposition seems to be forgetting all of the great work done under the Equal Opportunity Act since 1995. The Gardner review examined that act, and many of its recommendations will be implemented by this legislation. Even the opposition accepts the recommendations of the Gardner review, but it can still find this one angle on which to object to the bill.

I have heard a few members speak on the bill and point out the many things done in the area of equal opportunity. This state has a proud record on equal opportunity. Just prior to the commencement of Parliament this year most of us had the great privilege of attending Australia Day functions and seeing the new citizens who have come to Australia. They have equal opportunity as never before. One of the many reasons people want to become Australian citizens is that we have legislation such as this Equal Opportunity Amendment (Governance) Bill. We invest in those sorts of powers.

Again it is only a petty objection, but the opposition clearly wants to make a difference on this matter. I dare not quote from *Hansard* directly — not that I would want to quote the member for Box Hill verbatim — but this is a very good bill. It is a step in the right direction. The Gardner review commenced in 2007 and did a thorough review of what was needed. It brought forward recommendations and the government is now implementing them. Who could possibly say no? The opposition could and has done so, and again, why do we have people on the other side of the chamber clearly finding a reason to say no? One would almost think they object to equal opportunity. I am pleased to

support the bill. I will re-emphasise the changes that the bill wants to implement, which are certainly reasons to support it. It wants to reorganise the structure to make it a modern structure. Clearly since 1995 things have changed dramatically, and the Gardner review obviously picked up what were perceived to be reasonable recommendations to make the board far more accessible, approachable, better governed and so on.

I believe debate on the bill will be adjourned a bit later, and we will come back and vote on it. The bill will be passed later tonight, some time after 9.30 p.m., after a few people have returned and more people have had a chance to speak on it. Clearly we want to ensure that the number of people who want to speak on the bill have an opportunity to do so.

The bill is part of the Gardner review. It has set out eight fundamental points it wishes to recommend and we are following them, streamlining the way we do it and changing the board structure. It is part of Australia's and Victoria's history that we have been exceptionally strong in the equal opportunity field. In many ways we have led the country in equal opportunity. The bill further enhances that fact, and I fully support the bill and all of its terms.

The eight points include creating a new full-time position appointed by the Governor, renewal term of five years, which gives the person in that position time to do their work, and the board members also have a renewable term of up to five years, so some board members can serve more than one five-year term. It will give the board a clear strategic oversight function and the power to make strategic decisions and to set the organisation's strategic direction.

Clearly most normal people would fully support these provisions, but the opposition has pulled out one particular aspect that it does not support, and it is opposing the bill, as we will find some time after 9.30 tonight, so I support the bill wholeheartedly and commend Julian Gardner and the people behind the review and the government for bringing such a bill to the house.

Mr DONNELLAN (Narre Warren North) — I rise to speak on the Equal Opportunity Amendment (Governance) Bill. I understand that a thorough and proper review has been undertaken by Julian Gardner — a very good review, from what I am told — and it has identified various issues. First and foremost it identified various problems with the existing Equal Opportunity Commission Victoria. Those problems included a lack of clarity around the identity of the

organisation — whether the board is the commission or whether the organisation itself is the commission; a lack of clarity in relation to whether commission members operate as a board of governance or an advisory board; and a lack of clarity in relation to the responsibilities of the part-time chairperson and the full-time chief conciliator-chief executive officer.

The Charter of Human Rights and Responsibilities and the Racial and Religious Tolerance Act have provided the commission with a new mandate in relation to a broad range of human rights and racial and religious vilification matters, but the governance of the commission has actually not been amended to accommodate this.

The review also found that the current governance structure is ill adapted to manage the functions of the commission with expanded powers to address systemic discrimination. The review has identified various problems which the government has sought to address in the bill, and from what I understand, it has addressed them very well. The new act provides that the chief conciliator is also the chief executive officer of the commission, and that person has the functions, powers and duties conferred on him or her by the act and administers the affairs of the commission at the direction of the commission. The chief conciliator is accountable to the minister rather than to the commission, which makes perfect sense. The commission will consist of five members, as it already does, appointed by the Governor in Council for a renewable term of five years, of whom one will be the chief conciliator-chief executive officer and another will be the chairperson.

Although the Equal Opportunity Act of 1995 is silent on the full or part-time status of the five members, the commission has operated with all members being part time except for the chief conciliator, who is full time. The bill does not provide a clear outline of the chairperson's role and how it relates to the full-time chief conciliator-chief executive officer role.

Obviously there is a need to move forward, and this amendment to the act does that. The bill provides that the commission will have the following functions. The first is to establish policies and issue directions on conciliation procedures. The second is to investigate complaints about the manner in which conciliation procedures are conducted — and matters like this, if possible, should be dealt with in a conciliatory way so that people can actually move forward. They should be conducted in a non-legal way so that people do not need legal representation and the like. The commission's third function will be to undertake

information and education programs, and in my view this is probably the most important function the commission can undertake. In many ways the more we can educate the community about discrimination on the basis of race, religion, looks, whatever the case may be, the less likely we are to have people appear before the commission.

It is important that these education activities undertaken by the commission are done properly and are adequately funded, and that we get it out into the schools, because it is probably easiest to start when people are young and most impressionable, and it is important that we get to people at that age and give them a full understanding of why they should not discriminate against people based on their religion, looks or anything else.

It is important that we do this in a place like Victoria, which has a long history of dealing with such matters in an appropriate way, considering in many ways that this is probably the best example of multicultural society in the world. That is my opinion, but I suspect many other people worldwide think that also; and that role of undertaking education and information programs will be undertaken very well by the commission. It is a very important role.

I understand that the new commission will function in a more modern structure. It will be more efficient and the accountability mechanisms will be a lot more direct so that the lines of accountability will be there. People will be accountable to the minister rather than to the commission, which is very important, because it means there is a person on the outside to be accountable to as opposed to internally within the commission, which is very good. Generally this has been very well received. We have minority groups within our community —

An honourable member interjected.

Mr DONNELLAN — Yes, like the Liberal Party — and this is very much there to deal with any discrimination against such groups. It is disappointing that the Liberal Party is opposing the bill because its members believe that the power invested in one commission and one person may lead to problems of accountability. I would have thought from the point of view of efficiency, structure and so forth that would have been a very positive outcome in that we are bringing together other acts to be dealt with by this commission, including the Racial and Religious Tolerance Act, and that the commission will actually be dealing with those issues, which I think is important.

Why you would want different organisations, different groups or different manners of dealing with such discrimination in the multiplicity of different institutions makes no sense to me. Ideally it should be dealt with by one organisation, which is what I think this legislation does very well.

The last equal opportunity commissioner under the previous government was sacked because she spoke out. An organisation like this needs to have a fearless and brave leader to deal with these issues, whether it be under our government or the last government. In many ways it is a bit like the Auditor-General; I remember when the Auditor-General was sacked. It was a very fortuitous time for me because I found a new role in the office of the Minister for Gaming, then the member for Mitcham. For me, something good came out of a bad thing.

In many ways it is a bit of a tragedy that there is not a bipartisan approach to this bill, because it is not particularly political or offensive. I do not believe any members of the community have approached me about this bill to say they are unhappy with it, even those who were outraged by the Racial and Religious Tolerance Act. I discussed that act with many people in my electorate, but none of them has come to me to say that they do not want the commission to deal with this issue.

This is a bill which is efficient and sensible and which very much brings the commission into the 21st century. In many ways this is a model bill and one that should be supported by both sides of the house. I commend the bill to the house.

Mr STENSHOLT (Burwood) — I am delighted to join with my colleagues on this side of the house to support the Equal Opportunity Amendment (Governance) Bill 2008. The purpose of the bill is to alter the governance and complaint-handling arrangements for the Victorian Equal Opportunity and Human Rights Commission, as provided for in the Equal Opportunity Act 1995, which as members well know is the principal act.

The commission, then known as the Equal Opportunity Commission, was established in 1994 and replaced the former Office of the Commissioner for Equal Opportunity. I, along with other speakers, am disappointed that there is not a unified voice in the house in support of the report of Julian Gardner, the former public advocate, following his review of the Equal Opportunity Act and of his recommendation in chapter 7 in regard to the commission's governance. I guess history comes around in this particular case. We

know that the Liberal Party has form when it comes to equal opportunity.

A headline in the *Age* of 27 October 1993 said 'Moira Rayner's job axed in revamp', Ms Rayner having been the previous commissioner. A further article in the *Age* on that day carried the headline 'Outspoken Rayner felt her role was under threat'. One wonders quite frankly whether the Liberal Party believes in equal opportunity and whether it believes in people having rights and being able to speak out and to stand up for the little person. The Labor Party does. The Labor Party stands up for the ordinary person and for families in Victoria. We wonder whether the Liberal Party stands up for anything.

I also recall an article in the *Herald Sun* of 27 October 1993 under the heading 'Rayner out in shake-up'. This article was written by Mary-Anne Toy and reported that:

The state government effectively sacked the equal opportunity commissioner, Ms Moira Rayner, last night and announced a major shake-up of the commission.

The article goes on to say that:

Ms Rayner said she was not surprised by her removal as the government had made clear its displeasure over some of her public comments and actions.

I can see that there are seeds in this in terms of the way the Liberal Party is reacting to this bill. As I said, history has a way of repeating itself.

As we know, the commission consists of five members appointed by the Governor. The review was undertaken by Julian Gardner, and I commend his report to the house. The review looked at the commission, which under the principal act has the following functions: to establish policies and issue directions on conciliation procedures, to investigate complaints, to undertake information and education programs and to undertake any other functions conferred on it by the act or the charter. The commission has the necessary powers to carry out these functions.

As other members have pointed out, in his report, particularly in chapter 7 on the commission's governance, Julian Gardner said there is a lack of clarity regarding the identity of the organisation, whether the board is the 'commission' or the organisation itself is the 'commission', a lack of clarity in relation to whether commission members operate as a board of governance or an advisory board and a lack of clarity in the responsibilities of the part-time chairperson and the full-time chief conciliator-chief executive officer. He went on to say that the current

governance structure is ill adapted to manage the functions of a commission with expanded powers to address systemic discrimination, which is one of the recommendations in the other chapters of Julian Gardner's report.

I know that there are some differences between the Victorian jurisdiction and other jurisdictions such as the commonwealth and the Australian Capital Territory, some of which have single commissioner roles. We do not use that model. I do not think that the single commissioner role is used in the federal jurisdiction; there are a number of commissioners. The recommendation that Julian Gardner has made to clarify this matter seems sensible.

I note that the explanatory memorandum states that new section 163 provides that the board of the commission will consist of the commissioner and either four or six other members. Most importantly it sets out what the board is actually going to engage in in its role — namely, high-level policy and strategic decision making and monitoring in terms of the overall effectiveness of the commission. That of course might involve developing, approving and publishing the board's charter, considering and agreeing to key performance indicators, endorsing the commission's strategic plan and business plan, considering and approving any strategically significant activities such as investigations or the issuing of guidelines, approving the annual report, providing advice and support to the commission, stakeholder liaison and communication in consultation with the commissioner.

That role of the board is very much in line with standard procedures in terms of the roles of boards. I certainly commend that. As someone who has a strong interest in good governance, I want to make sure that legislation coming before the house in respect of any organisation, whether it be the Victorian Equal Opportunity and Human Rights Commission or any other organisation, includes a sensible, comprehensive and accountable system of governance. That is exactly what this bill as it is set out seeks to establish.

I might note that in 2006 the Labor Party committed to expand the capacity of the Victorian Equal Opportunity and Human Rights Commission to address systemic discrimination against disadvantaged members of the community. It also committed to amend the Equal Opportunity Act 1995 to enable the commission to better investigate and report on the causes and trends in relation to unlawful discrimination. The Labor Party also undertook to consider reforms to improve the investigation of systemic discrimination and the

complaints system overall. Julian Gardner undertook that review.

I remind the house that there has been what I consider to be a quite wonderful innovation in introducing the Charter of Human Rights and Responsibilities Bill, which is now an act. Consideration has to be given to how all bills that come before this Parliament comply with the charter. That by itself means that there must be some review of the governance of the Victorian Equal Opportunity and Human Rights Commission so that it takes the charter into account. There must be modernisation to provide capacity for the commission to manage the expansion of its mandate to include human rights and racial and religious vilification issues. The government has taken on board the full recommendations in chapter 7 of Julian Gardner's report.

I am supportive of appropriate human rights arrangements. My experience of the legal aspects of human rights is mainly in the international sphere as an international lawyer. Human rights have no borders, and when it comes to our state they are an issue here at home as they are overseas. It is important that there be proper governance of the commission. I am a little surprised that opposition members will not support these governance arrangements, because they seem to me to be quite comprehensive and appropriate in making the commission accountable, particularly as a person as strong as Julian Gardner, a man of known integrity, who did a very good job as the public advocate, has looked at this issue and made these recommendations. I commend the bill to the house.

Mr BURGESS (Hastings) — It is a pleasure to rise to speak on the Equal Opportunity Amendment (Governance) Bill 2008. The purpose of the bill is to amend the Equal Opportunity Act 1995 to alter the governance and complaint-handling arrangements for the Victorian Equal Opportunity and Human Rights Commission.

The main provisions of the bill amending the Equal Opportunity Act 1995 are designed to replace the current structure, which consists of a chief executive officer-chief conciliator and a board of five members, including a chairperson, with a commissioner and a board of up to seven members chaired by the commissioner; to allow the commissioner to be made a public service body head under the Public Administration Act 2004 so that the commissioner can directly employ staff under part 3 of that act; to remove complaint-handling functions from the board and commission and to make the commissioner responsible for complaint handling and conciliation with a power of

delegation to staff; to allow the commissioner to refer a matter to the commission for investigation when, 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; and to insert a section 85 clause to prevent the bringing before the Supreme Court of any action in relation to a complaint dismissed by the commissioner under various sections.

The opposition has some significant concerns in relation to this bill. It places a significant concentration of power in the hands of the commissioner, and that is not a feature of any other state or territory equivalent body. There are independence issues associated with the new structure, and there are issues with a wider mandate for the human rights and systemic discrimination focus of the commission. The bill concentrates power in the hands of the commissioner, who will be both the full-time executive officer of the commission and chair of the board. This is contrary to the corporate governance model that has served Australia very well over a very long period of time. In general in Australia the circumstances are that there is a chair of the board other than the chief executive officer (CEO) of an organisation. It is also contrary to the recommendation of the Gardner review, which proposed a CEO separate from the commissioner.

The opposition will be opposing this bill. Specifically my opposition is the concentration of power in the absence of any other body that is able to really investigate any untoward circumstances. This is particularly the case in Victoria, where there is the absence of a broadbased anticorruption commission which would be able to look past the circumstances to the actions of the people behind it. For those reasons the opposition will be opposing this bill.

Mr SEITZ (Keilor) — I rise to support the Equal Opportunity Amendment (Governance) Bill 2008. I also support the Julian Gardner report, which has gone a long way towards reforming the Equal Opportunity Act and bringing it back to some extent to where it was intended to be when it was originally developed and established under the Cain government. Thereafter we had some differences with the Kennett government and in particular with the then commissioner for equal opportunity, Moira Rayner. Amendments were brought into this house and things were changed and devalued by having a board appointed with facilitators and a chief administrator.

The provisions in the bill for the appointment of a commissioner place the power back where it should be. In our complex modern society that is far better than

having a part-time board to deal with cases, and we have eliminated that system in most other aspects of our society today. These things now are left to professionals, and in most cases people are appointed to these boards and positions for their professional knowledge.

I am talking about what such people can bring to a school, council, health service or any other organisation and also whether they have cognisance of our ethnic mixture and multicultural society. So it is important to have a board — we are talking about from five to seven people — with a commissioner who is accountable directly to the government, to the minister, for the administration and effectiveness of the service provider, for what this Parliament envisages to happen and for what our community expects today.

There is always a reluctance for people to take equal opportunity issues to our government departments or to court. The commission will have a professional standard, and the staff will have proper standing within the structure of the public service. That will be an important factor — that they will be on an equal footing with other staff in other sorts of arbitration positions. It is the same in a small claims tribunal or anywhere else — you need to have somebody at the top who is accountable and not have staff making decisions, sometimes not being aware which way they are going or whether they have the right to make those decisions.

Facilitators in many such matters — and we see this in WorkCover cases — cannot force people to make decisions. They have to and talk and negotiate, and it can go on forever with meetings. Sometimes one party does not turn up and in other cases another party — the employer or insurance representative — does not turn up, and the facilitating staff really have limited power in managing those matters. I see this legislation as a step forward.

It is unfortunate that the opposition cannot see its way clear to supporting the bill. Opposition members are still hanging on to the times of Jan Wade's term as Attorney-General, when she changed and watered down this legislation. That was unfair on Moira Rayner, who was doing a good job in what was the forerunner of the equal opportunity commission we have now. Those changes really weakened the system. One can reflect on that era, on the media reporting of it and the commentary expressed by journos and the opposition of the time. The shadow Attorney-General at the time was John Thwaites, who later on would be Deputy Premier. He opposed those changes and foresaw some of what would need to be done later.

The Gardner review is timely and very appropriate, because society is changing, particularly in Victoria. There are always issues, conflicts and grievances that come up which people feel have not been addressed. The government wants to give the commission more power to deal with broader issues. It is very important that we have a sound and accountable structure and someone in a position appointed by the Governor in Council for a five-year period who can both establish protocols for the community affecting what it can expect for the future and also further develop the area. It is absolutely important to have the person in that position appointed by the Governor in Council.

The bill also addresses the question of remuneration and how a commissioner can be removed. We heard a member before say there would be no recourse or suchlike. However, a number of clauses address how the commissioner could be removed if they were not doing the job and were absent for more than three meetings when adequate notice had been given, and an acting commissioner appointed by the Governor in Council. The bill covers all those eventualities that need to be covered from the administration side. The government will not be locked into a position of coming to a stalemate and not being able to act. Those points are important in seeing this legislation going forward.

In our society today with many people from different ethnic backgrounds, people can take up issues under the Racial and Religious Tolerance Act, for example. A sound structure is needed that can stand on its own, one under which decisions can be made without the need to spend big money to go to the County Court or to higher appeal courts, which would deter a lot of people from taking up a case where they are being treated unjustly or not being given an equal opportunity. It may simply be that they have not been treated fairly in applying for a promotion or a job.

I have been part of a selection committee for school principals, which at different times was involved with lengthy and protracted appeals. The rules were not followed exactly, and people appealed and dragged matters out. It was a confusing process, with the interviews and the notifications and all those sorts of things that took place. People naturally wanted somewhere to go that was inexpensive and where they could put their case and appeal if they had been denied equal opportunity in those sorts of processes. As I said, the commission could also look at matters of religious and ethnic vilification. It is important that we have such a commission.

When we established the Small Claims Tribunal it was very much a trial-and-error process. People went there instead of having to go to the Magistrates Court. That has progressed and developed smoothly into a proper organisation. Rarely do we hear in this house or anywhere else any complaints relating to that organisation. I hope the establishment of a commissioner by an act of Parliament — a commissioner who will be in charge and have employees under them, and who will have tenure for a period of five years — will mean decisions can be made. The decisions they make will be not only on disputes that exist but also about administration and establishing and running the office and its employees. That is also an issue, because if a ruling is not in their favour, an aggrieved party will always have a media outlet or someone else to make a noise and complain about it to. We need a person to be in that position for a five-year term so that they can be established and well developed in that process.

I commend the bill to the house. I hope the opposition will see the light and support it in this modern day and age. This legislation has been amended over some 12 years now. It is a completely new society with new people and new thinking. The Liberal Party should come on board and switch on to the new thinking as societies outside are thinking of changes. I congratulate Mr Gardner on his reports and the minister for bringing the amendments into this house.

Debate adjourned on motion of Mr ANDREWS (Minister for Health).

Debate adjourned until later this day.

CRIMINAL PROCEDURE BILL

Second reading

Debate resumed from 3 February; motion of Mr HULLS (Attorney-General).

Mr HODGETT (Kilsyth) — I am pleased to rise to make a contribution to the debate on the Criminal Procedure Bill 2008.

An honourable member interjected.

Mr HODGETT — I will be quoting extensively! I state at the outset that the opposition does not oppose the bill but will be supporting the amendments to be moved by the member for Box Hill. As has been stated, 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, to clarify the tests relating to the determination of appeals by the Court of Appeals and to provide a stay of sentences on appeal. The bill 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.

In a nutshell, the Criminal Procedure Bill is a bill to consolidate the law of criminal procedure. It is a large and complex bill, and I do not intend to go into every detail of it as coalition members have already raised a number of important points in their contributions. Suffice it to say that I trust the bill will be an improvement to the legal system, although it is not enough on its own to fix the problems in relation to criminal justice and the massive backlogs in Victorian courts that have built up under the stewardship of the Attorney-General during his term in office.

The area that gives me concern and that I wish to raise in my contribution today is the reduction in the time limit for the commencement of summary proceedings against children. The bill reduces the normal time limit that applies for the 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 the alleged commission of the offence. That is effected by clause 376 of the bill. This change reduces the time within which proceedings must be commenced against a child for a summary offence.

As has been stated in contributions today, at the moment the same period — 12 months — applies to children and adults. The bill has quite extensive provisions in clause 376 regarding the commencement of proceedings. Proposed section 344A(1) states:

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 for commencement of the proceeding under section 344C; or
- (b) the child, after receiving legal advice, gives written consent, and a member of the police force of or above the rank of sergeant consents, to the proceeding being commenced after the expiry of that period.

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. I understand that the government wants to deal quickly with offences that relate to children. Who would not want to do so when the Victorian Children's Court has one of the longest waiting lists in the country? The Victorian Children's Court has the largest backlog of cases of any children's court in Australia, with 5591 cases waiting to be heard, up from 4398 cases last year. We on this side of the house support the outcome of dealing speedily with offences that relate to children; however, we are not convinced that the mechanism adopted by the bill will achieve this.

The reduction of the normal time limit for the commencement of proceedings against children may well result in a significant number of young offenders who deserve to be tried and found guilty escaping justice and punishment altogether simply because the Children's Court is so clogged up that their cases will not be dealt with within six months.

We do not want young offenders getting off or escaping justice because the Brumby government cannot get its act together. The Attorney-General will come in here and defend this. He will say the court can extend but only to 12 months or it may well decide to decline any extension. What does all this mean? It means that juvenile offenders may escape trial, conviction, punishment and justice for a range of summary offences which may include assault, graffiti and other forms of criminal damage. That will be a great boost of confidence in the juvenile justice system.

As I said, I will not go into detail on all the clauses of the bill. I wanted to speak on only that particular aspect. I support the amendments to be moved by the member for Box Hill to vary clause 376 of the bill in order to reinstate a 12-month time limit.

Ms BEATTIE (Yuroke) — It gives me great pleasure to join the debate on the Criminal Procedure Bill, especially since it is consolidating and reforming Victoria's main criminal procedure laws as part of an overhaul of the Crimes Act 1958. When debating legislation earlier we talked about 20 years being a long time, but this legislation will update an act created in 1958. Fifty years on, the Brumby government is modernising the legislation.

This has been a very broad-ranging debate. That is a good thing, because members have been able to canvass a large number of ideas. I noted that yesterday the member for Benalla spoke during his contribution about the police-in-schools program. There are amendments before the house, which I will not be supporting.

After 50 years the bill consolidates criminal procedures contained in three separate acts into one act and modernises the language. It harmonises laws to be consistent across jurisdictions and abolishes redundant and obsolete laws including grand jury procedures. It rationalises criminal procedure to make it clear and simple and to reflect current practice. Anything that demystifies the process and helps people understand the criminal justice system can only be a good thing.

It is often said that justice delayed is justice denied, and I agree with that statement. The bill will reduce delays in summary proceedings in the Magistrates Court by introducing new initiatives such as the notice to appear and the summary case conference. It reforms pre-hearing disclosure in summary proceedings to create an effective and streamlined process. It will promote greater efficiency by allowing the County and Supreme courts to deal with summary offences that relate to indictable offences and clarify when a trial commences. It encourages pre-trial issues to be identified and determined as early as possible and streamline court procedure during trials. One would hope that that would speed up the process.

The bill creates a new test for appeals against convictions in the Court of Appeal, embeds the common-law test for appeals against sentence to the Court of Appeal and provides a new test for determining whether to grant leave to appeal. It abolishes the principle of double jeopardy for DPP (Director of Public Prosecutions) appeals against sentence, provides greater consistency and guidance to the Magistrates Court by setting a default maximum limit on fines for indictable offences when tried summarily and introduces a new time limit for commencement of proceedings in the Children's Court from 12 months to 6 months. That is the subject of the amendments, which I will not be supporting. I will be supporting that clause but not the amendments.

The bill provides that the Magistrates and Children's court's jurisdiction to conduct committals may be exercised concurrently in limited circumstances where co-accused are a child and an adult.

I want to relate some allegations that have been made. I talked about justice delayed, and I want to point to an article in one of the local newspapers in my area and some allegations made by a member for Western Metropolitan Region in the Council. This article alleged that a constituent in Craigieburn had been the victim of a home invasion. This member for Western Metropolitan Region claimed that the Craigieburn police took 21 minutes to attend this home invasion. I would like to point out to the house that this is wrong.

The 000 call made by the victim from the residence in question was logged at 23.48.46 and categorised as a priority 1 call — that is, life threatening with violence. At 23.49 the call for police attendance was dispatched to the patrolling Craigieburn unit, so less than 1 minute after the 000 call was logged police were dispatched, and 5 minutes and 5 seconds later police arrived at the scene. The information in the newspaper article was clearly and demonstrably wrong — police arrived in 6 minutes, not the 21 minutes claimed.

I am wary of instances where accusations are made in the local papers that police take an inordinate amount of time to arrive. It is clearly not true. The article was clearly designed to scare people, and it was clearly wrong. This member for Western Metropolitan Region, Bernie Finn, was clearly wrong. He should apologise to the police at Craigieburn who did their job and made an arrest very promptly. He should apologise for scaring the community. However, I praise Mr Finn for getting one thing right. He said Craigieburn is a great community, and indeed Craigieburn is a great community but it is not serviced well by Mr Finn making false allegations about the time it takes police to arrive at an incident.

This is a broad-ranging debate on criminal procedure. I am pleased to see the Attorney-General in the house because this is another great bill. It is consistent with the 2006 efficient government plan to modernise all legislation by 2010. There may be some criticism of the bill, and we understand that. However, the bill has been developed in consultation with the criminal law justice statement advisory group, the courts, both the state and commonwealth directors of public prosecutions — members will remember that there are people in this house who voted to abolish the Victorian Director of Public Prosecutions — Victoria Legal Aid, Victoria Police, the bar, the Department of Premier and Cabinet and several specialist advisory groups, including key stakeholders in the criminal justice system, and other interested parties. This is a very good bill. It amends legislation that is over 50 years old. It is high time these acts were brought into line with modern language and modern court systems.

In closing my contribution, I urge members not to scare the community by making false allegations about the time it takes police to arrive at incidents. People should check this out before they run off making wild allegations to the local papers and scaring people. With those few words, I commend the bill to the house. I will not be supporting the amendments proposed by the opposition.

Ms KAIROUZ (Kororoit) — I am pleased to rise to make a brief contribution in support of this bill, because I regard it as an important piece of legislation that abolishes laws that were basically created for the 19th century, when our legal practices were introduced. It gives Victoria the criminal procedure laws it needs for the 21st century. This is a major piece of reform, and it is the first time in Victoria's history that criminal procedure has been comprehensively reviewed in consultation with a wide range of experts from the justice system. The Crimes Act required serious attention because it is not easy to follow an act that has dealt with over 1500 amendments in the last 50 years.

My roles as a parliamentarian and particularly as a councillor in my previous life have resulted in many conversations with many different people about the justice system. I recall noting how confusing and time-consuming people felt it was. Often people felt extremely vulnerable and confused, and then anxious, about the cost of seeking advice from their lawyer for every court appearance. As a society we are forever changing. More people are making Victoria their home, and we are seeing many people travelling from many places and choosing to live and work in Victoria.

Victoria is one of the most diverse states in the world, and with this diversity we are faced with many challenges, in this case challenges that require the government to act by reviewing and adopting clear, simple, modern and fairer provisions in criminal law procedure.

We now have a bill that introduces major improvements to our criminal procedures laws by repairing and improving our existing laws and by introducing substantial policy improvements, for example, by encouraging pre-trial issues to be identified and determined as early as possible and streamlining court procedure during a trial; creating a new test for appeals against conviction to the Court of Appeal; reducing the time limit for commencement of proceedings in the Children's Court from 12 months to 6 months; and abolishing the very old-fashioned and very rarely used grand jury procedure.

I believe this bill will give Victorians greater confidence in the Victorian courts and in the justice system. As I said, it removes 19th century practices, and it presents new practices that will save time, money and a lot of stress for many Victorians. It will also address court delays, provide tools to manage cases more effectively and reduce the backlog of cases, resulting in people feeling safer in our community and allowing them to move on with their lives. I believe this bill will provide Victoria with the fairest and best

criminal procedure laws, and I commend it to the house.

Mr LIM (Clayton) — I am very pleased to speak in support of the Criminal Procedure Bill 2008. The Attorney-General is rightly known for socially progressive legislation and his commitment to social justice; there is no doubt about that. With the introduction of this bill the Attorney-General also demonstrates that he is a moderniser of the law. Before I talk about some of the key ways this bill modernises the criminal law I want to emphasise that the bill will give the community greater confidence in the verdicts and sentences of criminal trials.

As an immigrant to this country I appreciate the strengths of our legal system in ways that perhaps people born here take for granted. The separation of powers between the executive and the courts ensures the fierce independence of the judiciary and the determining of cases on their merits. I come from a French system in the former colony of Indochina, and the adversarial nature of the English system of justice, in contrast to the inquisitorial system, ensures that allegations about individuals are not only tested but in criminal cases are proven beyond doubt. That is very important.

The reforms in this bill will provide even greater confidence that those persons who are guilty of offences are not acquitted through technicalities. At the same time and of paramount concern to a fair and just society, it ensures that innocent people are not wrongly convicted. Both of these are achieved by allowing, in certain circumstances, appeals against judges' decisions early in the proceedings.

A further benefit is the potential to reduce the number of retrials. Instead of a higher court determining on appeal and after the conclusion of the original trial that there were errors in the trial judge's ruling and then ordering a new trial, greater use of interlocutory appeals would allow such challenges to be resolved along the way. The avoidance of any retrial will benefit both the community in regard to cost and victims in regard to trauma.

Another key reform in this bill is the abolition of the double jeopardy rule in relation to sentencing, which will ensure that the Director of Public Prosecutions is not stymied from successfully appealing inadequate sentences. This double jeopardy rule on sentencing is not to be confused with the double jeopardy rule on charging people a further time on charges for which they have already been acquitted.

While I have stressed a couple of key features of the bill, it is important to state that it also makes the justice system more accessible and understood through the modernisation of language, the consolidation of the three acts into one, the abolition of redundant provisions and the simplification of procedures. With that short and hopefully to-the-point contribution I commend the bill to the house. Of course the government does not support the amendments proposed by the opposition.

The ACTING SPEAKER (Mr Jasper) — Order! I call the honourable member for Albert Park.

Mr FOLEY (Albert Park) — Thank you, Acting Speaker. It is always a pleasure to make a contribution with you in the chair. One can always look forward to an unbiased and fair hearing at your learned hands.

I rise to support the Criminal Procedure Bill and in so doing oppose the amendments moved by the member for Box Hill. I am glad to do so on all counts on the basis that the bill before the house is all about the continued reform of the Victorian legal system with a view to the staged implementation of the Victorian government's blueprint for legal reform most recently set out by the Attorney-General in last year's justice statement 2. This blueprint is based around five interrelated themes which provide a substantial amount of the intellectual underpinning of this important bill.

Those underpinning aspects are, firstly, modernising the justice system; secondly, protecting the rights of Victorians; thirdly, ensuring that the legal system is part of addressing disadvantage in our community; fourthly, reducing the cost of justice and removing barriers to access to justice; and finally, assisting in creating an engaged and unified court system. All these different aspects come together to ensure that our justice system contributes to both the proper wellbeing and the lifestyles of all Victorians, including our values and our legal system. This bill will play an important part in contributing to these goals. It is a substantial piece of legislation of over 300 pages, and while in some quarters that might attract some concern, I believe it reveals the rigour and approach the government has brought to ensure it delivers on those five broad goals.

This bill delivers on these goals essentially by a staged revision of a number of pieces of legislation. As my friend the member for Clayton has pointed out, these are the Crimes Act, the Magistrates' Court Act and the Crimes (Criminal Trials) Act. This bill brings these pieces of legislation into one consolidated bill, thereby seeking to make it a modern, more user-friendly, more understandable and more relevant piece of legislation

for the lives of Victorians and the Victorian legal system, as opposed to the current complex and at times inaccessible legal framework.

In so doing the bill works towards improving the operation of the criminal justice system through simplifying legal processes and court arrangements, by applying modernised flexible case management processes and systems and by introducing a series of new and indeed bold initiatives to address costs, deal with delays, confront injustices and deal with a range of other problems that stakeholders have well and truly identified over many years in the operation of our legal system. The bill does so because of the view that the legal system is in need of significant repair.

I turn briefly to the manner in which this bill does that through a series of reforms in a couple of key areas. Those key areas are the summary procedures, the procedures dealing with summary offences and related matters across a number of jurisdictions, trial procedures and appeals. In dealing with each of these at a general level in the limited time available to me I will seek to address some of those aspects of the values base on which justice statement 2 tries to bring the specific examples in these three areas to fruition. Firstly, in dealing with summary procedures the emphasis is on encouraging the early commencement and speedy resolution of summary matters and procedures in our courts. The bill seeks to do that in an area such as notice to appear by making changes to what is very much an old-world summons process, which a number of stakeholders over many years have identified as having substantial flaws.

The bill also deals with areas regarding case conferences in summary matters. There will be a new process to encourage and facilitate the resolution of matters in dispute without the necessity for the parties to appear in court. This will be done through early discussion, the identification of issues, dealing with the matters in dispute, and where possible and if appropriate, the negotiation of an outcome in line with the principles of justice.

Equally there will be attempts to deal procedurally with pre-hearing disclosure processes that are both simpler and clearer. In this area there will also be efforts to reduce impediments to a speedy hearing of summary matters at the Children's Court, specifically by reducing the time limit for filing a matter from 12 months to 6 months.

The second issue I will briefly deal with is with regard to trial procedures. Here the approach is similar to the summary areas, applying the principles of the modern

case-management approach both at the trial and prior to it. With regard to the commencement of the trial there will be attempts to ensure that there is a clear framework in which pre-trial issues can be determined. Before the commencement of a trial if there is a need to deal with matters concerning the accused prior to determining questions of law, there are a series of issues arising from how that will be dealt with in the current arrangements set out in provisions of the Crimes Act.

In trial procedures there will be an increasing emphasis on judge-entered verdicts whereby once a trial has commenced a trial judge may enter either a conviction where the accused pleads guilty or an acquittal where the judge accepts that the accused has no case to answer, particularly at the close of the prosecution case. Another innovation in this area of trial procedure relates to pleas in writing. The bill will provide a streamlined process at the beginning of a trial when the accused is arraigned, and there will be a series of matters as to how to deal with that.

The third major area I wish to briefly discuss is that of appeals, which my friend the member for Clayton spoke about. The bill introduces for the first time a series of major changes to the appeals process in Victoria in what I am advised is almost 100 years. In that regard it should be seen as a well-overdue and certainly a well-cooked arrangement.

I will briefly discuss the matter of interlocutory appeals. There will be a new appeals regime to allow decisions made before, and in some cases during, a trial to be appealed and for that appeal to be resolved immediately by the Court of Appeal. There will be a range of mechanisms by which this currently complex — and, should this bill pass, no doubt it will still be relatively complex — interlocutory appeals process in Victoria can be simplified whilst ensuring the appropriate safeguards for justice and the proper running of the Court of Appeal system.

The bill simplifies the grounds of appeal against convictions and addresses some of the fundamental problems that have bedevilled the Crimes Act for many years. It also changes the regime for appeals against sentences, essentially dealing with the double jeopardy principles and the difficulties created in relation to sentence appeals, as the member for Clayton pointed out. I do not intend to address those matters, as they have already been appropriately dealt with by him. All in all, the bill represents a long overdue package, and I wish it a speedy passage through the house.

Mr SEITZ (Keilor) — I rise to support the Criminal Procedure Bill 2008. First of all, I congratulate the Attorney-General, who must be on the record as the most reforming Attorney-General in the history of this state. He has certainly simplified a lot of legislation. So far he has rewritten much of the law into plain English, removing some of the Latin and French expressions for procedures. This is very important for people using the law. It means that the legal fraternity cannot go on with its mumbo jumbo and charge a fortune to everybody. A lawyer will charge you \$150 just to answer a phone call, never mind if they have to send a letter; that will be another \$150. Constituents constantly ask me, ‘Why does it not cost anything for your electorate office to send a letter or make a phone call, but as soon as we go to the legal fraternity it costs a fortune?’.

This bill helps the wider community understand the procedures. Every year I buy the new handbook from the Fitzroy Legal Centre. It is for bush lawyers like me to keep me up to date. I hope this legislation will be incorporated into the 2010 edition of the legal handbook. I recommend that handbook to every member of Parliament. They should have it in their office and give it to constituents to study for themselves when they come and ask some complex questions that involve a legal situation.

As I said, I had never been in a court until my involvement with the trade union movement. In my army days we were made to learn about the law, particularly at sergeant school, so we were able to lay charges under the military law and regulations. As a trade unionist I was trained in the law. I attended all the courts for a week and sat through the different trials and observed everything. That was petrifying and confusing to me, especially seeing all those men with wigs running around in those days. It was strange for me to see that and learn all about that.

We have come a long way since then. This legislation is in line with modern day procedure. If I stay here for a few years, as has the Acting Speaker, I daresay I will see more modifications to the law and to the judiciary. Another woman has been appointed to the High Court of Australia, which is a forward step. It is an excellent choice. Our whole legal system across Australia is looking forward, and our attorneys-general are more enlightened. Society is accepting those ideals and the procedures and the changes in the law.

More specifically, the bill makes the following changes. It reduces delay in summary proceedings in the Magistrates Court by introducing new initiatives such as the notice to appear in summary case conferences, which is an important change. Those changes will save

time, money and expenses, as occurred when we first introduced mention days in courts. That was to ensure that all the police were not locked up with a court case and were not sitting in courtrooms doing nothing. Cases are mentioned; a person may plead guilty and therefore the police and the witnesses will not even be required to attend. Those changes streamlined the process and freed up the police.

The bill reforms the pre-hearing disclosure in summary proceedings to create an effective and streamlined process. That is important because a lot can be spent on legal expenses, especially where the police or the Director of Public Prosecutions have to make information available to the defending lawyers within a certain time. The defending lawyers and the parties to a civil case also have to provide the information within a certain time. I have been in the courts where that information has not been made available, even when it has been a simple case of someone trying to get their licence reinstated after losing it as a result of a drink-driving charge. The records have not been there on time so that the police can make their assessments. The reform is a good step.

Another change is the promotion of efficiency by allowing the County Court and Supreme Court to deal with summary offences that relate to indictable offences. Again, it is a step forward. Clarifying when a trial commences and encouraging pre-trial issues to be identified and determined as early as possible to streamline court procedure during trials is a modernising, forward-thinking step in today's world. We want to conserve time, particularly the court's time. There are always big backlogs in the courts.

The more we can streamline the position the better, instead of having people use stalling tactics — and sometimes it is for the client's benefit and sometimes it is not, because it does incur costs. Lawyers these days are required to give you the costing of a case. Even in a simple case in which a family member has died without leaving a will and the family has had to apply for probate, lawyers have to give you a price up front and not afterwards, when they can charge you a leg and an arm. That is not to mention when you had to go to the taxing agent in the courts. They charged exorbitant hourly rates to look at the bills of the lawyers. We have made progress.

The other one is creating a new introductory appeals framework, which the member for Albert Park spoke about earlier. It is important to have a better appeals framework so that appeals cannot be made on the grounds of a technical breach of the law or some other

issue. This legislation expands the opportunity for appeals on those grounds.

The bill creates a new test for appeals against conviction to the Court of Appeal. It will embed the common-law test for appeals against sentence to the Court of Appeal and provide a new test for determining whether to grant leave to appeal. There are many grey areas. The interpretation of individual judges can vary, and the success of your case may depend on what school your lawyer has come from, regardless of whether the barrister advises you on whether you have grounds for appeal. That is another forward step, and I welcome it.

The bill provides greater consistency and guidance to the Magistrates Court by setting a default maximum limit on fines for indictable offences when tried summarily. Again, the Attorney-General, who is in the chamber, has been very progressive on those issues, and I commend him for it. It is important with summary offences and fines that judges and magistrates have guidance.

It is important that people can see that they are all treated equally when they are found guilty on the issues rather than on how well their barristers represent them or how well the prosecutors present their cases. Sometimes people incur large expenses and costs. I have sat many times in the Sunshine court with people of migrant backgrounds who simply do not know that if they have lost their licences, they cannot drive themselves from or to the court and need to have somebody to pick them up or take them home.

There is also the issue of making arrangements to provide people with interpreters so that people can understand the proceedings. Again the Attorney-General has made that process a lot easier, because the inquiry and counter staff immediately ask people if they need an interpreter when they make their first inquiry. The first port of call is very important, and we have modernised the process. I know it incurs more expenses for the state, but it is important to give everybody an equal opportunity in the legal system these days.

The bill also introduces a new time limit for the commencement of proceedings in the Children's Court, from 12 months to 6 months, which is a vital amendment. When you are talking about young people and children, it can be a nerve-racking wait which causes unnecessary suffering because they want to know what is going on. That time has been reduced because in many cases a good legal eagle can prolong the process. Sometimes such delays have been used to

the detriment of children in custody cases, so it is excellent that that time limit has been cut back or shortened.

I also want to make the point that the bill provides that the Magistrates Court and the Children's Court jurisdiction to conduct committals may be exercised concurrently in certain limited circumstances where the co-accused are a child and an adult. That is a time-saving effort and will save the trauma of the whole story being told twice, with witnesses as well as lawyers sitting around waiting. There is also the issue of double jeopardy. I commend the bill and congratulate the Attorney-General.

Mr CARLI (Brunswick) — It is with great pleasure that I rise in support of the Criminal Procedure Bill. It is a massive bill and, as the Acting Speaker would be aware after our lengthy Scrutiny of Acts and Regulations Committee meeting where we considered this bill, it is a very thick volume. Essentially the bill pulls together three existing acts and is part of a reform of the Crimes Act that the Attorney-General, who is at the table, introduced as part of the 2004 justice statement. This legislation is very much about providing more efficient government. There is no doubt that the criminal procedure in our various courts in Victoria has been a bit of a dog's breakfast — it is in various acts and the language differs between them.

I know from discussions with criminal lawyers that it creates a level of difficulty for them. This is really about rationalising that procedure and making it simple, clear and very much a necessary reform. It is not in itself a document of great reform or great change but of consolidation and clarity, and in that sense it is important for our criminal justice system in Victoria.

I wanted to take up a couple of points that were raised in the Scrutiny of Acts and Regulations Committee meeting this week — issues that are important to our considerations of rights in Victoria. One is the issue about the possibility of a person being punished twice for the same offence, a double jeopardy, and that is around the Crown's appeal against a sentence in the case where the Crown appeals if it decides that a sentence is too lenient.

That was a concern of the committee. However, as we went through the issues we realised that it is not a double jeopardy but that in fact what we are dealing with essentially was the same crime. It was interesting that we looked at a Canadian Supreme Court decision, *R v Morgentaler* 1988, which basically demonstrated that in a similar situation where the Crown appeals against a sentence that the second sentence is not a

double jeopardy; it comes to be essentially considered to be the same sentence. It is essentially a continuation of the same case. I think that is the position we came to as a committee, that while some people may want to use that accusation or consider it an issue of double jeopardy — and clearly we do not want to create double jeopardy in our criminal system; we do not want a case where a person finds himself being tried for the same offence twice — clearly this is not one of those cases.

Another issue that was raised that had very lengthy discussion in the committee was the issue about access to interpreters. Clearly it is terrific that we have a recognition that in a criminal case a person has a right to an interpreter in the case where they cannot speak English. It is certainly an important right that we have recognised in the charter of rights and responsibilities, but also in this act, and I think that is terrific.

We had some concerns. On behalf of the committee I have written to the minister to seek some clarification as to essentially what happens in situations that are not criminal cases. In civil cases, do we have a similar right to an interpreter or can proceedings be stopped? I understand that the courts recognise the importance of interpreters and make them available, but clearly what we have in criminal cases is a right to stop the proceedings and defer them until we have an interpreter, so we are seeking clarification as to whether that also exists or should exist for civil cases. We also had some concern — and I suppose it is a technical issue — around where a person may be able to understand English but has some difficulty in communication, and we wanted clarification from the Attorney-General about what their entitlement is.

In terms of what is a massive piece of legislation and was considered in great detail by the committee, basically the committee found that it was a piece of legislation which largely reflected, with some minor changes, the existing act. It was a very strong commitment of the Attorney-General and of the government to ensure that we consolidate those changes. It certainly was true for the lawyers that advised the committee that they thought this was a great thing, particularly our academic adviser, an expert on criminal law, who thought it was a terrific thing for Victorian criminal law that we had consolidated three acts into the Criminal Procedure Bill.

It is a voluminous bill. It will be an important act for Victoria — obviously an act that will be crucial to our criminal justice system. It is a vast improvement on the situation that we have had in Victoria, and certainly it systemically consolidates the bill, modernises the language and, more importantly, harmonises the

language and ensures that we have consistency across our jurisdictions.

There are some laws in the process that disappear; they are obviously redundant. That is a good thing. It is always important to clear the statute books of redundant and obsolete legislation, and that has been done in this case.

This piece of legislation reflects current practice in Victoria. In Victoria we have great pride in our courts and our criminal justice system. This bill is certainly about promoting efficiencies and ensuring we have consistency. It abolishes the principle of double jeopardy for DPP (Director of Public Prosecutions) appeals against sentence. As I said, the Scrutiny of Acts and Regulations Committee had some doubts about whether it could be called double jeopardy. What we are really talking about in those situations is essentially the same crime and the same sentencing for that crime. It should not be considered double jeopardy in the strict sense.

This is an important piece of legislation; it is part of the Attorney-General's justice statement which has reformed the law in Victoria.

Mr HULLS (Attorney-General) — I thank all members for their contributions to the debate on this very important piece of legislation. I am pleased this substantial reform in relation to criminal procedure has been understood and welcomed by most members of the house. However, I notice that the shadow Attorney-General has moved an amendment to the bill.

It is important to touch on that amendment because I have to say that the amendment and those who have supported it — and I have read each and every one of their contributions — shows how lazy, how ill-informed and how absolutely pathetic they are when it comes to understanding how a justice system works. It also goes to show that they have not read the bill — or if they have, they have not understood it.

My understanding is that bears hibernate during winter. It seems that members of the opposition have hibernated over the summer and done absolutely no work whatsoever in relation to this substantial piece of reform legislation. All opposition members can come up with in dealing with one of the most substantial areas of reform in relation to criminal procedure in Victoria's history is to move a pathetic amendment on time limits for matters of summary jurisdiction in the Children's Court.

Do members know what they have said in relation to this bill? They have said that if their amendment is not

adhered to, there will be a whole lot of kids who are going to commit summary offences that may well go unpunished because their matters may not be heard within six months.

Mr Clark — Absolutely.

Mr HULLS — The shadow Attorney-General interjects and says 'Absolutely', which again shows that he has not read the bill. Proposed section 344A in clause 376 does not say 'finalise within six months'; it says 'commence within six months' — I repeat: it says 'commence', not 'finalise'. How embarrassing!

An honourable member interjected.

Mr HULLS — What am I on about? To commence a proceeding in the Children's Court the police only have to file or sign a charge sheet; that is all it means. They have six months from the time of the offence to sign a charge sheet. But what members of the opposition have said in their contributions to the debate is that kids will go unpunished because their matter will not be finalised within six months. There is nothing in the bill in relation to how long it will take for a matter to be finalised. All it deals with is the filing of a charge. This goes to show how lazy members of the opposition are, because if they also look at clause 5, they will find out what 'commencement' means. It means the commencement is the filing or signing of a charge sheet.

What they are saying is that it is not possible for the police to file or sign a charge sheet within six months. What an absolute nonsense. This goes to show how unintelligent opposition members are when it comes to understanding this legislation, and how lazy they have been over the summer period. This amendment is a joke.

Apart from anything else, if opposition members had taken time to look at some of the submissions made by the experts in relation to this, including Youth Law, they would see that they believe the introduction of such a provision would put the onus back on the police to commence and complete investigations within a timely period in relation to the youngest members of our community facing criminal offences.

That is what the time limit relates to. It is in relation to the filing of a charge, not the need for the matter to be finalised. People have been absolutely conned by the stupidity of the shadow Attorney-General in relation to this time limit. They should go back and read the bill to see what it says.

The opposition's proposal to reinstate the 12-month time limit to file charges in the Children's Court and the reasons given shows a total lack of understanding. You have to wonder whether opposition members understand that the reduction in the time limit only applies to summary offences commenced in the Children's Court. I hope, for goodness sake, that the shadow Attorney-General actually understands what a summary offence is.

If a person is charged with an indictable offence there is no time limit in the legislation. All we are dealing with are summary offences. If the allegation of an assault involves some form of injury, an indictable offence of intentionally or recklessly causing injury, the fact is that the matter could still apply under the old time limit. However, the opposition's amendment simply preserves the status quo and does not offer any suggested improvements to deal with what it says are backlogs in the Children's Court.

The fact is that opposition members are lazy on this issue. They have not come up with their own plan and are simply opposing what is sensible legislation that is broadly supported across the legal community. The 12-month time limit will not reduce delays in cases being commenced in the Children's Court. The 12-month time limit fails to recognise the importance of early intervention in preventing repeat criminal offending by young people and the escalation of such offending. Early intervention in the courts, particularly with kids, is absolutely crucial, and no more so than with the Children's Court. If they are not confronted with the consequences of their actions, some young people can rapidly fall into a pattern of criminal offending, but when children come under the notice of the Children's Court the court is able to use specific sentencing options targeted to the rehabilitation of young people.

The earlier they can come before the court the better it is for their rehabilitation in the long run, and with the assistance of juvenile justice workers attached to the Children's Court who monitor and supervise young people on court orders, the court performs an absolutely crucial role in helping young people stay out of trouble and it helps them address the underlying issues contributing to their offending behaviour.

This is not only good for young people who are facing the Children's Court, it is also good for the community as well, because these are kids who can change, who can mature, and who grow and contribute to our society. We cannot abandon them. That is why it is important to get them before the Children's Court as soon as possible. That is what this amendment is

about — early intervention. As I said, it is not only the government saying this, it is the specialist children and youth legal service, Youth Law, that has strongly endorsed this position. Yet the opposition is proposing by its amendment to delay the intervention of the court when it is obviously very important to get that intervention at the earliest possible stage.

But that is not the only problem with the opposition's amendment. The fact is that imposing a 12-month time limit does not address the trauma that victims and their families experience in having to wait for up to a year before a case even begins, before a matter is even filed by the police.

That is what the opposition's amendment is proposing to do. It says, 'Don't worry, child victim; we'll give the police 12 months before they even decide to charge you'. It is just an outrage. It is an insult to victims of crime, and indeed it does not acknowledge the early intervention role that the Children's Court plays.

We believe the earlier a young person is brought before the court, if he or she has committed offences, the better; and that is what this bill does. So there has been a total misreading of the legislation by the shadow Attorney-General, and the fact is that his claim that young offenders may escape without prosecution under this amendment is simply wrong. If they were not so lazy and they had actually done their homework and read the bill, opposition members would know that what they are proposing is absolutely ludicrous.

Not only that, there are also several flexible mechanisms in the bill to allow that time limit for filing charges to be extended beyond 12 months. Firstly, the court may extend the time limit after considering 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. So firstly, there is already a mechanism for the court to extend the time for filing the charge.

Secondly, the child and the prosecution may agree to an extension of the time limit. The bill provides safeguards so that the child must obtain legal advice prior to providing consent, and a senior member of the police force must consent on behalf of the prosecution. This ensures there is appropriate flexibility. The bill allows cases to be commenced after the six-month period in certain and appropriate circumstances.

For instance, the court may extend the time limit in a case where important evidence is only identified after the six-month time limit has elapsed; as we know, time limits have existed in a whole range of areas for many years. There are now time limits in sexual offence cases

in relation to trials and committals. An indictment must be filed within 14 days of the committal, for instance, if the complainant was a child or a person with a cognitive impairment.

A trial for a sexual offence must be held within three months of an accused being committed for trial, so there are very good policy reasons for having time limits; but the fact is that the opposition has got the most basic principles of criminal procedure wrong in relation to this. It has said in the house that matters may not be concluded within six months and that as a result kids may go free.

Each of the opposition members said this — the member for Benalla repeated the same sort of mantra — and a whole lot of opposition members repeated exactly what they had been told by the shadow Attorney-General — but what he told them was absolute rubbish. He has not read the bill, he had no idea what he was talking about; he must have read the bill upside down, for goodness sake!

I understand he has some legal training, but obviously he has no understanding of criminal procedure for him to be suggesting that this bill says a matter has to be finalised within six months. He should read the bill because the fact is it does not say anything of the sort. It says that a matter must be commenced within six months. Does the shadow Attorney-General know what that means? No, he does not. So I will tell him.

He should read clause 5; it means 'filing'; it means the police have to file a charge within six months; and if the police cannot file a charge within six months, the fact is they are not bringing a child before the court at the earliest available opportunity. As a result there cannot be interaction with that young child on a whole range of therapeutic justice measures.

We believe this is sensible and important legislation, and after having had the whole of the summer period to read and analyse the bill, the opposition, and particularly the shadow Attorney-General, could have come up with some really appropriate amendments if he believed the government was heading in the wrong direction. But all he has done is move an amendment which makes no sense whatsoever.

Business interrupted pursuant to standing orders.

ADJOURNMENT

The SPEAKER — Order! The question is:

That the house do now adjourn.

Rail: cancellations

Mr MULDER (Polwarth) — I call upon the Minister for Public Transport to immediately announce that the validity of weekly, monthly, yearly or date-to-date tickets that were valid on 30 January 2009 will be extended by one day on top of the normal compensation Connex and V/Line will have to pay for their failure to meet the reliability and punctuality targets in January 2009. The disastrous lack of investment by the Premier and the Minister for Public Transport came to a head last week when more than 1500 trains were cancelled on Melbourne's 16 rail lines.

On the afternoon of Thursday, 29 January, it was panic stations all round in the Premier's and minister's offices. Although the minister says she receives only a weekly update from Connex, her staff would have been aware that from 3.00 p.m. Connex had such a shortage of rolling stock that it would have to cease train services between Newport and Williamstown and between Camberwell and Alamein until the last train. The minister's staff would have also observed the public anger building over what resulted in about 450 metropolitan trains and at least 27 V/Line trains being cancelled on that Thursday. They would have known that a similar cessation of trains would occur on Friday, 30 January. This did occur, with passengers between Ringwood and Lilydale and between Clifton Hill and Epping also being without trains from 5.00 p.m.

The minister then announced that Friday, 30 January, would be a day of free travel on both the metropolitan and V/Line networks, except for the most loyal passengers who constantly support Victoria's public transport by purchasing weekly, monthly, yearly or V/Line date-to-date tickets. These loyal passengers were excluded because the minister refused to extend the validity of these periodical tickets by a single day. In the June 2008 quarter \$13 million in metropolitan weekly tickets, \$29.1 million in monthly tickets and \$5.7 million in yearly tickets were sold, which is equal to about \$200 million of what will be \$550 million of metropolitan train, tram and bus fare revenue this financial year.

As of yesterday the Department of Transport had piled up on its desks between 200 and 300 complaints from angry loyal commuters. It is still considering what response to make. This is a very large number, as not all those who were annoyed would have gone to the trouble of lodging a formal complaint with the minister. It is not as if these loyal passengers were singled out for an upgrade to a Drumstick or a Perrier water. They got

nothing, and yet they were the worst affected passengers of all. What other business would exclude up-front paying customers from promotions or rewards? The minister must act immediately to make sure the people who have supported public transport across the state of Victoria are not disadvantaged, get their free day of travel and make sure the tickets are altered to ensure the most valuable customers of all are looked after.

Road safety: motorcycles

Dr HARKNESS (Frankston) — I wish to raise tonight a matter for the attention of the Minister for Police and Emergency Services. The action I seek is that the minister request that Victoria Police consider conducting a motorcycle operation in the Frankston area as part of an ongoing road safety campaign. With motorcyclists being overrepresented in the road toll, an additional 10 marked and covert police motorcycles will certainly help target more areas across the state. A two-year motorcycle safety program, the first of its kind in Victoria, will involve a series of enforcement and education initiatives across Victoria and I hope in Frankston as well.

The government introduced its strict anti-hoon laws in 2006 following a report by the Victoria Police major collisions investigations unit, which stated that hoon driving had contributed to the deaths of 28 people over an 18-month period. The laws provide that first-time hoon offenders can have their vehicle impounded for 48 hours, second-time offenders can lose it for three months, and third-time offenders can have it permanently confiscated. This certainly also includes motorcyclists who are caught offending. The statistics for 2008 reveal that this tough approach is having an impact. Over 3000 vehicles were impounded last year, sending a powerful message to dangerous drivers. Eighty-five of these were impounded in my electorate of Frankston, which is indicative of the hard work of the traffic management unit at Frankston police station and the hardworking officers there.

Unfortunately the data also shows that some drivers are still not getting the message. Almost 40 per cent of impoundments came as a result of excessive speed, and many of these offences were committed by people who clearly should have known better. While we often speak of an inexperienced young male driver as the typical hoon, Victoria Police has indicated that some of the worst hoon drivers are much older. This was witnessed firsthand by the police officers in Kew who impounded the BMW Z4 of a 52-year-old travelling at more than 60 kilometres over the limit. In January, a

motorcyclist was caught doing 212 kilometres per hour in a 70-kilometre per hour zone in Altona.

Despite this, and the several tragedies that occurred on Australian roads over the holiday season, our road safety strategies are working. Victoria had its lowest road toll on record in 2008, significantly lower than the previous record in 2003. Our congratulations must go to Assistant Commissioner Ken Lay and Victoria Police for their work on road safety throughout the year along with the road safety agencies, community road safety groups and the Road Safety Committee. However, as the assistant commissioner pointed out, our record low road toll still means that 300 people were needlessly killed on our roads over the course of the year. The lesson is clear: our safety strategies are working but there is still much more to be done.

It is absolutely essential that the momentum in targeting antisocial driving and riding behaviour continues so that 2009 can be an even safer year on our roads. I look forward to seeing the continued success of our Arrive Alive strategy and other campaigns on Victoria's roads.

Benalla: skate park

Dr SYKES (Benalla) — My matter is for the Minister for Regional and Rural Development. I ask that she considers favourably a request from the young people of Benalla for funding of an upgrade of the Benalla skate park. Over the past two to three years the young people of Benalla have sought my support to get the local skate park upgraded, similar to skate parks at Shepparton and Wangaratta. One particular fellow, Zac Connell, has kept in touch with me on the upgrade, and I have provided him with ongoing encouragement and guidance, particularly in relation to developing a basic proposal and getting local government and community support.

Zac and his mates have done well. For example, they have run a skate and jam day at the existing park in both 2007 and 2008; on both occasions several hundred young people and their parents were entertained by some brilliant BMX skateboarding and scooter riding, accompanied by a fair bit of loud music. Zac's friend Cam Pianta, who competes in national and international BMX competitions, has offered help with park design. Zac has obtained the signatures of over 350 people on a petition calling for the upgrade of the skate park, which is now over 10 years old and is showing signs of wear and tear.

The Benalla Business Network has thrown its support behind the project, because it wants to support young people who have shown they want to make Benalla a

better place to grow up in. It is also because an upgraded skate park could be the focus of major skateboarding, scooter and BMX events which Cam Pianta, with his BMX connections, believes he can make happen and attract hundreds of people to Benalla.

The mayor of Benalla, Bill Hill, has offered assistance with the preparation of a submission for funding. The proposal has been put in principle to Mr Justin Hanny, the chief executive officer of Regional Development Victoria at a meeting in Benalla recently. Mr Hanny certainly expressed interest in the project in principle.

Benalla is one of the most socially disadvantaged communities in Victoria, as reported in the Vinson report *Dropping off the Edge*. This situation and the impact of the prolonged drought on the area should put Benalla well up the list for supporting young people trying to break the cycle of poverty and social disadvantage. I request that the minister read thoroughly the letter written by Zac Connell and Cam Pianta in which they seek funding and give the project her full support. I should note in closing the efforts of Zac Connell in doing this for the young people of Benalla were recognised when he was nominated for the Benalla Young Citizen of the Year award.

Real estate agents: advertising

Ms CAMPBELL (Pascoe Vale) — I raise a matter for the attention of the Minister for Consumer Affairs. I ask him to take action to monitor the advertising by real estate agencies, especially agencies operating in the Pascoe Vale electorate. A number of very prominent agencies in the electorate appear to be breaching the law and guidelines accepted by both Consumer Affairs Victoria and the Real Estate Institute of Victoria.

As an aside, I pay tribute to Enzo Raimondo of the Real Estate Institute of Victoria, who has worked to ensure that ethical practices are the norm rather than the exception in the Victorian real estate industry, particularly in ensuring that advertising in the industry adheres to the law.

Guidelines exist to ensure that potential buyers are not misled into wasting money and valuable time on properties that are not going to be available at the price advertised and at a price in their price range. People who obtain architectural reports and engineering reports are finding they are wasting their money, because they believe what is in the real estate advertising in my two local papers, the *Moreland Leader* and the 'Domain' section of *Community News*.

I want to highlight that there are always people who will do the right thing and there are businesses that will not, and our responsibility and the responsibility of the consumer affairs department is to examine the major advertising journals of the real estate industry, the 'Domain' section of the *Age* and the real estate sections of the local papers. It is not hard to spot examples of inappropriate advertising.

I will give a couple of quick examples. If you look at the January editions of the *Leader* newspapers in my electorate, you will find in the advertising part of the real estate section there are private sales listed with a dollar figure 'plus', which is inappropriate. In the section relating to auctions, where there is supposed to be a 10 per cent price range, this does not always occur, and you see figures that state, for example, 'in excess of' a particular nominated figure. The magazine I am looking at at the moment is the *Moreland Leader*.

A number of agencies are doing the right thing, but in my view the advertising pages show more are doing the wrong thing. The worst of it was brought to my attention the other day when one agent was advertising a property for sale 'in excess of' a particular figure, and another agent was advertising a property in the same street, directly opposite and with land of an identical size and virtually the same house, at a price with a \$100 000 difference. That vendor said they wanted more than was advertised.

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

Foster care: funding

Mrs FYFFE (Evelyn) — My request for action is directed to the Minister for Community Services. The action I request is for the minister to investigate the current funding for foster services and to make strong representation to the Treasurer that the funding be increased in the state budget for foster care services.

I was recently contacted by Anchor's chief executive officer, John Devine, alerting me to a serious issue affecting children and young people not only in the Evelyn electorate but across Victoria. Anchor provides emergency and referred support for individuals of all ages and families facing homelessness, and it provides foster care for children aged 0 to 18 years in the eastern region of Melbourne — and it does a wonderful job. However, I am informed that foster and residential care services for children and young people in crisis are no longer meeting demand. Increasing numbers of families are experiencing financial and emotional stress resulting in foster carers leaving the system. These

trends have been evident for some time but are now reaching a critical level.

The safety and wellbeing of the 40 000 children who have come to the attention of the child protection service is being compromised. Even without the impact of the global financial crisis, more Victorian children than ever before need foster care and other forms of care. There has been a 25 per cent increase over the last three years in the number of children who need care.

Each week Anchor is expected to find places for around 57 children who are newly inducted into the system. With another 1200 children expected to enter the system in 2009, the question must be asked: how is a system that is already overloaded supposed to guarantee the safety of children into the future? Without significant investment from the government there will be no safety net for defenceless children who, through no fault of their own, have found themselves abandoned or in circumstances that require their removal from the family home.

Foster care is in real danger of disappearing completely. During 2006 and 2007 there was a net reduction of 400 carers who made the decision to no longer accept foster children for interim care. After experiencing rejection, trauma and abuse in their young lives, it is no wonder up to two-thirds of these children are at increased risk of developing a mental health disorder.

All children should be safe and cared for, but this is not happening for Victoria's most vulnerable children. When the state takes over the care of abused children, it must be a good parent and guarantee that basic needs for safety, education and wellbeing are being met. Without the necessary investment, we will fail in our efforts to protect the futures of our precious children. I urge the minister to treat this very seriously and take action now so that we will not have more children who have nowhere to go.

Australian Masters Games: Geelong

Mr TREZISE (Geelong) — I raise an issue tonight for action by the Minister for Sport, Recreation and Youth Affairs, who I must say is a very good minister. As the minister is well aware, the 12th Australian Masters Games will be held in Geelong within my electorate and the greater region of Geelong between 20 February and 1 March. I can assure members that within the region of Geelong excitement is building. This will be an event that will prove to be a great success for Geelong and one that would not have been secured without the support of the minister and the whole Brumby government. The action I seek is for the

minister to ensure that he visits Geelong during the event to see the games in full swing — and Geelong come alive. I also invite all other members, including you, Acting Speaker, to come down to Geelong during the games.

The masters games in Geelong will attract thousands of visitors between 20 February and 1 March. Something like 8000 competitors and officials have registered and will take part in the games. Then, of course, there are family members and friends. Members can see that we may have more than 10 000 competitors, officials, family members and friends in Geelong during the games.

The games will prove to be a great boost for Geelong's economy, especially in the hospitality and retail areas. I am assured that already, a couple of weeks before the games begin, most of our hotels are heavily booked. The games will consist of more than 70 sports being undertaken in something like 80 venues right across the greater part of the Geelong region. I am looking forward to playing in the cricket competition, having organised a team of local players who are all very keen to test their skills against other teams in a 16-over format. I know that the member for Lara has organised an indoor soccer or futsal team and an upper house member for Western Victoria Region, Gayle Tierney, is also playing — I think in the bocce competition.

In 2007 I had the pleasure of representing the minister in accepting the masters games flag from representatives of Adelaide, which hosted the games that year. The closing ceremony that night was a great event, with athletes showing great enthusiasm for the competition that had been held during that week. With all respect to Adelaide, I am absolutely certain the 12th Australian Masters Games in Geelong will be one of the best ever held. With little over two weeks to go, I look forward to the opening ceremony and the games beyond. As I did before, I ask the minister to visit Geelong. I can assure him that the people of Geelong, the competitors, the officials, the volunteers and the wider community of Geelong will welcome him with open arms, knowing this state government has supported the 12th Australian Masters Games.

Schools: Bulleen electorate

Mr KOTSIRAS (Bulleen) — I wish to raise a matter for the attention of the Minister for Education. As I have said on numerous occasions in this place, we have excellent schools in my electorate of Bulleen. Teachers work hard and provide great education, and students are generally happy with their teachers. However, recently much anxiety and apprehension

have been expressed by both parents and students. Their fear is that this government will close schools in the electorate of Bulleen.

Therefore the action I seek from the minister is that she investigate whether people in the Department of Education and Early Childhood Development, including the eastern metropolitan region office, are preparing a hit list to close schools in the Bulleen electorate. This is very important, and I urge the minister not to wait six months before deciding to respond to my adjournment matter, as is normally the case with ministers of this government. I ask the minister to respond as soon as possible, because this is a real concern of the parents.

As was reported in the *Age* yesterday, the education department is considering closing schools because of falling enrolments. The report suggests that schools will be shut down or forced to amalgamate with other schools. As a result of this government's complete neglect of government schools in my electorate, some schools are finding it difficult to attract students. I say again that all schools in the electorate provide excellent education programs and have fantastic and hardworking staff. However, teachers can only work with the infrastructure that this government provides for them. This is where the problem lies.

Complete neglect by this government has ensured that school buildings are in urgent need of repair. Toilets smell, classrooms are run down, buildings are in danger of collapsing and there are schools without libraries. On top of all this, this government has shown a complete disregard for the learning outcomes of students, and this has resulted in limited resources for students.

The government is now planning to close schools because of the minister's incompetence. Naturally what this government will do will be to force or threaten principals to close their schools, but it will report closures as the school's choice. Parents like to know that the school their children attend is safe from closure. The last thing they want is uncertainty and a surprise Christmas present at the end of the year. There should be no more excuses from the minister. The minister should get on with it, investigate which schools are being considered for closure and advise parents and the community immediately.

I understand some of the schools are on prime real estate, and I notice that members opposite put dollars before students. I know the government is broke, is trying to raise money and does not care about our students or about our schools, but I ask the minister to come clean and tell the voters in Bulleen whether there

are any plans to close any schools. This government does not care about education and all it wants to do is stay in government. Ministers like the big white cars with chauffeurs and 50 staff looking after them. All the government wants to do is make sure it wins in 2010. It has got no respect for the students and no respect for the schools.

Ambulance services: Whittlesea station

Ms GREEN (Yan Yean) — I raise a matter for the attention of the Minister for Health. The action I seek is for the minister to ensure that Ambulance Victoria monitors demand for ambulance services in the Whittlesea township to ensure that the recently fully commissioned ambulance station there keeps up with the needs of this growing community. I thank the Minister for Health for his longstanding interest in ambulance services in Whittlesea township and the surrounding areas, including Kinglake, both in his current role as minister and in the previous Parliament as Parliamentary Secretary for Health. The fact that we were able to get this station up and running in under three years from the genesis of the campaign is very much testimony to his interest and understanding of the needs in the community.

The interest of the minister culminated in the official opening of the ambulance station last month. The minister saw firsthand the joy of the community at this much anticipated occasion. The many community members in attendance were most impressed by the very modern facilities, including the bedrooms for paramedics. The paramedics are pretty happy about those bedrooms, because they are very dark and the paramedics know they will get a comfortable sleep when they take a break. The paramedics love their new workplace. I know they are also touched by the warmth of the welcome they have received from the people of Whittlesea.

Since Labor came to office in 1999 there has been a massive increase in ambulance services in the north, with new or upgraded stations at Diamond Creek, Yea, Craigieburn and Bundoora. The most recent funding to be announced will deliver a new peak-period unit for South Morang, a new mobile intensive care ambulance unit at Eltham North and the upgrading of Kilmore to a 24-hour station. These system-wide improvements are drastically improving our ambulance response times, but as the local member representing that area I want to ensure that these improvements continue to keep up with the demands of that growing community. I urge the minister to ensure that Ambulance Victoria closely monitors demand and response times at Whittlesea to

ensure the community has the best possible ambulance service from this great facility.

I caution that there are some in the community who have been concerned about the hours of service provided by the facility as a peak-period unit. Some of that concern is ill informed and there has been deliberate misinformation by some elements of those on the other side. I decry that, because this is a massive expansion in services for Whittlesea township. It was irresponsible for those connected to the Liberal Party to have been making these sort of accusations, unfortunately hand in glove with some members of the ambulance union. This is a great facility, I thank the minister and urge him to continue to look at the response times in the area.

Work Focus: funding

Mr NORTHE (Morwell) — I raise a matter for the attention of the Minister for Skills and Workforce Participation. The action I seek is for the minister to assist Work Focus, which is located in Traralgon, to obtain sufficient funding so it will remain a valuable service provider of skills within the Latrobe Valley community. Work Focus is a not-for-profit organisation that is essentially operated by dedicated volunteers whose purpose includes providing an opportunity for local people to acquire various skills mainly associated with woodwork. Many of these people are at risk of disengagement from mainstream schooling.

Work Focus had previously been the recipient of funding through Adult, Community and Further Education, but unfortunately that funding has ceased, and that has placed Work Focus in a perilous position both financially and operationally. Ultimately the works undertaken by participants of Work Focus benefit the community, with products such as park benches, fencing, picnic tables and furniture utilised for the general community in many areas of Gippsland. Beneficiaries of these products include schools and kindergartens, parks and gardens and even the local hospital. The local Country Fire Authority units have also benefited, with wood furniture being donated to assist the CFA in its fundraising efforts.

As the name suggests, Work Focus provides an opportunity for many community members to develop their skills, which in turn enhances the employment prospects of these individuals. In particular Work Focus has strong linkages with the work for the dole program, with many participants undertaking training at the Traralgon Work Focus workshop. Some of the tasks include learning to understand plans, using tools safely and learning basic woodwork tasks. This activity

encourages the improved reading and mathematical skills of some of these students. Also, Try Youth and Community Services has utilised the Work Focus facility, where students have been trained in certificate II in general construction. This comprises a 12-week course in which tutors were provided by the Work Focus team. In addition a ladies do-it-yourself woodwork program has been operating for a period of time, and this has proved to be a popular platform for many women in the Latrobe Valley.

I have visited Work Focus on various occasions and can attest to the meaningful opportunities it provides to the local community. Given that the Latrobe Valley already has a higher-than-average unemployment rate, it is imperative that organisations such as Work Focus exist, as they offer a low-cost alternative in acquiring basic skills and in increasing the confidence of individuals, assisting those people to potentially undertake further training and education. Some people do not have the confidence nor the opportunity or even desire to participate in certified training courses and Work Focus can offer an alternative opportunity for such people. Given the minimal funding that Work Focus has previously received, I ask that the minister assist Work Focus in its endeavours to continue providing locals with this important service.

Go for Your Life campaign: dancing

Ms THOMSON (Footscray) — My adjournment matter is for the Minister for Sport, Recreation and Youth Affairs, and I have to concur with the member for Geelong that he is an excellent minister. The action I seek is the development of a program within Go for Your Life which offers an alternative to sport for those in our community for whom sporting pursuits are not their area of interest. Go for Your Life has been a fantastic program encouraging people to be physically active, but there are many ways in which you can have physical activity. The importance of physical activity to health and wellbeing are well documented and widely accepted, but not all in the community are interested in participating in organised or competitive sport.

Dance can offer a great alternative to traditional sporting activity. It both provides an opportunity for cardio and flexibility exercise as well as providing mental wellbeing through movement with music. This is important for children in their development and for adults who may have liked to have the opportunity to take up dance but for financial reasons or lack of support or little access have not done so. In particular communities it has been frowned on for boys to take up dance. For them and for women who may have done dance when they were little but who for many reasons

could not continue or for adults who have always dreamt of taking up dance and never had the opportunity, this might provide the opportunity for them to do so.

I know that many in the community take up this option, and for girls dance is one of the most followed pursuits, but it is often not kept up. The opportunity to give people a test and a taste of many dance varieties might be a way in which we could encourage a new kind of physical activity and wellbeing. I ask the minister to take action to investigate the feasibility of a program that would encourage those interested in but unable to pursue dance for whatever reason to take it up as their form for keeping fit and finding fulfilment.

Responses

Mr ANDREWS (Minister for Health) — I am pleased to respond to the member for Yan Yean on her representations around monitoring case load at the new Whittlesea peak period unit. I was pleased to be joined by the member for Yan Yean, several members of the local community and ambulance paramedics and other staff out at Whittlesea to officially open the Whittlesea ambulance station on 22 January. It is one among many examples of our government's commitment to giving, firstly, the ambulance paramedics the best environment to work in, but on from that ensuring that communities have access to the very best pre-hospital emergency care and transport.

It was a great day because it was a great example of the active partnership between local communities, our paramedic workforce and the Victorian government, and an example of what can be achieved through advocacy and through that partnership if there is a government that is prepared to resource our ambulance service properly. That is exactly what this government has done and what it will continue to do in terms of providing improved outcomes, often to some of the most vulnerable members of the Victorian community who, when they come into contact with the ambulance service, are often at their lowest ebb.

This is a \$3.5 million, purpose-built, brand new station. It will not only cater for the demand and needs of that community today, but it is purpose built and can grow — as the honourable member for Yan Yean pointed out — as undoubtedly case load increases in that growing part of Melbourne's north. At the moment it is a peak period unit and it operates less than 24 hours, but that is in the judgement of Ambulance Victoria with 90 cases per month, 45 of which, from memory, are emergency cases. That is deemed to mean an appropriate response.

The member for Yan Yean is seeking that the government, together with AV, monitor and ensure that we are all kept abreast of the trends in terms of case load growth, and no doubt there will be case load growth out there. As I said only a moment ago, it is a growing part of Melbourne's north. The member for Yan Yean has been a strong advocate for this service going back many years, together with our honourable friend the member for Seymour.

The members for Yan Yean and Seymour and the communities they so passionately represent can be confident that Ambulance Victoria will keep a close eye on the needs of Melbourne's north. As the member for Yan Yean pointed out, this is just one example of substantial investment right across the north, whether it be in additional assets at South Morang, Yarra Junction or Greensborough, or in improvements to access to mobile intensive care ambulance services which will come on line in the months to come.

These are all great examples of our government's commitment to giving our paramedics the resources and facilities they need to in turn provide the very best care to often some of the most vulnerable members of the Victorian community. The member for Yan Yean is to be congratulated for her passionate advocacy and her consistent and well-argued case. Often that is the difference between representations on this side of the house and others I receive — —

Honourable members interjecting.

Mr ANDREWS — Consistent and passionate representations. The member for Yan Yean's community is well served by her consistent and passionate representations on this and many other issues. She can be confident that AV will keep a close eye on these matters.

Mr MERLINO (Minister for Sport, Recreation and Youth Affairs) — The member for Footscray raised the issue of dance and, in particular, providing greater access to this activity for people who are experiencing disadvantage. I begin by saying the Brumby government is a proud supporter of dance. It is an incredibly popular activity. In fact, it is the no. 1 physical activity for girls in Australia. Approximately a quarter of girls participating in physical activity participate in dance. It is extremely popular with TV shows like *So You Think You Can Dance* and *Dancing with the Stars*.

In terms of elite sport, just two months ago we saw right here in Melbourne the sport at its absolute best with the 2008 World Latin Dancesport Championships.

Competitors from 48 countries competed over the week-long championships, which were won by a Italian couple — fantastic! — Stefano Di Filippo and Anna Melnikova. The championships generated an economic benefit of \$10 million and provided significant branding opportunities for Melbourne. That is the sport at the elite level.

At the grassroots level, dancing is incredibly popular but we need to target — and I agree with the member for Footscray — those who are missing out on physical activity. Dance is a great way to get people involved in a healthy and active lifestyle.

While I am no good at it, dance is something I am very passionate about. Just ask my wife! I can assure the member for Footscray I will be very keen and happy to both explore her ideas about how we can promote dance and investigate the feasibility of how we can support dance right across Victoria — particularly feasibility in terms of the western suburbs. I will be working with the member for Footscray on this issue. I thank her for raising it tonight.

The member for Geelong sought my involvement during the Australian Masters Games. The member for Geelong has been passionate about this event for seven years. He has spoken about the games many times in this house, and I have been able to join him at several events in Geelong in the countdown to this great event. The 12th Masters Games will be a terrific event for Geelong. As the member for Geelong said, many thousands of participants are expected to take part, including members of this Parliament, and many more supporters, families and general spectators will also converge on the city.

I am much looking forward to not only visiting Geelong — I will be there at the opening ceremony — but like my friend and colleague, I will also be participating in the member for Lara's football team. I am a bit apprehensive because I was a part of the Premier's team when it played the media pack. At a game of soccer at Olympic Park I pulled my left hamstring just before half-time, and then I strained my right hamstring just before full-time. I was walking like a robot for about a week, so I am a bit apprehensive about my physical ability to get through the Australian Masters Games, but I will do my best.

That is what this is all about — making sure we enjoy sport and enjoying the companionship of friends and the community right through our whole lifetime. That is what the Masters Games is all about. This is going to be a great event; I very much look forward to joining the member for Geelong later this month.

The member for Polwarth raised a matter for the Minister for Public Transport; the member for Frankston raised a matter for the Minister for Police and Emergency Services; the member for Benalla raised a matter for the Minister for Regional and Rural Development; the member for Pascoe Vale raised a matter for the Minister for Consumer Affairs; the member for Evelyn raised a matter for the Minister for Community Services; the member for Bulleen raised a matter for the Minister for Education; and the member for Morwell raised a matter for the Minister for Skills and Workforce Participation. I will ensure that those matters are raised with the relevant ministers for their action.

The ACTING SPEAKER (Mr Nardella) —
Order! The house is now adjourned.

House adjourned 10.38 p.m.