

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE ASSEMBLY

FIFTY-SIXTH PARLIAMENT

FIRST SESSION

Wednesday, 10 October 2007

(Extract from book 14)

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

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 Mental Health, Minister for Community Services and Minister for Senior Victorians	The Hon. L. M. Neville, MP
Minister for Roads and Ports	The Hon. T. H. Pallas, MP
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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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Standing Orders Committee — The Speaker, Ms Barker, Mr Kotsiras, Mr Langdon, Mr McIntosh, Mr Nardella and Mrs Powell.

Joint committees

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

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

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

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

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

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

Family and Community Development Committee — (*Assembly*): Ms Beattie, 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 Mrs Maddigan. (*Council*): Mrs Kronberg, Mr O'Donohue and Mr Scheffer.

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

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

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

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

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

Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Dr S. O'Kane

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FIFTY-SIXTH PARLIAMENT — FIRST SESSION

Speaker: The Hon. JENNY LINDELL

Deputy Speaker: Ms A. P. BARKER

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

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The Hon. 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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Baillieu, Mr Edward Norman	Hawthorn	LP	McIntosh, Mr Andrew John	Kew	LP
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Blackwood, Mr Gary John	Narracan	LP	Morand, Ms Maxine Veronica	Mount Waverley	ALP
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Burgess, Mr Neale Ronald	Hastings	LP	Napthine, Dr Denis Vincent	South-West Coast	LP
Cameron, Mr Robert Graham	Bendigo West	ALP	Nardella, Mr Donato Antonio	Melton	ALP
Campbell, Ms Christine Mary	Pascoe Vale	ALP	Neville, Ms Lisa Mary	Bellarine	ALP
Carli, Mr Carlo Domenico	Brunswick	ALP	Noonan, Wade Mathew ⁴	Williamstown	ALP
Clark, Mr Robert William	Box Hill	LP	Northe, Mr Russell John	Morwell	Nats
Crisp, Mr Peter Laurence	Mildura	Nats	O'Brien, Mr Michael Anthony	Malvern	LP
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Eren, Mr John Hamdi	Lara	ALP	Richardson, Ms Fiona Catherine Alison	Northcote	ALP
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Harkness, Dr Alistair Ross	Frankston	ALP	Smith, Mr Ryan	Warrandyte	LP
Helper, Mr Jochen	Ripon	ALP	Stensholt, Mr Robert Einar	Burwood	ALP
Herbert, Mr Steven Ralph	Eltham	ALP	Sykes, Dr William Everett	Benalla	Nats
Hodgett, Mr David John	Kilsyth	LP	Thompson, Mr Murray Hamilton Ross	Sandringham	LP
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Hulls, Mr Rob Justin	Niddrie	ALP	Trezeise, 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
Kosky, Ms Lynne Janice	Altona	ALP	Walsh, Mr Peter Lindsay	Swan Hill	Nats
Kotsiras, Mr Nicholas	Bulleen	LP	Weller, Mr Paul	Rodney	Nats
Langdon, Mr Craig Anthony Cuffe	Ivanhoe	ALP	Wells, Mr Kimberley Arthur	Scoresby	LP
Languiller, Mr Telmo Ramon	Derrimut	ALP	Woodridge, Ms Mary Louise Newling	Doncaster	LP
Lim, Mr Muy Hong	Clayton	ALP	Wynne, Mr Richard William	Richmond	ALP

¹ Resigned 6 August 2007

² Elected 15 September 2007

³ Resigned 6 August 2007

⁴ Elected 15 September 2007

CONTENTS

WEDNESDAY, 10 OCTOBER 2007

RULINGS BY THE CHAIR	
<i>Members statements: order of call</i>	3349
ANIMALS LEGISLATION AMENDMENT (ANIMAL CARE) BILL	
<i>Introduction and first reading</i>	3349
BUSINESS OF THE HOUSE	
<i>Notices of motion: removal</i>	3349
PETITIONS	
<i>South Gippsland Highway: flood inundation</i>	3349
<i>Autism spectrum disorder: government assistance</i>	3349
<i>Peninsula Community Health Service: future</i>	3350
<i>V/Line: Ballarat–Warrnambool coach service</i>	3350
<i>Aboriginals: Rochester healing centre</i>	3351
<i>Water: north–south pipeline</i>	3351
DOCUMENTS	3351
MEMBERS STATEMENTS	
<i>Skills training: Workforce Participation Partnerships program</i>	3351, 3353
<i>Country Fire Authority: The Basin brigade</i>	3352
<i>Country Fire Authority: Olinda brigade</i>	3352
<i>Drought: government assistance</i>	3352
<i>Christ Our Holy Redeemer School, East Oakleigh: concert</i>	3352
<i>Esperanza Cardona</i>	3353
<i>Don McDonald</i>	3353
<i>Rosebud pier: reconstruction</i>	3353
<i>Cr Ian Johnston</i>	3354, 3358
<i>Dispute Settlement Centre of Victoria: Geelong mediators</i>	3354
<i>Water: restrictions</i>	3354
<i>Harkaway Primary School: Alice in Wonderland</i>	3354
<i>Cliff O'Connor</i>	3354
<i>Australian Labor Party: federal leader</i>	3355
<i>Heidelberg Football Club: premiership</i>	3355
<i>Police: traffic fine revenue</i>	3355
<i>Our Lady of the Sacred Heart College, Bentleigh: You Never Heard Such Unearthly Laughter</i>	3355
<i>Gaming: public lotteries licence</i>	3356
<i>Muslim community: Brunswick celebrations</i>	3356
<i>Health: Lowan electorate</i>	3356
<i>Geelong Football Club: premiership</i>	3357
<i>Mornington Peninsula: equestrian activities</i>	3357
<i>Country Women's Association: Balnarring branch</i>	3357
<i>Bill Foley</i>	3358
<i>Racism: civic leadership</i>	3358
GRIEVANCES	
<i>Water: Victorian plan</i>	3358, 3361
<i>Drought: government assistance</i>	3363
<i>Hospitals: government performance</i>	3364
<i>Member for Williamstown: inaugural speech</i>	3366
<i>Member for Albert Park: inaugural speech</i>	3370
<i>Equine influenza: control</i>	3372
<i>Public Accounts and Estimates Committee: Liberal Party members</i>	3375
<i>Housing: affordability</i>	3376
DISTINGUISHED VISITORS	3369, 3372, 3387, 3390, 3394
STATEMENTS ON REPORTS	
<i>Public Accounts and Estimates Committee: budget estimates 2007–08 (part 3)</i> ... 3378, 3379, 3380, 3381, 3382, 3383	
GRAFFITI PREVENTION BILL	
<i>Second reading</i>	3383, 3397, 3431
ABSENCE OF MINISTER	3387
QUESTIONS WITHOUT NOTICE	
<i>Hospitals: waiting lists</i>	3387
<i>Rail: rolling stock</i>	3388, 3389
<i>Gippsland Lakes: environmental flows</i>	3389
<i>Rail: government initiatives</i>	3391
<i>Western Health: investments</i>	3391, 3394, 3395
<i>Energy: government performance</i>	3392
<i>Schools: assistance programs</i>	3394
<i>Hospitals: government performance</i>	3395
SUSPENSION OF MEMBER	3387, 3389
TRANSPORT LEGISLATION AMENDMENT BILL	
<i>Second reading</i>	3403
EDUCATION AND TRAINING REFORM MISCELLANEOUS AMENDMENTS BILL	
<i>Second reading</i>	3413
EMERGENCY SERVICES LEGISLATION AMENDMENT BILL	
<i>Second reading</i>	3422
ADJOURNMENT	
<i>Drouin Recreation Reserve: facilities</i>	3448
<i>Cycling: Macleod pathway</i>	3449
<i>Victorian Environmental Assessment Council: river red gum forests report</i>	3450
<i>Whitehorse: TravelSmart program</i>	3450
<i>Kelletts Road, Rowville: bicycle path</i>	3451
<i>Regional and rural Victoria: sports funding</i>	3451
<i>Wodonga South Primary School: relocation</i>	3452
<i>Multifaith Multicultural Youth Forum: government assistance</i>	3452
<i>Police: Heathcote station</i>	3453
<i>Youth Foundations Victoria: West Heidelberg program</i>	3453
<i>Responses</i>	3454

Wednesday, 10 October 2007

The SPEAKER (Hon. Jenny Lindell) took the chair at 9.32 a.m. and read the prayer.

RULINGS BY THE CHAIR**Members statements: order of call**

The SPEAKER — Order! A point of order raised by the member for Kew on Wednesday, 19 September, was referred to me by the Deputy Speaker. The point of order concerned the allocation of the call at the conclusion of 20 members statements and some time set aside for members statements remaining.

Standing order 40(2) states in part that the call will be allocated according to the party/individual representation in the house. The practice of the house has been to allow for the Chair to exercise discretion for the call of the 21st contribution. It is my view that this practice has served the house well and should be continued.

ANIMALS LEGISLATION AMENDMENT (ANIMAL CARE) BILL*Introduction and first reading*

Mr HELPER (Minister for Agriculture) — I move:

That I have leave to bring in a bill for an act to amend the Domestic (Feral and Nuisance) Animals Act 1994, the Impounding of Livestock Act 1994 and the Prevention of Cruelty to Animals Act 1986 and for other purposes.

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

Mr HELPER (Minister for Agriculture) — The bill has many aspects. It reflects the government's election commitment to increase penalties for animal welfare offences by up to 100 per cent and strengthens and updates the Prevention of Cruelty to Animals Act.

Motion agreed to.

Read first time.

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

The SPEAKER — Order! I advise the house that under standing order 144 notices of motion 36 to 44 inclusive will be removed from the notice paper on the

next sitting day. A member who requires the notice standing in his or her name to be continued must advise the Clerk in writing before 6.00 p.m. today.

PETITIONS**Following petitions presented to house:****South Gippsland Highway: flood inundation**

To the Legislative Assembly of Victoria:

The petition of the citizens of Sale and region draws to the attention of the house the unacceptable imposition cast upon Gippsland communities particularly at Sale and Longford and surrounds arising from the intermittent closure of the South Gippsland Highway south of Sale because of flood inundation.

The petitioners therefore request the Legislative Assembly of Victoria calls upon the Victorian government to immediately undertake the required road works so as to establish an all weather road, designed to be free of flood inundation between Sale and Longford.

By Mr RYAN (Gippsland South) (1611 signatures)

Autism spectrum disorder: government assistance

To the Legislative Assembly of Victoria:

Between 8 and 15 October 2007, I will walk from Melbourne to Canberra to deliver a petition and ask our politicians to ensure people with autism spectrum disorder, their families and carers can, in a timely manner, receive the treatment, services, support, protections and opportunities that they need. I want our politicians to appreciate the need for significant improvements in:

early diagnosis

intensive early intervention through appropriate funding, staff training and professional supervision

ASD-specific professionals supervising individual programs in special schools

professional supervision and appropriate support for inclusion into mainstream settings

high school education options and support

employment for people with ASD

appropriate housing/accommodation

family support and family health

educate and inform people in Australia about autism spectrum disorder.

I have seen through my dealing with families, the effects autism has on the person and their family. I have seen how isolated the families become due to the lack of community awareness and appropriate services, how with the absence of

affordable early intervention there is little hope for change and how some of the sufferers end up in aged-care facilities because there is nowhere else for them to go; their families grieving because they know this is not an appropriate setting for them. All that I ask is to give our autistic people a voice and a fair go in life.

There is no more time to waste, the Australian people want you to act now.

Yours sincerely,
Esperanza Cardona
3/4 Steven Court, Mordialloc, Victoria.

'Our lives begin to end the day we become silent about things that matter'. Martin Luther King, Jr

By Ms MUNT (Mordialloc) (1 signature)

Peninsula Community Health Service: future

To the Legislative Assembly of Victoria:

The petition of the residents of the Mornington Peninsula draws to the attention of the house as a separately incorporated community health service, Mornington Peninsula Community Health Service has a long and highly regarded history that has actively engaged the Peninsula community in service planning and delivery.

We request that Peninsula Community Health Service remains as a declared community health centre under the Health Services Act.

For Peninsula Community Health Service to continue as a separately incorporated community health centre, and re-establish a board of management consisting of community members.

The petitions therefore request the Legislative Assembly of Victoria that the Peninsula Community Health service should stand alone and are able to:

ensure the delivery of high-quality clinical services to consumers within a comprehensive clinical governance framework

achieve the delivery of integrated community-based services within the context of current government health policy

support the workforce by providing appropriate work environments, professional training and support, career development etc.

achieve sound financial management of government funding

actively pursue the growth of community health services to the Mornington Peninsula community.

By Mr DIXON (Nepean) (2004 signatures)

Peninsula Community Health Service: future

To the Legislative Assembly of Victoria:

The petition of the residents of the Frankston/Mornington Peninsula draws to the attention of the house:

The first is the continuation of Peninsula Community Health Service as a declared community health centre under the Health Services Act.

This option therefore involves the continuation of two separate publicly funded community health service providers in the Peninsula.

Continuation of Peninsula Community Health Service as a separately incorporated community health centre, and the establishment of a board of management of Peninsula Community Health Service would mean that Peninsula Community Health Service would have a clear mandate to actively pursue the growth of services to the catchment area.

As a separately incorporated community health service, Peninsula Community Health Service has a long and expert history that has actively engaged the Peninsula community in service planning and delivery.

The petitions therefore request the Legislative Assembly of Victoria that the Peninsula Community Health Service should stand alone and are able to:

ensure the delivery of high-quality clinical care to consumers within a comprehensive clinical governance framework

achieve the delivery of integrated community-based services within the context of current government health policy

support the workforce by providing appropriate work environments, professional training and support, career development etc.

achieve sound financial management of government funding

actively pursue the growth of community health services to the Mornington Peninsula community.

By Mr DIXON (Nepean) (4 signatures)

V/Line: Ballarat–Warrnambool coach service

To the Legislative Assembly of Victoria:

The petition of concerned residents and V/Line Smythesdale, Scarsdale, Haddon, Linton, Skipton, Lismore, Derrinallum, Darlington, Mortlake, Camperdown and Terang coach travellers draws to the attention of the house that recent changes to V/Line timetables have not only further slowed train services, but have also resulted in travellers using the V/Line Warrnambool to Ballarat and return weekday coach service being disadvantaged by the new 1245 hours departure time from Ballarat in lieu of the previous time of 1420 hours.

The petitioners therefore request that the Legislative Assembly of Victoria restores the previous departure time of 1420 hours for the Ballarat to Warrnambool coach service.

And your petitioners, as in duty bound, shall ever pray.

By Mr MULDER (Polwarth) (194 signatures)

Aboriginals: Rochester healing centre

To the Legislative Assembly of Victoria:

The petition of the following residents of Rochester and district in the electorate of Rodney draws to the attention of the house that they are opposed to the establishment of an Aboriginal healing centre in the middle of Rochester.

The petitioners therefore request that the Legislative Assembly of Victoria instruct the Department of Human Services to locate the healing centre in a rural zone outside the Rochester township, rather than a residential area — if the centre must be established in Rochester.

By Mr WELLER (Rodney) (856 signatures)

Water: north–south pipeline

To the Legislative Assembly of Victoria:

This petition of residents of Victoria draws to the attention of the house the proposal to develop a pipeline which would take water from the Goulburn Valley and pump it to Melbourne.

The petitioners register their opposition to the project on the basis that it will effectively transfer the region's wealth to Melbourne; have a negative impact on the local environment; and lead to further water being taken from the region in the future. The petitioners commit to the principle that water savings which are made in the Murray–Darling Basin should remain in the MDB. The petitioners therefore request that the Legislative Assembly of Victoria rejects the proposal and calls on the state government to address Melbourne's water supply needs by investing in desalination, recycling and capturing stormwater.

By Mr WALSH (Swan Hill) (32 signatures)

Tabled.

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

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

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

DOCUMENTS

Tabled by Clerk:

Auditor-General:

Improving our Schools: Monitoring and Support —
Ordered to be printed

Management of Specific Purpose Funds by Public Health Services — Ordered to be printed

Financial Management Act 1994 — Financial Report for the State of Victoria incorporating the Quarterly Financial Report No 4 2006–07 — Ordered to be printed

Police Integrity, Office of — Report 2006–07 — Ordered to be printed

Subordinate Legislation Act 1994 — Minister's exception certificate in relation to Statutory Rule 111

Victorian Law Reform Commission — Review of the *Bail Act 1977* — Ordered to be printed.

MEMBERS STATEMENTS

Skills training: Workforce Participation Partnerships program

Ms ASHER (Brighton) — I wish to draw the house's attention to the Workforce Participation Partnerships program, which was launched by the then Minister for Employment and Youth Affairs, now the Minister for Skills and Workforce Participation, with a glossy brochure, complete with her photo.

The brochure, introduced at the launch, says in part:

The Workforce Participation Partnerships therefore address two key priority issues of the Victorian government:

increasing sustainable employment opportunities for Victorians; and

addressing emerging labour and skills shortages.

The Workforce Participation Partnerships program is an exciting new initiative which has been developed in consultation with a range of business and community stakeholders. It offers flexible funding to support regional and/or industry based solutions that provide sustainable employment for unemployed Victorians.

The only problem for the minister is that the funding is so flexible, it is about to run out. The Ethnic Communities Council of Victoria has called on the government to continue funding the program. There are many providers that will have to close their doors if funding is not announced by the minister shortly. Previously \$12 million per annum was provided by the government for this program, but in the 2007–08 budget only \$2.5 million was provided.

I call on the Minister for Skills and Workforce Participation to give some follow-through to her 2005 glossy brochure and actually allocate some funding to this program given that she said it was so vital to the government's program of skills. This program absorbed three separate programs. The government says skills are a key issue for Victoria and we need some

follow-through, not glossy brochures, from this minister.

Country Fire Authority: The Basin brigade

Mr MERLINO (Minister for Sport, Recreation and Youth Affairs) — I rise to congratulate The Basin Fire Brigade on its upcoming 80th birthday celebrations, which I will have the pleasure of attending this Saturday night.

On 14 February 1926 bushfires engulfed large areas of Gippsland, the Yarra Valley and the Dandenong Ranges. They became known as the Black Sunday bushfires; they claimed 31 lives, left 2000 people homeless and burnt an estimated 390 000 hectares, along with livestock and native animals. From those fires The Basin Fire Brigade was born and today the brigade is led wonderfully by Captain Colin Killian. The Basin Fire Brigade is thriving, with 93 members who all dedicate themselves to selflessly protecting their community.

The brigade responds to an average of 220 calls per year and, in a true testament to its character, its members are always among the first to offer help to other parts of the state when the need arises. We owe these heroes a great deal.

Country Fire Authority: Olinda brigade

Mr MERLINO — It also gives me great pleasure to congratulate the Olinda Fire Brigade on its 80th birthday, and I look forward to sharing its special night later this month.

The Olinda Fire Brigade covers a magical yet extremely challenging part of Victoria during the bushfire season. Captain Peter Robinson and his team of 50 members receive approximately 100 call-outs per year, ranging from fires to motor vehicle accidents, storm damage and broken power line incidents.

Just as importantly, like the Basin brigade, the Olinda brigade extends its role into local schools. It distributes community safety newsletters and hosts annual fire safety information nights. The Olinda community certainly knows that they have the most committed group of people ready to protect them, and on behalf of that community I wish to thank every member of the Olinda Fire Brigade for the outstanding, selfless service they provide. They too are truly heroes.

Drought: government assistance

Mr JASPER (Murray Valley) — I wish to highlight to the house the drastic situation facing country

Victorians with the continuing drought in most country areas of the state. A large percentage of the farming community are seeing a huge reduction in their income and are fighting for their very survival. The prospect of crop failures, low water allocations for irrigation and pasture failures for stock feed are dramatically affecting the resilience of this group of country Victorians.

The economic downturn is now having an effect on the viability of many country businesses. Whilst governments at a state and federal level are reviewing what financial assistance can be provided, including the recently announced allocation of \$714 million from the federal government for a range of programs to support regional communities, my major concern is a lack of understanding of the critical situation facing country people in the major population areas.

One of my fears is that the Reserve Bank may increase the interest rates early next month with a consumer price index unusually affected by higher food prices because of the drought. This would be a further body blow to the people struggling against extremely difficult economic conditions.

My message to the state government is to expand assistance measures for country people with direct financial support, and as a good example make the water tank installation subsidy available to all Victorians, not just to those connected to water reticulation systems.

Christ Our Holy Redeemer School, East Oakleigh: concert

Ms BARKER (Oakleigh) — On Thursday, 20 September, I had the great pleasure of attending the Christ Our Holy Redeemer Primary School concert. The theme of the concert — ‘Where in the world is ...?’ — provided the audience with the opportunity to sit back and enjoy the concert as the children travelled to different parts of our world.

Preps headed to the Aussie outback to tell us why they just love the Australian bush. As some sang, ‘I went walking’ they were joined by other preppies dressed as kangaroos, possums, sheep, rabbits and a range of animals who are part of bush life. They all then sang that old favourite, with the opening line, ‘Give me a home among the gum trees’.

Years 1 and 2 students headed to Brazil to celebrate Carnivale with song and dance. We were treated to Coco’s samba and La Cucuracha along with a beautiful backdrop of Brazil’s most well-known birds. Years 3 and 4 students reported live from Europe. They danced

their way across Italy, France, Greece and Poland performing the Tarantella, the Zorba dance, the Carpetmaker's dance and the Goralski. Again, we had a wonderful backdrop, with the Eiffel Tower and the Leaning Tower of Pisa.

Finally, year 5 and year 6 gave us a whirlwind tour of China, India and Africa. We were joined on stage by a Chinese dragon as the students performed the dragon dance. In India we watched the Diwali festival, and in Africa we were enthralled as the students performed some amazing African drumming and a rain dance.

This wonderful concert was finished with the whole school performing *We're the Children of the World*. Christ Our Holy Redeemer Primary School in Oakleigh East is a really fantastic school and has great leadership through its principal, Tim Noonan. I congratulate Tim, the staff, the parents who assisted and particularly the children for entertaining all of us with such a very enjoyable trip around the world.

Skills training: Workforce Participation Partnerships program

Mr KOTSIRAS (Bulleen) — I have also been approached by the members of the ECCV (Ethnic Communities Council of Victoria) who are concerned about this arrogant Labor government's refusal to clarify its future plans for the Workforce Participation Partnerships program. The ECCV advises me that the WPP program might not be funded beyond this year. If this is true, it is a slap in the face for all those Victorians who are unemployed and struggling to find a job.

The WPP program also targets people from CALD (culturally and linguistically diverse) communities, helping them to find employment in areas where there are shortages. This uncaring Labor government abolished this successful, community-based employment program, which was introduced by the previous Liberal government. It is a very successful program that has helped thousands of Victorians to find a job. Now there is a danger that this government will continue to ignore the needs of CALD Victorians.

Some CALD communities still have high levels of unemployment amongst their members, and this uncaring and inept Labor government is turning its back on them. Assistance with finding employment for recent arrivals, especially refugees, is critical to ensuring their smooth settlement. This is another example of the government showing that it is more interested in rhetoric and photo opportunities than in the smooth settlement of migrants. Yesterday's announcement by Minister Allan of the global skills

program is another example of how this government shifts money around and rebadges programs simply to get publicity.

Esperanza Cardona

Ms MUNT (Mordialloc) — I draw attention this morning to two remarkable volunteers from my electorate.

The first is Esperanza Cardona. I met with Esperanza in the foyer of Parliament on Monday afternoon. She walked to Parliament from Sportsmart in Cheltenham on her way to Canberra. She is taking a petition to deliver to the federal government asking it to increase funding for autism. She is undertaking a trek of 660 kilometres to draw attention to autism. Esperanza is being supported by her son, Sebastian Cardona, who is also giving up his time to accompany his mother.

Don McDonald

Ms MUNT — I would also like to make belated mention of and congratulate a retired CSIRO scientist from my electorate, Don McDonald, who has been appointed to the Ministerial Advisory Council of Senior Victorians. He is an outstanding representative of my electorate on this board. He has worked for the CSIRO, has qualifications in physics and psychology, has been published in a whole range of journals and has great community connections, including with Kingston U3A (University of the Third Age), which is a wonderful organisation for our senior citizens in Mordialloc. Congratulations, Mr McDonald!

Rosebud pier: reconstruction

Mr DIXON (Nepean) — Rosebud pier is falling down. The artillery shell found under the Portsea pier over the weekend could well have exploded under the Rosebud pier when you look at the mess it is in. Rosebud pier has had its end third closed to the public. All that remains of the two low landings at the end of the pier are a dozen rotten piles sticking out of the water. There are no bearers, no decking and no railing. Rosebud pier is built above quite shallow water. The section that is closed is above the only deep water. Therefore the pier is useless for recreational boating, charter fishing boats and those who like to fish from the structure in their favoured deeper water.

The \$500 000 promised by the government for an upgrade last year is not scheduled to be spent until at least 2008–09. That amount of money is only enough for a patch-up job, not the rebuild that the pier desperately needs. In the short term, though, the

government must provide funding for urgent works so that this iconic pier can be opened and made useful for the coming busy summer months.

Cr Ian Johnston

Mr DIXON — I wish to briefly pay tribute to Mornington Peninsula shire councillor Ian Johnston, who died suddenly last week at the age of 55. Ian was a larger-than-life character who was active in many community groups, especially in surf boating and life saving. He led a colourful life, literally saving lives and spending a lot of time in Antarctica. My condolences go to Bev and Sean. Ian has left large boots to fill.

Dispute Settlement Centre of Victoria: Geelong mediators

Mr TREZISE (Geelong) — On Tuesday, 25 September, I had the pleasure of hosting the graduation ceremony of 21 new mediators who will work within the Geelong community under the auspices of the Dispute Settlement Centre of Victoria. Attorney-General Rob Hulls presented certificates to the 21 graduating mediators, who will in essence provide mediation services to help people in the Geelong area resolve neighbourhood disputes outside the formal court system.

I take this opportunity to congratulate the graduating mediators: Jo Ciach, Peter Coghlan, Bernadette Coghlan, Julie Heath, Ross Hunter, Kylie Ito, Rob Jolly, Laurel Ling, David Marshall, Cathy McDonald, Peter Moore, Joe Mundine, Cassie Silva, Joanne Sinclair, Nigel White, Irene Zudunis, Keith Fagg, Samantha Purcell, Elsie Teer and Graeme Angus. The mediators play an important community role, and I congratulate these people for taking the initiative and making available their time and effort to serve the people of Geelong.

Given the fact it is estimated that 270 000 Victorians every year find themselves in disputes over things such as fences, overhanging trees, barking dogs and general disputation, one can see the importance of these new mediator roles. I congratulate these people. As I say, they play important roles, and I wish them well in serving the people of Geelong.

Water: restrictions

Mr NORTHE (Morwell) — I speak today on the state government's recent announcement that Melbourne will remain on stage 3a water restrictions until 30 June 2008. Stage 3a, as we know, is a government invention to appease those residing in

Melbourne, much to the disgust of many country Victorians and in particular people now on stage 4 water restrictions.

The government's water plan document released in June 2007, *Our Water Our Future*, stipulates that:

action will be taken in the immediate future to ensure the security of Melbourne's water supplies. This will include:

moving to stage 4 water restrictions in August 2007 if necessary ...

In October 2006 the previous minister for water announced that 10 000 megalitres of environmental flows were being returned to the stressed Thomson River. However, just 12 months later the new minister is announcing that this water is to be reserved to assist in supplementing Melbourne's water supplies. This is despite *Our Water Our Future* stating that this would only occur if Melbourne moved to stage 4 water restrictions. That is hypocrisy and mismanagement at best.

Recent studies recommend 40 000 megalitres of annual environmental flows for the Thomson River, so a reduction of 10 000 megalitres will surely have a dramatic impact on the health of the river and its fauna and marine life. In addition, I have not seen any reference as to whether the relevant catchment management authorities will be compensated as a consequence of this decision.

This is why The Nationals have had established through the other place a parliamentary inquiry on how Melbourne can better supplement its water supplies, hopefully without having to reduce environmental flows into regional rivers such as the Thomson.

Harkaway Primary School: *Alice in Wonderland*

Mr DONNELLAN (Narre Warren North) — I want to congratulate the Harkaway Primary School. On Friday, 14 September, I attended a production of its play *Alice in Wonderland*, which was staged at St Margaret's school, Berwick. The parents who spent many hours on the sets and costumes did a marvellous job. The principal, Fred Hess, who is a kind and considerate individual, has also done a marvellous job. Alice was a wonderful lead, the Mad Hatter as the silly rabbit did very well, and the Queen of Hearts performed admirably as well.

Cliff O'Connor

Mr DONNELLAN — I also want to congratulate Cliff O'Connor, the captain of the Hallam Country Fire

Authority station, on the open day I attended last Sunday, 7 October. The brigade undertook a hazardous chemicals emergency procedure, which was quite interesting. More than anything else, they actually provided some interesting entertainment for the children. They had a fire tent where they taught children how to get down low and get out of the smoke; they showed trench digging and so forth. But above all I congratulate Cliff O'Connor for putting on a great show on Sunday. It was incredibly well attended.

Australian Labor Party: federal leader

Mr K. SMITH (Bass) — Did you hear that sound, Deputy Speaker? That thump? I think it was another wheel falling off the Kevin07 election bandwagon. Our Kevin is the working man's hero, the multimillionaire, the man who can afford the working man's \$5 million holiday home on the Gold Coast — although we know his wife made all the money from working hard, using the Howard government's legislation that rewards people for working hard and puts people in jobs!

We have also had the makeover queen of industrial relations, Julia, who wants to be the Treasurer, being told to back off. 'The job's for Swan', Kevin said. But is he up to it? I very much doubt it. And of course we have Mr Green, Peter Garrett, the Labor-loving rock and roll singer who has now shown he has no principles, who sold his green soul to try to pick up a few cheap votes. Why? Because the lip-licking Labor leader told him to, and of course he told the Labor candidate in Wentworth not to open his mouth on anything, particularly the pulp mill.

Rudd has gagged his members and his candidates. Why? It is because he does not want the public to see them for the pack of trade union thugs and idiots that they are. But they are too late for Robert McClelland, the foreign affairs spokesman, who believes that Kevin07 can tell Indonesia what to do. The wagon rolls on, less a few wheels, but 'Me-too' Rudd is looking more like Mark Latham every day, blaming staff and shadow ministers for his mistakes.

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

Heidelberg Football Club: premiership

Mr LANGDON (Ivanhoe) — On Sunday, 23 September, as a guest of the Northern Football League, I witnessed the conclusion of a perfect football season by the Heidelberg Football Club. Its members did not lose a game all season and convincingly beat Bundoora by 32 points after leading the entire day. I

would like to congratulate everyone at the club: the president, Trevor Barrott; all the committee members; the coach, Phil Plunkett; the coaching staff; the captain, Blair Harvey; and the entire team; and of course all the supporters of the Heidelberg Football Club. Heidelberg's dominance of the northern league was also highlighted by its winning the reserve grade final, when it defeated Montmorency by 69 points. It was a great atmosphere at the final. Certainly Heidelberg's dominance of the area was shown by the number of black and yellow colours around the ground. I congratulate all at the Heidelberg Football Club for all their work for the entire year, and I wish them well in the future.

Police: traffic fine revenue

Mr THOMPSON (Sandringham) — I wish to raise the anger, the despair and the outrage of hundreds of motorists in the southern metropolitan region who have been ensnared in the increase in police fines in Victoria. In 2001 police fines in this state totalled just over \$100 million. In the current budget they are projected to reach \$418 million. What is at the coalface of these police fine increases? I will give three examples.

Firstly, a bus driver faces the loss of his licence after having turned right at an intersection. He has been fined twice for going through a red right-turn arrow at the intersection of the Nepean Highway and Bay Road. He cried when he spoke to my staff and asked them, 'How will I feed my family of three?'. Secondly, in three months one family has incurred four fines — that is, 12 points among two drivers. The husband needs to keep his licence for his livelihood. Thirdly, pensioners are being fined \$220 or so for turning against a red light that is arguably incorrectly set. According to one constituent, you need the timing and reflexes of a fighter pilot. Another person noted that at the end of the green-arrow sequence amber shows for 1 or 2 seconds before turning red. This rapid transition from green to red does not allow drivers to make a decision as to whether to try to make the turn; therefore they are at risk of being snapped by the camera or risking a collision by having to stop suddenly.

Our Lady of the Sacred Heart College, Bentleigh: *You Never Heard Such Unearthly Laughter*

Mr HUDSON (Bentleigh) — Recently I had the pleasure of attending a production of a play by students at Our Lady of the Sacred Heart College in Bentleigh. The play, *You Never Heard Such Unearthly Laughter*, by Kenneth Lillington, was performed with great verve and energy. The play, a light-hearted comedy, centres

on the ghosts of a 14th-century noble family that are faced with the arrival of the castle's new owners. The play deals with universal themes, such as the extent to which we are trapped within the routine of our day-to-day lives, and what happens when we are taken outside of our comfort zone by external events.

In the play drastic measures are taken by the ghostly occupants when they learn what the new owners have in mind for the castle and the effect it will have on their day-to-day equilibrium. The characters in the play were well acted by Crystal Goetz, Guilia Poletta, Michela Poletta, Laura Colaianni, Dina Amin, Abbey Mehrten, Chloe Jones, Abbey Kelly and Natalie Abilmona. The play was well directed by Michelle Fenton, who has played a key role in the presentation of quality theatrical productions at the school. Staff, parents, family members and friends generously contributed to the success of the production by providing costumes, sets, props, make-up, the set-up of the hall and the supper.

Our Lady of the Sacred Heart College, led by its principal, Judith Lamb, has established an excellent reputation for its musical and theatrical productions, having in recent years been a finalist in the statewide Rock Eisteddfod and last year producing *2061 — A Space Idiocy*. Congratulations to the community at Our Lady of the Sacred Heart College.

Gaming: public lotteries licence

Mr O'BRIEN (Malvern) — The Brumby government claims to be transparent and accountable, but nowhere can that claim be seen to be more fraudulent than in relation to the gaming inquiry being conducted in the other place. This government at every stage has interfered with this inquiry. Its ministers have refused to appear before it. This government has gagged public servants from answering questions before this inquiry, and this government has withheld documents from this inquiry to prevent these matters being properly investigated.

We have also seen the extraordinary sight of an aggrieved applicant — an applicant who has made complaints about the integrity of this process, being Intralot — suddenly being invited to discuss terms for a licence on the eve of giving evidence before this very inquiry. We have a Minister for Gaming who personally approved this intervention and who personally approved the timing of this approach to Intralot just on the eve of its giving evidence, and we are expected to believe this is a government with nothing to hide and this is a government that is open, transparent and accountable!

Now we know that the government's excuse for withholding documents from this inquiry is nothing but a fraud. The upper house inquiry has obtained the advice of one of Australia's most eminent silks, Bret Walker, SC — a silk whom, I should add, Kevin Rudd has used himself — and that shows that the government's claim to executive privilege and protected confidentiality of those documents is a fraud.

Muslim community: Brunswick celebrations

Mr CARLI (Brunswick) — Last Wednesday I had the great pleasure of attending a dinner for the breaking of the Ramadan fast by the Muslim welfare trust in Brunswick. It was very much a multicultural event which really celebrated the vast number of local Muslims who have come to our land from various countries. It is certainly a major celebration in my electorate, and in the evenings along Sydney Road the sweetshops are full and the local restaurants are full as people break their fast. One of the highlights of the night was a choir of migrants originally from Ethiopia who sang verses from the holy Koran. It was a very important evening which really celebrated the diversity of the Islamic faith and also the common humanity that they share with people in Australia.

This weekend is Eid, which is the celebration of the end of the holy month of Ramadan. There will be a major celebration this weekend as various groups celebrate the end of the holy month — a month which is obviously a month of reflection, when people seek spiritual enlightenment and when they fast during the day and break their fast during the evening. It has been a very important month for my local community. I was very pleased to celebrate it last Wednesday, and I will be even more pleased to celebrate Eid on the weekend with the various communities.

Health: Lowan electorate

Mr DELAHUNTY (Lowan) — The Lowan electorate is the largest Assembly electorate in the state. It has five health services, some with multicampuses covering many towns, and there are also four bush nursing centres. Each year I endeavour to attend their annual meetings to support not only their boards, their staff and the community but also the patients using these facilities. The health boards do a great job under difficult conditions. We all remember a couple of years ago when this government flirted with the idea of removing hospital boards, but hard lobbying from The Nationals ensured their retention.

Country communities have greater ownership of their health services through their hospital boards, and they

support them through donations, bequests and fundraising activities. My heartfelt gratitude and appreciation is extended to their auxiliaries and volunteers for their tireless and ongoing support. Country health service staff are committed to patient wellbeing and their own education and training to provide and maintain professional care and services to patients and residents.

During my visits I also see the need for building redevelopment and equipment replacement. In preparation for next year's state budget I give notice to the Minister for Health of the need for health-care funding for Coleraine, Merino and Edenhope. The communities of Coleraine and Merino were very disappointed that even though their master plan had been endorsed, there was no funding provided in the last state budget. We in The Nationals strongly support health care being available to the community, and the first objective in ensuring that services are provided is the provision of buildings to meet modern-day standards. I call on the government to support our country communities which, even in hardship such as drought, are giving enormous support to their health services.

Geelong Football Club: premiership

Mr EREN (Lara) — Just in case some people have been living on another planet and are not aware, I inform the house that the Geelong Football Club — the mighty Cats — won the 2007 Australian Football League (AFL) premiership in spectacular form, thrashing Port Adelaide by a spectacular and record-breaking 119 points. The premiership win caused a sensation throughout the Geelong region, where there was literally dancing in the streets. Well done to 'Bomber' Thompson, Brian Cook, Frank Costa, all of the staff and of course all of the players who have made us so happy and proud. I say, 'Thank you'. This victory means a lot to the Geelong community.

And now for some gloating! Not only did Geelong win the AFL premiership but its other team won the VFL (Victorian Football League) premiership too. Geelong's Jimmy Bartel took home the Brownlow Medal; Joel Selwood was named AFL Rising Star; Gary Ablett, Jr, won the Leigh Matthews Trophy; Steve Johnson won the Norm Smith Medal; Geelong had nine players named as All Australians; it won the McClelland Trophy for the minor premiership; and it broke the Brownlow record by getting over 60 votes for players from the one club. We won almost all the awards — except the Coleman Medal, which we did not need to win anyway.

I was very pleased to be at the street parade in Geelong on Wednesday to officially honour the Cats for their great achievements. All of Johnstone Park was covered with blue and white. It was a truly great feeling as Geelong mayor Bruce Harwood, and our own Deputy Premier and rabid Cats fan, Rob Hulls, officially handed the Cats the key to the city. I had my photo taken holding the cup with Geelong president Frank Costa and Tom Harley.

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

Mornington Peninsula: equestrian activities

Mr BURGESS (Hastings) — Equestrian pursuits have always been synonymous with the Mornington Peninsula. If you look around and cannot see a horse, the likelihood is that you are either not on the Mornington Peninsula or it is night-time. Horses are one of the many iconic aspects of the peninsula. Whether for endurance training, racing preparation or just horseriding for recreation, the peninsula has historically been known as a horse-friendly area for both the experienced and novice rider.

Recently the Mornington Peninsula Shire Council undertook a review of usage of the Olivers Creek reserve in Tyabb. The reserve is a favourite recreational area for bike riders, walkers and horse enthusiasts. A diverse range of leisure activities has comfortably and safely existed in this area for a very long time. The review is looking at the future of the reserve but appears to be part of a much broader consideration by the council of the future of equestrian pursuits on the peninsula. Local horseriders feel the review is designed to shut them out of reserves and bushland areas, effectively denying them access to safe areas to ride in.

Many locals fear that the future of equestrian activities on public land on the peninsula is under threat. It would be dangerous for both motorists and riders if riders were forced out of safe riding areas onto roads. Equestrian pursuits create and enhance both local and broader communities; they are healthy outdoor activities that in a world of obesity and sedentary lifestyles must be protected and nurtured.

Country Women's Association: Balnarring branch

Mr BURGESS — I would like to pass on the sincere congratulations of the community to the Balnarring branch of the CWA (Country Women's Association) for its 75th birthday. Our community is much the better for the valuable work this tight-knit

group of high-spirited, hardworking and committed women have performed for their community for 75 years.

Cr Ian Johnston

Mr BURGESS — I would also like to communicate my deep regret at the recent passing of Cr Ian Johnston. Ian was councillor for the Truemans ward of the Mornington Peninsula shire. My sincerest sympathies go to the family and loved ones of Ian.

Bill Foley

Ms GRALEY (Narre Warren South) — It was the first day of the cricket season on Saturday, and as our son was at the wicket, his black armband stood out from his whites. Bill Foley's death was being acknowledged across the cricket fields of the Mornington Peninsula, Frankston and elsewhere in Victoria by boys and men from all clubs. We will all miss seeing Bill around the grounds.

Bill Foley was born in Boort and raised on the farm of his parents, William and Margaret, with his twin brothers and sister. He was schooled at St Patrick's College, Ballarat, and went on to study engineering at the University of Melbourne. When he met the love of his life, Marie, they set up home together in Mornington and had five children.

Following the tragic early death of his wife, Bill largely raised their children on his own. He did a fine job, and one of those children today will deliver his inaugural speech to the Parliament of Victoria. Bill was awarded the Australian Sports Medal for his services to cricket. Many, many young men, like my own son, were fortunate enough to have such a man amongst them at their cricket clubs and training sessions. He was a man who loved cricket, but more than that he loved helping others to learn the game and share his passion for the sport.

A fine sportsman himself, he was also an excellent cricket administrator, and he provided the outstanding leadership necessary — especially as inaugural president of the south-east country cricket region — for the development of country cricket. He did the things that others cannot find the time to do, because he was a passionate, dogged and generous man — he had a big heart and big work ethic.

A long time employee at Watsons, he was also a devout congregation member at St Macartan's Catholic Church — loyalty and faith blessed him with success.

Christmas at the Foley's was full of Christian spirit, the full spread and of course backyard cricket. Martin, he will be up there on the Heavenly Hill, reunited with your dear mum, cheering you on today.

Racism: civic leadership

Mr SCOTT (Preston) — I rise today to condemn racism in politics. Racism has been the tool of demagogues throughout the history of democratic politics. It is characterised by the use of the emotion of fear to overwhelm reason and is based on the dehumanisation of racial groups. Thankfully in Victorian politics racism is not common, and there is a tradition of fighting it. Sadly this is not true of all jurisdictions in Australia. Although racism can be electorally successful, it leaves a stain on those racists in the pages of history. I urge all members to fight racism and to appeal to the better angels of our nature when seeking electoral support.

The DEPUTY SPEAKER — Order! The time for members statements has now concluded.

GRIEVANCES

The DEPUTY SPEAKER — Order! The question is:

That grievances be noted.

Water: Victorian plan

Ms ASHER (Brighton) — I grieve today for the people of Victoria because of the government's appalling ineptitude in its handling of water. The handling of water by this government has been characterised by spin, incompetence and financial rip-offs.

I want, firstly, to discuss the spin — that is, what this government wants the public to believe as opposed to what it is actually doing. For the record the Our Water Our Future campaign cost taxpayers \$13 million, and that figure has been verified by the Auditor-General. When the government announced its so-called plan for Victoria's water supply a couple of months ago, the television ads alone cost \$1.7 million, even though the Premier said they would cost \$1 million. A vast amount of money has been spent on Labor spin, in the main telling Melbourne householders, who after all only use 7.7 per cent of Victoria's water, to cut their consumption.

I also want to make reference to another area of spin. On page 7 of the tender from the Department of

Sustainability and Environment for risk management services for the desalination plant we find out what sort of services this government is after. I quote from page 7 of the document:

The application of the desalination project RMP during phase 2: project development will involve a whole-of-project approach to the management of project-related risks. Under the approach, the context and scope of risks to be managed include:

Government and department ... strategic and reputation related risks.

The first risk the contractor is going to be asked to analyse is the risk to the government's reputation over this particular major project.

I also want to make reference to a press release put out by the former Premier on the occasion of the government's water announcement on 19 June 2007. The then Premier told the public that these two projects, the north-south pipeline and the desalination plant, would result in removal of water restrictions in Melbourne. I refer to his press release, and I quote:

The plan will secure water supplies for regional centres, farms, and stressed rivers, and means we can steadily move back to unrestricted water supplies in our cities and towns.

That is what the Premier said when he released the water plan on 19 June 2007. However, that is not true, and the government knows it is not true. The general manager of the Office of Water, David Downie, unfortunately spilt the beans in an Australian Industry Group forum, which is reported on in the AIG's July 2007 newsletter:

Mr Downie said new water would be found from savings, not from diverting water. He also said it was likely to be three to five years before Melbourne gets back to stage 1 or stage 2 restrictions.

It is likely to be three to five years until stage 1 or stage 2, yet in his press release the Premier deceived the public by saying that we would be moving off water restrictions because of the government's plan.

If you look at the fine print of the spin the government released in June, *Our Water Our Future — The Next Stage of the Government's Water Plan*, it is clear. The spin lies — the spin says the reverse — but in the fine print at page 17 the document says:

This program of supply will enable Melbourne households to move off the current restrictions regime to the more secure level of service they have historically received. If the scenario based on the past three years ... is taken as a guide, the new supply will enable Melbourne to move to stage 2 water restrictions by 2010 and progressively move back to low level or no restrictions by 2013. If inflows closer to the average of

past 10 years are restored, Melbourne will move out of water restrictions earlier.

Basically what the current Premier puts out in his press releases is that these two projects will mean no more restrictions for Melbourne — but his head bureaucrat in this area has acknowledged that that will not be the case. Indeed if you look at the steering committee draft report for public comment on the food bowl modernisation project — the north-south pipeline, which the Liberal Party opposes, because it is taking water from country Victoria for Melbourne and because there are other alternatives for Melbourne than this lose-lose situation — on the unnumbered page in this document you can see the detail of the proposal. Not only will country Victoria be a loser, but Melbourne is not guaranteed that much water either. The draft report says:

Melbourne is guaranteed 75 gigalitres in 2010–11 only

So there is only one year in which Melbourne is guaranteed that water, notwithstanding that the government is telling the population that this will be an ongoing element. I wonder what is so special about 2010. I wonder what might be happening in that year. It is of course the state election year. Yet again we see the government spinning, lying to the public and not telling the truth about what should have done in the run-up to the last election.

I also want to draw the attention of the house to two FOI cases. The new Premier has said that he is going to be transparent. I recollect the old Premier — or the 'previous' Premier, if 'old' is insulting to him — also saying that he was going to be transparent. That is just a load of nonsense.

I have two examples of cases before the Victorian Civil and Administrative Tribunal (VCAT) where the government has refused to release documents that may well contradict its spin about water. The first case involves the Liberal Party asking for a pre-election brief on the severity of the state's water supply. Presentations were made to Melbourne Water by water experts John Woodland and Bruce Rhodes. We know that because six presentation slides have been released by the government, so it is very clear that the slides were presented to the board of Melbourne Water. However, Melbourne Water has refused to release three documents in full or in part, including a pre-election brief dated 11 November 2006 and entitled 'Reservoir levels projection update', a pre-election brief dated 17 November 2006 and entitled 'Draft contingency supply actions' and a post-election brief. The reason that the government is refusing to release these documents is quite clear. The government was briefed

on the severity of Melbourne's water supply then, and it was not transparent and upfront with the public prior to the last election. The government said it is refusing to release these documents on the basis that they:

... could lead to confusion or unnecessary debate because possibilities considered are disclosed.

I have a second example of a VCAT case which the Liberal Party is running. We have asked for pre-election advice on water restrictions. What did the government know about possible water restrictions when it went to the last election telling people that restrictions would not be introduced? In the main there has been a refusal to release those documents. I was told that they are either internal working documents or cabinet documents. I think it is very important that people understand the level of transparency of this government: of the 14 pages released to me, 9 were blank except for a stamp that read 'This page is exempt under the FOI act'.

The government has been incompetent in relation to the provision of water infrastructure. It should have built a dam and a desalination plant, and it should have upgraded the eastern and western treatment plants way before the 2006 election. I want to draw to the house's attention the government's abysmal performance with regard to the upgrade of the eastern and western treatment plants.

The eastern treatment plant project was announced in 2002 at a cost of \$170 million. Four years later, after nothing had happened, the government reannounced the upgrade in October 2006, at a cost of \$300 million. It said this vital project for Victoria involving the recycling of water would not be completed until 2012.

The western treatment plant project was announced in 1999 at a cost of \$120 million. It was then reannounced in Labor's 2002 election policy, when it said the cost would drop — that would be a change! — to \$100 million. In August 2004 the government said the project would cost \$124 million and that it was nearing completion. In November 2004 the government said the project would cost \$126 million — so it had risen by \$2 million in a couple of months. Officially it was announced in June 2005 that the project was complete, at a cost of \$160 million.

In regard to the Wimmera-Mallee pipeline, documents show a blow-out from \$440 million to \$688 million, and it is unspecified who will pay for the \$268 million shortfall in this project. This is the party that is telling Victorians that it has the capacity to build a 150 gigalitre desalination plant by 2011. This is the party that has presided over major projects. The record

on this is unparalleled. Every single major project in this state undertaken by this government is either late or over budget, or both. In the case of water, there have been a series of projects that were not even started, and the upgrades of the recycling plants have been considerably delayed.

I also want to make reference to the way the government has financially ripped off water consumers and Victorian taxpayers. The government has collected \$2.3 billion in revenue from the water authorities. It has only spent \$1.7 billion on water projects, but it has pocketed \$600 million. The Auditor-General in a report released in this Parliament this year has cautioned that this is unsustainable financial conduct on the part of the government.

I also want to make reference to the environmental levy. Members of this place who were members of the last Parliament will recall that in 2004 the government introduced yet another tax, an environmental levy, that was designed to raise \$227 million. It is very important to look at where that environmental levy has gone. I remember sitting here when the Liberal Party moved a range of amendments to secure more transparency in the reporting of this particular levy, and the government voted those amendments down. If you look at the Department of Sustainability and Environment (DSE) annual reports, you can see how pathetic and non-transparent the reporting of that environmental levy is. The fact of the matter is that that environmental levy is yet another tax on the users of water, and the money has simply been diverted into consolidated revenue for what I would call 'core business'.

In the second-reading speech on the Water Industry (Environmental Contributions) Bill in 2004 the minister outlined a range of activities to which the environmental levy would be directed, such as the health of the River Murray; protecting and repairing our water sources; urban water initiatives and recycling; Water Smart farms and sustainable irrigation; and water security for cities, farms and the environment. Lo and behold, when you look at the DSE annual report of 2005-06 you see that that is exactly how the environmental levy is reported: 'Protecting and repairing our water sources' and 'Smart urban water initiatives and recycling'. It is exactly what the minister had said. Not one project is named, but the government had budgeted to collect \$227 million from domestic and other water users and has simply diverted these funds from the environmental levy — in the same way it has diverted dividend income and tax equivalent payments — into consolidated revenue to fund whatever it pleases.

In conclusion, Victorians have every reason to be very angry about the performance of this government on the issue of water. The government cannot make it rain; everyone understands that. But the government should have built a dam for more storage, and it should have built a desalination plant. The Western Australian Labor government built a desalination plant in Perth. It took two years to build, and it was on time and on budget. That plant supplies 17 per cent of Perth's drinking water. They have water in Perth; you are allowed to water your garden in Perth. An interstate Labor government actually had the capacity to do something. Other Labor governments across Australia are making progress in the area of water supply. Even Queensland under Peter Beattie is building a dam. This government has failed miserably on the supply of water. It has not even had the competence to upgrade the eastern treatment plant, and that plant will not be upgraded in advance of the next election. The government has been fraudulent, it has lied, it has deceived the people with its spin, and it has used taxpayers money for spin. The performance of the Labor government on water is reprehensible.

Water: Victorian plan

Mr RYAN (Leader of The Nationals) — I grieve today on behalf of country Victorians because the state Labor government has turned its back on them. It has done so in a number of areas. I want to move through some of those areas for the purposes of this debate. The first and most pivotal issue is the question of water. I am conscious that the member for Brighton has dealt with some aspects of it in her contribution immediately prior to my rising.

The issue of the north–south pipe is of course critically important to those country Victorians who are in the north of the state. But it also relevant to country Victorians wherever they are, because this, again, involves Melbourne raiding country Victoria for the purposes of being able to water its gardens. At the moment Gippsland provides 60 per cent of Melbourne's water supply, but what this government is again trying to do is go outside the boundaries of Melbourne when there are plenty of avenues available for Melbourne to solve its own problems instead of raiding country Victoria — in this case raiding an already stressed system in the Goulburn Valley.

It is made worse by the fact that when the government went to the last election it swore blind it would not do it. It was the Labor Party's policy that it would not bring water from north of the Great Dividing Range to Melbourne. That was what its policy was. We now know this was despite the fact that by that time some of

the, as the Premier terms it, 'leading citizens' of the Goulburn Valley had already been to the government to put a proposition to it about the construction of the pipeline and work associated with the so-called food bowl renewal project. Nevertheless, despite those approaches having been made, the government went to the election in November last year saying that it would not pipe water from north of the Divide, but now it is engaging in precisely the contrary position.

All of this was supposed to happen with broad community support. On a number of occasions we have heard the Premier talking about the 'enormous community support' that is out there. In answer to a question I asked him in this chamber one day he said that the 'leading citizens of the Goulburn Valley' had proposed this. He then went on to talk about the importance of there being public confidence in the way this would be constructed. He talked about the Victorian Farmers Federation and its support. He has been verballing the VFF for literally months, and he did it again in question time yesterday. The VFF does not oppose the work being undertaken in the Goulburn Valley for the purposes of achieving savings; that is not the issue. No-one opposes that work being undertaken.

What the VFF is adamantly opposed to is the construction of the pipeline. That has been its position throughout, and it has not changed. Nevertheless the Premier continues to try to verbal the VFF. He placed great weight on the support of Danny Lee and the Sunraysia Irrigators Council. That all went up in smoke about two weeks ago, because Danny Lee came out on behalf of the Sunraysia irrigators to say they had been misled and that they were now completely opposed to the construction of the pipeline and would be working hard to ensure that the pipeline was not built. All of this supposed community support has — if members will pardon the pun — evaporated.

Into the bargain we have had numerous meetings across country Victoria, where people have voiced their opposition to this ridiculous proposal. The most recent of these was at Kerang, where I had the honour of speaking to a crowd of about 450 people on the day when the community cabinet was tucked away inside the building there. Its members might have been peeping out the windows, but under no circumstances were they going to come out and put their point of view. The people there would have loved them to have done it, but we did not hear from them. The community opposition to this stupid proposal is absolutely adamant, and the government should listen to it, particularly at a time when we have people in country areas under such enormous pressure.

We have the issue of the savings that are supposed to be achieved through the course of this work. We have proposed repeatedly to the government that there be an independent audit of those savings. Let the essential services commissioner have a look at it. Let us have a look at this from the perspective of a third party unconnected to the government. This government is just not interested. We now have the government saying that in the first year of this pipe the first 75 gigalitres will go to Melbourne, come what may. Then of course after that Melbourne is going to get one-third of whatever savings are achieved. At least that seems to be this week's plan.

I must say that if I were a Melbourne ratepayer paying my water rates, which we are told are going to about double in the next five years, I would be a bit dirty on a government that had advanced a proposition that it was going to have 75 gigalitres coming each year only to find that that is not the case at all. This is another instance of the government making it up on the run and doing so on the basis that the ultimate loss will be to country Victorians and to those in the north of the state in particular.

The government well knows that if it had signed up to the national water plan, we would have the federal government contributing 80 per cent of the money for these works being done in the food bowl. The thing is, though, that the savings achieved would stay in the Goulburn Valley. They would be split equally between the irrigators and the environment, and that essentially is why the government does not want to sign — because it cannot get the 75 gigalitres a year that it wants to come to Melbourne.

Let us be clear about that point. This is Pandora's box, in every sense of the term. Does anybody realistically think that once the pipeline is built this government, in times of need for Melbourne, is going to stop at taking 75 gigalitres? Anybody who thinks that is off with the fairies. As I said, the work should be done but it should be done for the right reasons, and the savings that are generated through this important work should remain in the Goulburn Valley, where the water is needed very badly.

The other issue which has been mishandled by the government is the desalination plant. Before the last election the Liberal Party advanced a proposition for a desalination plant. The government swore blind that it could not happen and thought that it was a stupid idea. We had talk about former New South Wales Premier Bob Carr's definition of a desalination plant as being 'bottled electricity'. We had all those sort of comments in opposition to the Liberal Party's proposition. What

have we seen since? Completely the opposite. It is not only the construction of the facility that irks country Victorians, it is the way in which it was done. The former Premier, together with the then Treasurer, who is now the Premier, was out there telling people, 'We are still in discussions, we are still considering our options, we are still looking at what we might do'.

Until the eve of the day when they went to Wonthaggi and told the Bass shire that they were going to do this, that was the mantra they were producing. Not only was that wrong but we also now know that the famous red helicopter ads had been filmed four or five days before the Premier went to Wonthaggi, at the very time that these sort of statements were being falsely made to a variety of people in a number of forums, including the VFF (Victorian Farmers Federation). The fact was the ads had already been made; the government had quite obviously made its decision and was proceeding with it.

It has left the Bass shire in an invidious position. I was there the other day, in the lovely electorate of the member for Bass. I had the opportunity to go and have a look at the site where this facility is to be constructed. The scale of it needs to be taken into account. It is about twice the area of the MCG; it is absolutely enormous in its coverage. It is less than 1 kilometre from the ocean, behind the sand dunes. I now find that the intake pipes for the desalination plant are going to be about 4.5 metres in diameter; they will be absolutely enormous. We also know, for example, that there are going to be 30 000 tonnes of sludge carried away from this facility every year — how in the name of creation is all of that to happen and where is it going to go? It is said, I understand, that it will probably go to Lyndhurst. How is that going to work on the road system in South Gippsland? How are we ever going to accommodate that number of vehicles on our roads?

Amongst the worst features of this is the time line that the government has imposed, with a deadline of about 2011 to have the plant built. The problem with this is that the time line is impossible. We all know that at the best of times governments of any persuasion need of the order of three to six years to build projects of any great magnitude. This is a \$3.1 billion project. Does anyone realistically think that this facility can be built in that sort of time? Compounding all this of course is the fact that the government still will not commit to an EES (environment effects statement), and our increasing concern is that it is going to use the time line it has imposed as a basis for saying, 'We simply have not got time for the EES'.

I can assure those who have not been there that this is one of the most magnificent pieces of pristine coastline

you will want to see; it is a beautiful area. The concept of such a facility being built on this sort of scale without an EES being conducted and without the community having the opportunity to put its point of view is absurd. As I have said before in this place, the government sees fit to impose an EES on building a boat launching ramp at Bastion Point up at Mallacoota, yet still the government goes on with this business about having to wait through a certain process before we develop an EES. That statement, I might say, is made all the more ridiculous in the context of the next point that I want to raise.

This draft VEAC (Victorian Environmental Assessment Council) report with regard to the river red gum forests up along the Murray River in northern Victoria is also a cause of enormous concern to country Victorians. One of the recommendations in the report is that 4000 gigalitres of water be dedicated to the area in question over five years. Interestingly the Premier just this last few days has categorically ruled out the prospect of any such thing happening. The Premier has found no difficulty at all in being able to say that under no circumstances is that going to occur.

Contrast that with the position the Premier has taken on this issue of the EES. There, where it suits him, he is terribly struck by 'process', as he would define it, and he gave members a lecture in the chamber the other day as to how that process is supposed to unfold. When it suits him to step up to the plate and make a comment which kills off one of the aspects of the recommendations of that VEAC report, he does it. When it does not suit him to step up to the plate and calm people's concerns about the lack of an EES in relation to the proposed desalination plant, we do not hear from him. Again, I say this VEAC report is an issue of enormous concern to country Victorians.

When I spoke at Kerang recently one of the other speakers was Paul Madden. He is the manager of the Arbuthnot mill at Koondrook. The mill has been treating timber up there for the best part of 100 years and directly employs 30 people. Where does the government think these people are going to be able to work if the sorts of propositions advanced in that draft report are given effect to? If the Premier sees fit to rule out the 4000 gigalitres option, why does he not also rule out the job losses that are looming in light of the VEAC report? About 190 job losses will occur if that report is adopted. The Premier sees fit to rule out the 4000 gigalitres, so let him also rule out the implementation of propositions which would see those enormous job losses occur.

Apart from that, what about the many user groups who for decades have been involved in the responsible use

of those river red gum areas? When I was at Kerang I met a young fellow who was part of the sixth generation of a family that had been involved in the muster of cattle through the Barmah Forest. He and others are dreadfully worried about what will happen if that draft report is accepted by the government.

I understand that there has been of the order of 6000 submissions on that VEAC report and that it is going to take the department about four months to get them up on the website. The overwhelming public opinion coming to the government is that these proposals are folly, and while the government leaves this proposition out there for consideration — and will do so over these next months through to the middle of next year — of course people are going to worry about what is likely to be the outcome.

Drought: government assistance

Mr RYAN — In addition to those troublesome issues there is of course overriding concern about the drought. The Victorian government has to do more about the drought. The federal government has stepped up to the plate again just recently and has provided massive increases in the assistance available to our farmers. It is now making \$20 000 cash grants available in certain circumstances, something which we have been pleading with the Victorian state government to reinstate. As I have said many times, it is to this government's great credit that back in 2002 it introduced those cash payments. It should do so again.

Only two or three weeks ago in this place I raised in the adjournment debate a series of about 10 measures which The Nationals believe would offer realistic assistance to our farming communities, our small businesses and all the people involved in agribusiness right across the state. These many measures would assist those people to get over the hump. It is important to emphasise that nobody makes money out of this. We are talking here about measures that can be adopted to help those people get through these difficult times, because it is in the interests of all Victorians that that happen.

It is not enough for the Victorian government to keep saying, 'We have a package out there of about \$170 million-odd'. That is the sort of commentary we have heard from it for months. The situation is worsening, and the people of country Victoria want the state government to step up and look after them. After all, while it is great to see the federal government doing what it is doing, the first level of responsibility lies with the government of the state of Victoria.

Country Victorians feel abandoned and betrayed by Labor. They believe the Labor government has let them down and turned away from them. It is time for the Labor government in Victoria to live up to what it says it is doing, and that is governing for all Victorians.

Hospitals: government performance

Mrs SHARDEY (Caulfield) — Today I grieve for the Victorian community, which is suffering because of the total failure of the Brumby government to address the mounting crisis in Victoria's health system. It is a crisis that both the minister and the Premier have been dismissive of, preferring to apportion blame elsewhere and to manipulate the numbers rather than trying to meet the health needs of the Victorian community.

The release of the Labor government's *Your Hospitals* report confirms the fact that the health system in this state is plunging further into crisis. That is confirmed by growing waiting lists, increasing pressures on hospital emergency departments through bed blocks and a lack of staff, and a shortage of general hospital beds. All we hear in response to our doctors, our nurses and our paramedics raising these issues, which they face on a daily basis in hospitals across the state, is a lot of mumbo jumbo about weighted numbers per thousand on waiting lists going down by single digits.

The simple fact is that, with the state election over, the waiting list for elective surgery in Victoria has increased in successive reporting periods. If it wants to talk about weighted numbers per thousand, the government should admit that Victoria spends the least amount of money on its hospitals and provides the least number of beds per head of weighted population than any other state in Australia.

I outlined in this place yesterday some of the facts about the government's failure to make improvements in basic areas such as the wait for surgery, the time patients spend on trolleys waiting for admission and the time patients wait for treatment and discharge from our emergency departments. The government has set its own benchmarks for performance, yet it still manages to fail those same benchmarks in one reporting period after another. There is the failure to provide surgical treatment for 80 per cent of semi-urgent patients — that is, category 2 patients — within 90 days. There is the failure to admit 80 per cent of emergency department patients to a bed within 8 hours. There is the failure to treat 80 per cent of non-admitted patients within 4 hours, according to the benchmark; and there is the failure to treat 75 per cent of urgent emergency department patients within 30 minutes. The benchmarks that the government failed to meet this

June it also failed to meet last December, and for each of these periods the waiting list has increased by a greater margin.

On top of this, over 50 000 patients walked out of our emergency departments having given up waiting for treatment, and in our major hospitals this figure increased by a staggering 33 per cent in the second half of last year. None of this takes account of the unknown thousands of people waiting for outpatient appointments to see a specialist and actually get on the waiting list. For this growing number of people who are living in pain the wait is stretching into years, and their chances of relief continue to dim at the hands of this Labor government.

When we have young doctors and paramedics lamenting the deaths of patients in our hospitals and emergency departments because of a lack of staff and a lack of beds and resources, surely it is time for a government with any conscience to admit its failures, stop blaming others and work in a constructive way with all parties to deliver a better health system for Victorians. The reality is that Victoria's hospital system lacks the flexibility to handle any increase in demand because it operates at full to overflowing capacity year round. The hospitals are literally running out of funds to keep up with demand. There is little point in the Premier regaling us with the usual stories about how much money is being spent in the health system when it is in fact in meltdown. The fact is that this government just cannot manage, and I dare say that the new health minister is doing just as a bad a job as the previous health minister.

What an indictment of our health system it is when doctors describe our hospitals as killing fields. These are the people who are working their hearts out under the most enormous pressure to help patients who rely very much on their skills.

I visited a number of hospitals recently and was honestly shocked to see emergency departments so full of sick people. Offices were being used to examine patients, beds in paediatric areas that were meant for little children were being used to examine patients, and staff were looking exhausted and quite clearly finding it very hard to manage. At 3.30 p.m. in the afternoon I came across an elderly couple who had been sitting in one of our emergency departments since 10 o'clock that morning. The husband was recovering from a hip replacement. He had had a fall and thought he had broken his knee. He said to me, 'Do you know how long I am going to wait; is it going to be much longer because I am in a lot of pain?'; and his wife was sitting there, quietly crying.

I met hospital managers who are doing their utmost to upgrade run-down and ageing wards and infrastructure with insufficient funds, and one of those was at Maroondah Hospital. I met other hospital managers who, although there are great plans for the redevelopment of their hospitals, really have no idea when they are going to get the money, and how much they will get when it finally comes. This is from a government that has been in power now for eight years, has had record revenue at its disposal and has made promises that it appears to be in little hurry to meet. It is clear that Victorian doctors also agree with the assessment made by the opposition in relation to the health system. I will quote just a few comments from the Australian Medical Association in Victoria. On 7 October it said:

State government benchmarks allow for 264 700 Victorians to receive clinically inappropriate care in Victorian ... hospitals ...

...

The problem is the government is not aligning its benchmarks with clinical care standards and is saying close enough is good enough ...

If hospitals are being told that near enough is good enough for clinical care, then it is no real surprise that other aspects of hospital management are also lacking.

It went on to refer to some of the results in the *Your Hospitals* report, and made these points:

Less elective surgery was done in Victorian hospitals in 2006–07 than the previous year.

...

Elective surgery has decreased 7 per cent since the first half of the financial year ...

...

Ambulance bypass was 30 per cent more common in 2006–07 than the previous year.

...

One in four Victorians needing semi-urgent elective surgery were not operated on within 90 days ...

...

The government says that they are happy with this result — AMA Victoria is not.

I now turn to the exposé this morning of the nearly 1000 patients waiting for surgery at the Royal Melbourne Hospital, in addition to the more than 2500 people already on the waiting list, who are waiting for an operation at this hospital. This hospital, by the way, is meant to be one of our premier hospitals. Documents obtained by the opposition highlight the extraordinary extent of the crisis in our hospitals to

which I have alluded in my previous remarks. Analysis of these documents shows a breathtaking catalogue and absolutely shocking neglect, with people waiting years for crucial operations, including operations such as coronary bypass, bowel resections, hip and knee replacements, removal of cancerous growths and breast lumps, spinal operations and brain surgery. These waiting lists at the Royal Melbourne show some 3600 patients waiting for a total of 726 455 days, which is, on average, 222 days wait, or nearly 29 weeks for each person.

Some people have been waiting up to 1980 days on the officially reported waiting list and another 445 days on this so-called not-ready-for-care list. One patient has been waiting for an operation since 2001. The publicly reported lists of the Royal Melbourne Hospital claimed there are over 2659 patients waiting, but only 8.8 per cent of these people have even been given a date for their surgery. However, the leaked waiting list shows a further 969 patients, not publicly reported on elective surgery waiting lists because they are deemed so-called not ready for care. The government would have us believe that 30 per cent of the Royal Melbourne Hospital's waiting list of patients are not ready for care; and those people wait an average of 140 days each while they are on that list.

People on this hidden waiting list are waiting up to 1416 days without being publicly reported or having any impact on the Royal Melbourne Hospital's waiting list. Extraordinarily, the figures show some category 1 patients who are all supposed to be operated on within 30 days, who spend 29 days on the reported waiting list, which is just within the benchmark, but a staggering 262 days on the supposedly not-ready-for-care list. I do not believe that is something that should be accepted. I can understand that a person who urgently needs surgery may need to have their teeth fixed because you cannot have surgery if you have a bad infection in your mouth. They might need to have a course of antibiotics if they have a bad cold or the flu, but waiting 262 days as a category 1 patient is something that is just not acceptable.

In some cases the number of days the patient is listed as waiting does not even tally with the date on which they were first registered on the list. The only way this could occur is where the patient's category changes, and of course then the waiting starts again and you go to the bottom of the next list.

The not-ready-for-care list was never meant to be used in the way that this current government is using it. The government changed the reporting threshold in 2005 and now this hidden list has doubled by 50 per cent. At

the Royal Melbourne Hospital this secret waiting list has grown by 38 per cent in just 10 months. One wonders what is occurring in our other hospitals across the system. Let me just give the house a few more examples of some of the cases where people are waiting on this so-called list.

Mr Nardella interjected.

The DEPUTY SPEAKER — Order! We were having a relatively quiet debate until some members came into the house. Could members please keep it down. The member for Caulfield, without assistance.

Mrs SHARDEY — A category 1 patient has been waiting since 13 June 2006, a total of 451 days, for an aneurism to be repaired. Even now he has not been given a date for treatment. Another category 1 patient has been waiting for a craniotomy since 2005 — that is, 490 days. One patient has been waiting urgently as a category 1 patient for some 400 days to have a heart valve replaced. A patient waiting since 15 November 2006 for a category 1 diskectomy is only listed as waiting for 18 days. Isn't that amazing! These are numerous cases of what is going on in the system, and this government tries to blame other people.

In summary, the discovery of so many patients being shuffled around on various waiting lists for treatment, I believe, makes a total mockery of the elective surgery waiting list, and the whole notion of hospital performance and public accountability has actually gone out the window. We would like to know really how many Victorians are waiting on these various waiting lists. We have a waiting list for surgery. We now have a waiting list of those supposedly not ready for care. Then there is a waiting list of people who have outpatient appointments, but they are waiting to actually attend those appointments, and they can be forced to wait years to attend those appointments.

Then there is a waiting list of the people who actually do not have an appointment to see an outpatient specialist. That is four types of waiting list that exist in our Victorian public hospital system, and the government only reports on one of them. So how many, exactly, are waiting for surgery in Victoria? There are 38 000 people on the current waiting list. We estimate that at least another 12 000 are on this not-ready-for-care list. The Auditor-General says some 20 000 people are waiting for their outpatient appointments. That takes the waiting list to something like 70 000. Is that the true figure?

Maybe the Minister for Health can tell us, or maybe the Premier can tell us. I do not think they have the courage

to tell us how many people in this state are really waiting for surgery because they like to blame someone else and they will not tell the truth.

Honourable members interjecting.

Mrs SHARDEY — I am really looking forward to the minister or the Premier coming out with the truth and telling Victorians how many people are waiting for surgery in Victoria, but I do not think they have the guts to do so.

The SPEAKER — Order! Before calling the member for Williamstown I remind members that this will be an inaugural speech and that the member should therefore be heard in silence.

Member for Williamstown: inaugural speech

Mr NOONAN (Williamstown) — Thank you, Speaker, for the opportunity to address the house on behalf of the people of the Williamstown electorate. To be elected as the 15th member of Parliament for Williamstown, a seat that has existed since Victoria's first Parliament began in 1856, is an extraordinary honour for me personally and for my family who are here with me today. In fact, both my mother and father were born and bred in Yarraville, which forms part of the electorate, as were my grandparents on both sides.

From the outset I would like to thank the people of the Williamstown electorate for continuing to support a Labor candidate at the recent by-election. As the successful candidate I pledge to work tirelessly in the interests of the entire community.

The electorate of Williamstown has been served by many great leaders. None has been more outstanding than my immediate predecessor, Steve Bracks. Steve and Terri Bracks, together with their young family, moved to Williamstown on the day Williamstown defeated Springvale by 2 points in the 1990 then Victorian Football Association (VFA) grand final, when the great Barry Round was the team's captain/coach. On that day Willi looked gone for all money. Trailing badly at three-quarter time, they stormed home to record one of the greatest grand final victories in the combined Victorian Football Association/Victorian Football League history.

There are some strong parallels between the come-from-behind victory of Williamstown in 1990 and the career of Steve Bracks. History records that he led the Labor team to government in the 1999 election, before winning two further elections, in 2002 and 2006. Importantly, the Bracks government was only the second Labor government in Victoria's history to be

elected in 2006 for a third successive term — a privilege it earned with hard work, dedication and decency. Through his contribution in public office, Steve Bracks made Victoria a better state and Australia a better country. I certainly wish him well in his future endeavours.

I also want to pay tribute to Steve's predecessor, Joan Kirner, and say what a remarkable person Joan is! She is still extremely active in the community through a myriad of roles, not least as Victorian Community Ambassador. In Joan Kirner's maiden speech to this Parliament in 1982, she outlined Labor's three great guiding principles: firstly, social democracy; secondly, social justice; and thirdly, a commitment to freedom of speech, education, assembly, organisation, and religion. She also remarked at a recent event that I attended that good government is about being both socially inclusive and economically progressive. These words have helped define my thinking about the role of government.

I have been fortunate to have interfaced with this state government both in a community capacity and through my work with the Transport Workers Union. I would like to spend a little time speaking about those positive experiences.

I have had the privilege to have worked with a group of dedicated community leaders to tackle the issue of juvenile offending through our juvenile justice system. Building on the YMCA's many years of experience within juvenile justice in the state of Victoria, the Bridge Project was launched last year to improve the life outcomes of young offenders transitioning from custody to community. It is an unfortunate fact that almost two-thirds of the young people in custody are reoffenders. These young men with a significant history of involvement in the criminal justice system are often stigmatised and cast aside.

The Bridge Project Advisory Council was formed in 2006 to help tackle the problem. The council provides an unprecedented opportunity for members of the community not involved in any way with youth justice to offer insight and solutions for disadvantaged young offenders. Up until recently I had the great honour of chairing that council.

With significant support from the Minister for Skills and Workforce Participation, Jacinta Allan, and other community and business supporters, the Bridge Project has been able to offer a range of innovative programs which have delivered meaningful outcomes in the area of self-esteem, personal development and industry appreciation training for young offenders. In fact, it is

remarkable how far the project has come in such a short period of time.

In 2007 the Bridge Project has provided industry training in transport and the motor vehicle industry for 20 young men in custody. This training would not have been possible without the support of the Transport Workers Union, TNT Express or Ford Australia. More importantly, the project has also delivered ongoing work placements for a further 27 young men leaving custody. Jobs have been sourced in industries such as motoring, engineering, landscaping, bricklaying, and sport and recreation. The feedback from employers has been terrific, as many of the young men embrace the opportunity to become valuable members of the community again.

At a cost of approximately \$80 000 a year to incarcerate a young person, the Bridge Project aims to reduce the rates of reoffending, which should save the community approximately \$1.5 million per year. Money aside, the real impact of this project has been that it has offered genuine hope and support for a group of extremely vulnerable young people in our community.

In my role as project chair, I took the opportunity to visit many of the young men at the Malmsbury facility. It was often an intimidating experience: on the exterior these young blokes looked pretty threatening, with plenty of tattoos and body piercings, but underneath it all what I really came to discover was that many of them were quite vulnerable and simply aching for a second chance in life.

There is no doubt in my mind that the Bridge Project creates a unique opportunity for the community, government and business to change the course for these young people and enhance community safety for everyone's benefit. It has also emphasised the important role the government plays in enhancing social inclusion.

Separately, through my previous role as an official of the Transport Workers Union, I have witnessed firsthand the productive role that this government has played to improve safety and standards in the road transport industry. The best example of the government supporting stakeholder activity is that of the Transport Industry Safety Group. A tragedy brought the group together after a young boy was killed by a truck at an intersection in Heidelberg in 1996. The coroner's recommendation was to call on industry stakeholders to come together in the interests of improving safety in the road transport industry. The Transport Workers Union was a foundation member of that group.

The previous transport minister, now the Minister for Community Development, Peter Bachelor, was a strong supporter of the group's work. Many positive outcomes have been achieved for the road transport industry, including the development of chain-of-responsibility legislation, the introduction of drug testing, fatigue management, and importantly, the guide to safe work in the transport industry. A really positive spin-off has been towards truck and bus driver health.

The union was convinced that it could not totally address the issue of driver fatigue until a strong focus was given to driver health, particularly sleep apnoea. With great support from the previous WorkCover minister, now the Minister for Police and Emergency Services, Bob Cameron, sufficient funds were made available to test thousands of truck and bus drivers in their workplaces. The results clearly endorsed the need to continue this important road safety initiative.

In more recent times the focus has shifted from physical to psychological health. Simply stated, the union's task has been to convince drivers and their families to make the call to the many services available. Again the support of this government, through the agency of WorkSafe, has been vital in assisting this program.

The Transport Industry Safety Group will continue its vital role in industry and road safety with the support of the Minister for Roads and Ports and the Minister for Public Transport. I commend the work of the Transport Accident Commission, Victoria Police, VicRoads, the Victorian Transport Association, the Bus Association of Victoria and the Transport Workers Union, ably supported by the coroner, Graeme Johnstone, for being the driving force for safety in the transport industry.

Another positive example of my union working with other industry stakeholders under the Victorian government's umbrella is the work by the Victorian Freight and Logistics Council. Drawing together all the issues around the need for lessening the impact of trucks on local areas, a tool kit for the development of rail hubs has been produced. This will see more shipping containers moved by rail through a redeveloped Melbourne port to hubs well away from the actual port of Melbourne. This is critical work, given the projected growth of the port and the need to protect the amenity of the electorate of Williamstown.

This now brings me closer to home. The electorate of Williamstown is typically diverse and encompasses the suburbs of Yarraville, Brooklyn, Kingsville, Altona North, Seaholme, Spotswood, Newport and Williamstown itself. It is a working area with strong industrial and maritime links. In recent times the area

has been transformed to become a major tourism drawcard. It retains the coherence and charm of a maritime village due in no small part to the many historic buildings, monuments, cafes and quality restaurants. The community is both protective and proud of our precious part of Victoria. Many locals in our community maintain a strong determination to do their bit to ensure that what draws people to our area can be preserved and enhanced for our kids and for future generations to come.

People such as Geoff Mitchelmore and his group, the Friends of Lower Kororoit Creek, are shining examples of our community's capacity. In a little over five years Geoff and his team of over 1000 volunteers have transformed Lower Kororoit Creek by planting in excess of 30 000 trees, shrubs and plants along the creek from Barnes Road to Grieve Parade in Altona North. Their passion and dedication have turned a rubbish dumping ground into a thriving natural oasis. Darren Williams and his dedicated committee aim to transform the disused Newport substation building and create a community arts centre which will provide a venue for cultural development of the local community. It is truly visionary stuff. It will be my role to advocate for and support my local electorate and groups such as Geoff's and Darren's.

In the short term I want to find a way to save the building which houses the Yarraville Community Centre on Francis Street. We cannot let an iconic building like this one fall out of public hands. It must remain a meeting place for the 1500 people who use the facility each week.

The Williamstown Football Club is an institution in our area. The old stand and historic clubrooms need urgent restoration, and I will be there to help.

Plenty of people would like to develop our magnificent waterfront. With sweeping views across to the city and bayside suburbs, it is important that we preserve our unique shoreline and consult widely with the local electorate about any potential changes. We cannot spoil our greatest asset.

To those who may have Newport earmarked as a potential site for a nuclear reactor I say, 'Think again!'. I will certainly be leading any charge against such a proposal.

I do accept that we need to find a balance in terms of freight movement through the inner west. I will work with stakeholders and residents to find the most appropriate short and long-term solutions. Certainly this

government's investment in the east-west link needs assessment study is a significant step down that path.

Continued investment in local schools, the Williamstown Hospital and public transport remain a priority, as well as continued measures to keep our community safe.

For those of you who have an interest in my background, I can assure you that my journey to this great place has not been as predictable as many might think. I left school and entered the workforce at the age of 16, which was not the done thing at the time. My first full-time job paid less than \$9000 a year, so I kept two other part-time jobs and worked seven days a week. For a while thereafter I worked in the travel industry, where I had the chance to wander the world. These experiences taught me a great deal about people. I learnt to listen.

By 1996 I was restless. I needed a change, and I wanted to do something of substance with my life. I wanted to make a contribution. It was in that year that I entered the trade union movement, and in many respects I have never looked back. What a privilege it has been to serve the thousands of decent, hardworking families in the retail and transport industries over 11½ years. The SDA (Shop, Distributive and Allied Employees Association) and the TWU (Transport Workers Union) are separately two of Australia's great unions. They serve their members with distinction and dedication. Being elected through a national rank-and-file ballot as the federal assistant secretary of the TWU will always rate as one of my proudest moments. Working people are the salt of the earth. They are the engine room of this great country and have every right to share in the fruits of their labour.

It would be remiss of me not to mention my time with the Williamson Community Leadership Program, from which I graduated as a fellow in 2005. Richard Bluck and his team at Leadership Victoria have created a remarkable program for emerging leaders in our community. The Williamson program accelerated my learning and created opportunities for me to make a difference.

I want to conclude the final part of my speech by thanking the hundreds of ALP members, supporters and friends who assisted me in the recent Williamstown campaign. In particular I thank Stephen Donnelly, who led my campaign, and friends at ALP headquarters, together with local supporters Stephen Conroy, Damien Wieland, Wally Curran, Steve Bracks, John Pearson, Cath McDonald, Joan Kirner and Nicola Roxon. I also want to acknowledge my inner west parliamentary

colleagues — Marsha Thomson, the member for Footscray in this place, and Martin Pakula, a member for Western Metropolitan Region in the other place — for their support and guidance.

My thanks also go to Premier John Brumby for his support. He had the remarkable foresight to walk me under a shop sign which read 'Shoe Inn' during the final week of the campaign and then escaped before one of my opponents accused me of defacing her sign in front of the gathered media. Well done, Premier!

To my friends and colleagues at the TWU — including secretary Bill Noonan, assistant secretary Wayne Mader, president Kevin Hoey, members of the federal committee of management, staff and the rank-and-file members — I simply say thank you. I owe you all a great debt of gratitude.

To my parents, Bill and Colleen Noonan, who have always been my guiding inspirations in life, I know this day will bring you both great joy and pride.

To Lisa, Eugene and Mackenzie, thanks for your love and constant words of encouragement. You have always been there for me when it has really mattered.

Finally, to my beautiful wife, Julie, and two young sons, William and Henry, you are simply everything to me, and I would not be standing here today without your love and support.

The confidence and faith that my family and the people of the Williamstown electorate have in me will be the source of everything I do during my time in office. I thank you, Speaker, and all sides of this great house for your attention today.

Honourable members applauded.

Debate interrupted.

DISTINGUISHED VISITOR

The SPEAKER — Order! Before calling the member for Albert Park, I acknowledge the presence in the gallery of Senator Stephen Conroy.

I would like to remind all members that the contribution from the member for Albert Park is also an inaugural speech and should be heard in silence.

Debate resumed.

Member for Albert Park: inaugural speech

Mr FOLEY (Albert Park) — I might delay the temptation to grieve until a bit later, for the reasons not to grieve but to look to the future are actually sitting in the gallery today. They are my children, Tom and Emma, and the future that they and all the children of Victoria represent. It is that future which I am sure motivates us all. Our role is really about delivering for the future what I think is best summarised by the term ‘our common wealth’.

I think of our common wealth as being the sum of our total shared assets. These include our hard assets, such as natural resources like our soils and water, as well as our schools, hospitals, roads and ports. But it also includes our soft or intangible assets, such as public institutions, our standards of behaviour, the rights we are meant to enjoy and indeed the quality of our public and private lives.

To my mind it is the values we bring to how we approach our common wealth that defines that much-abused term ‘Australian values’. That we rarely stop to define these values and how they reflect our politics gives rise to the false notion that somehow values do not matter to public policy. The false notion that there is no real difference in party politics and that it is merely degrees of managerialism that we ask voters to determine every four years fails to recognise the significant differences in values and policy directions between the parties in Australia.

Let me set out what I believe is one possible approach to the idea of Australian values — one approach that we could bring to building our common wealth in this Parliament. In this I acknowledge the work done by the Centre for Policy Development in helping me formulate these arguments. To my mind these values that should sit behind what we do in this Parliament are fivefold: freedom, citizenship, ethical responsibility, fairness and stewardship.

Firstly, by freedom I mean that we all individually have rights that should be recognised to the extent that they do not lessen the rights of others; that the role of the state, whilst being clearly defined and limited, is also to be constantly reviewed both to make it more effective and to ensure that the interests of those who are vulnerable or subject to exploitation are protected; that we are all collectively protected by the separation of powers between institutions and, most importantly, between executive government, Parliament and the judiciary, and also by an open, diverse and — sadly they are not here — accountable media; and that there needs to be an enforceable legislative mechanism to

protect and enhance our rights to freedom of speech, to worship, to collective association and to the separation of religion from the state.

Secondly, the principle of citizenship, I think, is best understood as being the many public realms in which we all come together, however small or large. It is best reflected in such examples as the network of relationships we all enjoy — family, friends, community, church, school, business and indeed government. Citizenship is where we operate as a member of society with understood rights and duties to one another. The social basis of citizenship is founded on tolerance and a core of shared beliefs around what is suitable conduct towards others. In operating as citizens we both contribute to and draw on our accumulated social capital based on the principles of mutual responsibility and duty. As citizens we value both self-reliance and the care of others. Whilst we recognise the importance of the private delivery of much of citizenship’s roles, the state is central to what care we give others and how we deliver it.

Thirdly, ethical responsibility — that is, acting like our society and its institutions actually count. This is a value that particularly falls to those of us who hold public office. We are charged with encouraging hope and confidence rather than fear and loathing; encouraging the common good rather than short-term populism; and appealing to ‘the angels of our better nature’ rather than scaremongering or, in the worst cases, promoting division based on grounds such as race. These are responsibilities we all share. Our words and deeds as public figures are both a reflection of community values and, importantly, a signal as to what is appropriate to the broader community.

Fourthly, by fairness I mean the principle of the great Australian tradition of a ‘fair go’. This tradition might be best expressed today as being that we are all equal, regardless of race, gender or life choices before the law; that we should all be protected by defined and recognised human rights; and that equity is promoted through equality of opportunity and an accessible quality education. This right to a fair go is supported by effective antidiscrimination measures and targeted assistance for those most in need. Containing inequality within agreed bounds of society is also an aspect of the modern fair go, and so too is the promotion of choices in economic and personal circumstances. Working for full economic participation and for full productive and fulfilling work rather than welfare dependence is another important element. Because there is choice and opportunity there is social mobility, but there is also a flip side of disengagement and social tension. It falls to government and the wider community to accept that

there is a role to build and maintain a meaningful safety net for those who suffer life's hardships.

Finally, the value of stewardship requires us to sustain and develop our collective stock of common wealth assets. This includes not only our increasingly fragile environmental capital in the face of mounting challenges like climate change, competing demands for water and sustainable use of natural resources, but also our human capital — our family, our friendships, our social networks and our cultural and institutional capital. We who have benefited from these inherited advantages are responsible for passing them on in an improved and sustainable form for future generations.

It is in applying these five principles and ensuring that they are the tests for developing policies and measuring outcomes where the real challenges are to be found in politics. Perhaps this would be a worthy test for all that we do in this Parliament.

That I have the privilege to represent the people of Albert Park in making a contribution to these challenges is indeed an honour. I would therefore like to acknowledge a few of those who have assisted me in achieving this.

Firstly, I would thank the Australian Labor Party which, for all its faults, continues to be the great party of reform and progress in Australia. The recent by-election has seen me indebted in particular to a number of its members — Andrew Giles, Lee Taralimis, Alison Vaughan, Darren Ray, Lisa Carey and Manfred Hacker in particular. My former employer, the Minister for Police and Emergency Services and member for Bendigo West and his staff have all provided me with much guidance. They have shaped my knowledge of government and the pitfalls in turning fine policy into deliverable outcomes.

My grounding in organising on behalf of working people in the Australian Services Union forms the basis for much of my political activity. I am indebted to both current and former officials such as Gaye Yuille, Ingrid Stitt, Linda White and Lindsay Tanner. Moreover I am grateful to the thousands of working women and men who have taught me what the priorities of work and life are. Decency, respect and ensuring the commitment to a fair go, particularly in the labour market, can be best achieved by collective dealings with a rapidly changing world.

Being also the 15th member for Albert Park holds many challenges, and the bar has been set high by my predecessors. I think it is right to acknowledge the work of John Thwaites. I think he will rightly be seen as

having achieved major reforms in many areas. In particular I would point to water management, especially in conservation and provision for both the environment and human use. John has contributed to what has really been a long-term bipartisan trend in Victoria — that is, the development of water infrastructure, pricing and trading that has delivered over many decades advantages and leadership to Victoria in both conservation of water and its use in economic growth and regional development. It is against this that the sad power grab by Canberra for control of these water assets should be seen. This move should continue to be opposed whilst it threatens the national high benchmark on both environmental and industry grounds set by consecutive governments of this state.

The seat of Albert Park in 2007 is perhaps not the same seat that John Thwaites took over in 1992. It now reflects the changing face of inner Melbourne. It showcases our service-based economy, our evolving culture and our exciting future. With its tolerance and its diversity, its growing wealth, its pockets of real and desperate need and its focus on the knowledge sectors of the economy identified as so important to future growth by such thinkers as Richard Florida, Albert Park's future is really bright. Encouraging and facilitating the creative movements in the arts, in ideas and in community attitudes that allow these sectors to flourish will be an important part of helping grow Albert Park and indeed the whole state.

I would like to draw attention today to one particular aspect of building that future in Albert Park, and that is the fantastic public education sector that operates in Albert Park. I am a believer in a simple but powerful idea when it comes to the importance of education — that a fairer community makes for a wealthier community, and that this in turn allows for public investment in a better community. This virtuous cycle all starts in our public schools. From Elwood to Port Melbourne, all of our primary schools are booming. Academically strong and rigorous, they are a reflection of the success we have seen in education across the state. The challenge is now to bring these same outcomes of excellence and community engagement to our secondary schools. Already we have seen Elwood College build its reputation together with its numbers of students. It will need continued support to go the next step. The real challenge locally is to rebuild the former Albert Park Secondary College into an academically excellent and community-based school that will make it the kind of place parents will be lining up to get their children into.

Research by experts like Professor Barry McGaw has found that when groups of disadvantaged students are clustered in one school, they tend to underperform through low aspirations, low expectations and a self-reinforcing sense of decline. He argues the way to counter this is to ensure that advantaged and disadvantaged students rub shoulders. This pulls the disadvantaged up without dragging the advantaged down. This is the challenge for the new college in Albert Park — one I am sure it will meet, being, as it is, assisted by support from this government.

That I am able to contribute to this project as part of building our common wealth in Albert Park requires me finally to thank my family. Firstly, to my brother and sisters: they — especially my sisters! — set me straight on regular occasions as to what is important in the real world.

To the memory of my grandmother Pauline Brown, who took a lion's share of caring for us when our mother died suddenly, leaving five kids under the age of 12 in the care of my father: her guidance help set my political compass. To the mother of my children and partner, Sharon Duff, I owe — and regularly fail to live up to — the standards of respect and love she deserves but never demands.

Speaker, I close on a note where I do grieve. To my father, Bill Foley — single father and carer of five children, businessman, man of faith, community leader, sporting coach, elder statesmen to the cricketing world of the Mornington Peninsula and beyond; I know how pleased he would have been today. When we spoke on the night of the by-election he told me how proud he was, even though I know he never voted Labor in his life. I could feel the love of a father for his son, despite him being on the other side of the world. To have lost him a week later and to have laid him to rest only five days ago is a matter about which I truly grieve.

I know what the Australian values I referred to earlier really look like and how they can contribute to our common wealth. I know them, because I have seen them lived in the example of Bill Foley's life. We will miss him, but through these values we will not forget him. Thank you, Speaker.

Honourable members applauded.

Debate interrupted.

DISTINGUISHED VISITOR

The SPEAKER — Order! Before calling the member for South-West Coast, I acknowledge the

presence of Senator Gavin Marshall in the gallery today.

Debate resumed.

Equine influenza: control

Dr NAPHTHINE (South-West Coast) — I grieve for the multibillion dollar horse industries — the Spring Racing Carnival, the Victorian horse breeding industry and recreational horse industry — which are all being placed at an increased risk of being affected by equine influenza due to the mismanagement and incompetence of the Brumby government, particularly the Minister for Agriculture.

Equine influenza (EI), or horse flu, was first detected in Australia, in New South Wales, on 17 August. EI is a highly contagious viral disease of horses previously not present in Australia; it is exotic to our shores. As at 9 October there were 869 properties with the infection in Queensland and 3776 properties with the infection in New South Wales. Over 32 500 horses have been infected to date across the country. It has been fortunate — and it has been more through good luck than good management — that Victoria has remained free of EI. The Minister for Agriculture, the Minister for Racing and the Premier have failed the Victorian horse industries with their late and ineffective actions to prevent EI from entering Victoria.

An article in the *Age* yesterday highlights the risk to this state. I quote from the article, which is entitled, 'Horse flu comes closer to Victoria':

The equine influenza virus has broken containment lines again, and crept closer still to Victoria, with a new outbreak detected in the west of NSW.

Two horses on a property at Barmedman, about 250 kilometres north of Albury–Wodonga, have been confirmed as having EI ...

...

The new outbreak is more than ... 90 kilometres from the nearest confirmed EI outbreak.

The article says further:

A new EI outbreak has also been confirmed at Broadmeadow racetrack near Newcastle.

The article also refers to comments made by the NSW chief veterinary officer, Bruce Christie, who said:

it was likely the new infection was caused by somebody flouting laws restricting horse, people and equipment movement.

'We suspect that again somebody might have carried this into the area', he said.

'Similar to other cases where there has not been movement of horses, it'll have been someone who has been to infected horses and, either on equipment, or on themselves, taken the virus to those horses'.

At the same time, in that same area we have had an outbreak at Rosehill, which had previously been free of horse flu. There is also continuing spread of the disease in Queensland.

The lesson from these situations is that human movement is largely spreading the virus on contaminated boots, contaminated clothing and contaminated horse gear, particularly bridles and to a lesser extent saddles and other horse gear. Yet Victoria and New South Wales border security is totally and utterly inadequate. All we have on our borders is security guards sitting in vehicles, occasionally reading, a lot of the time asleep, who are merely watching the passing parade of vehicles and people, and potentially horses even, coming into this state. They have no power to stop vehicles, they have no disease control experience. Their instructions are to ring 000 and hope the police are available to stop vehicles down the road if they see something suspicious.

I would like the minister to come clean on how many breaches of our border security there have been, because I understand there have been at least 20 to 30, and to say how many reported breaches have not been resolved. We had reports on radio this morning of a horse float in East Gippsland supposedly having come from New South Wales, but the police were unable to follow it up. What we are finding is that people who may have had contact with horses in Queensland and New South Wales are driving freely into Victoria, thereby placing our racing and recreational horse industries and our breeding industries at real risk.

On 28 August, in a telephone hook-up with Department of Primary Industries officials, other members of the Liberal Party and I raised the need for border security. During that hook-up the DPI officials said border security was not necessary. On 28 August the Liberal Party issued a media release entitled 'Border security needed to stop horse flu'. On 8 September Premier Brumby said that 28 borders would be staffed on a 24/7 basis; yet on 10 September when Liberal leader Ted Baillieu and I visited a number of crossings on the border, they were unstaffed 48 hours after the Premier's announcement.

On 18 September the government admitted investigating at least 20 breaches of border security, so we have a whole series of issues where the border security is being breached; while the government initially said there was not any need for border security,

it is now saying it is the prime way to prevent horse flu from coming into the state. On 23 September, in the *Herald Sun*, it said:

Victoria's chief veterinary officer Dr Hugh Miller warned the border measures were vital as the threat of horse flu spreading to Victoria was still very real.

While the chief vet says border security is vital, that has not been followed up with action. Indeed, on 28 September there was a horse sale at Mernda, which is just north of Melbourne. I have been advised that there were three, and possibly five, New South Wales-based horse dealers at that sale. I have been advised that New South Wales horses that were smuggled across the border were at that sale, and I have been advised that there has been no DPI staff checking on those horses in terms of their disease status or their area of origin. That is negligent in the extreme.

There is no doubt that the Victorian government should immediately ban all horse sales in Victoria. I understand there are further horse sales planned in this state, which poses a huge risk for Victoria; it is a huge temptation for horse owners and horse dealers in New South Wales and Queensland to smuggle horses into Victoria to sell them and gain much-needed income.

With respect to vaccination, again we have seen a bungle — an absolute mess-up, a stuff-up — from the Minister for Agriculture. The racing industry asked for 14 000 doses of the vaccine to protect the horses involved in the upcoming Spring Racing Carnival. Minister Helper seems to have got it completely wrong, and he only asked for 1500 doses. The Premier said he asked for 15 000 doses, but the minister admitted his mistake in the *Herald Sun* of 26 September 2007, and I quote:

Mr Helper initially said yesterday, 'Certainly the technical advice that I've got suggested that, given the limited availability of the vaccine, the 1500 was a figure that was reasonable to ask for'.

So Minister Helper only asked for 1500 when he should have been asking for 14 000 or 15 000. Federal Minister McGauran said that was the case, and the Premier said Minister McGauran had got it wrong. The Premier ought to apologise to Minister McGauran because the Premier got it wrong, as did the Minister for Agriculture, placing the Victorian horse industry at risk.

On 3 October the Premier made another announcement because he had to speak at the launch of the Spring Racing Carnival; obviously he thought he had better do something about the horse flu. He announced then, some seven and a half weeks after horse flu was first

diagnosed in New South Wales, that he would have a \$950 000:

intensive public awareness campaign along the border with New South Wales, at Melbourne airport, and at Spring Racing Carnival venues.

It is a bit late for a public awareness campaign. Perhaps he is going to spend the money on a red helicopter, flying along the border looking for horse floats, when he really should be looking to stop people carrying the virus on their boots and on contaminated horse gear. The Premier and the minister do not understand how this disease is spreading. They are spending money in the wrong directions and instead of having a proper border security in place, with qualified veterinarians and animal health staff stopping vehicles, checking them and making sure that contaminated gear and contaminated soil is not bringing the virus into the state, we have part-time bouncers and security guards sitting in cars watching the world go by. We are placing Victoria at risk.

On 3 October the Premier also announced \$500 000 in grants for not-for-profit recreational horse organisations. That announcement is significant, because many of the horse industries and horses in the recreational arena have been ignored and neglected by this government in its consideration of the impact of horse flu. They have been kept in the dark and have not been involved in decision making. The \$500 000 sounds like a great announcement, but even as late as yesterday when people and organisations involved with horses tried to get information about that, there was nothing on the DPI website. When several of them contacted DPI, one was held on the phone for 6½ minutes — waiting, waiting, waiting — and then the staff member said, ‘We don’t know anything about this. We’ll try and send something to you when we’ve got it’. So the DPI did not know anything about these \$500 000 grants. Is it any wonder that the recreational horse industry feels as though it has been neglected.

There is an urgent need for the government, including the Minister for Agriculture, to meet with the broader horse industry. I call on them to have an immediate summit of the broader horse industry, to inform the industry, to share ideas, to commit to a medium-term strategy, to advise the recreational horse industry and the breeding industry what their situation is with regard to vaccination, future sales and events and horse movements, because we are now seeing people in the equestrian and pony club event area wanting to hold events.

We have had show societies cancel their horse events, and I congratulate them for that, but they now need to

know when they can begin holding events and under what circumstances they can hold those events, because we have seen Equitana cancelled, costing Victoria \$21 million, at an enormous cost to pastoral and agricultural societies and show societies.

One other area I wish to address is the particular issue affecting Living Legends. I spoke to Dr Andrew Clarke, the chief executive of Living Legends, which is a magnificent facility for retired harness and thoroughbred greats just near Tullamarine airport. It is a magnificent tourist attraction. It provides a great opportunity for people to get up close and personal to the former greats of harness racing and of the turf. But the facility has had to close its doors because the people there are doing the right thing; the equine influenza has caused an enormous financial crisis for Living Legends. Yet it is getting no assistance from the state government on this issue.

The front gates are locked at a time which should be the busiest time of the year, when they attract large numbers of people and significant donations. Whilst it can cope with prearranged tours, the problem of short-term funding assistance to Living Legends needs to be addressed. Having visited it, I think it is a magnificent facility. I urge Victorians, including family groups who are interested in horses, to visit the facility, because it is a great chance to pat a champion. It is a great attraction, particularly during the Spring Racing Carnival. But Living Legends needs short-term assistance; it also needs long-term funding from the racing industry so it can keep going.

In conclusion, the Minister for Agriculture and the Premier have failed the Victorian horse industries in regard to equine influenza. It has been because of luck rather than good management that the disease has stayed out of Victoria. The Minister for Agriculture and the Premier have failed with border security, they have failed in terms of their vaccination policy, and they have failed in terms of dealing effectively with pony clubs and the equestrian and recreational industries, let alone the breeding industries.

The Minister for Agriculture has been in his job for less than 12 months; he has proved to be a failure and an incompetent when it comes to dealing with horse flu and the abalone viral disease which is spreading and decimating the wild-catch abalone industry across Victoria. He has failed farmers in terms of his lack of response to the circumstances of the drought; he has failed irrigation farmers in northern Victoria by failing to fight for their water rights; he has rolled over and let the Melbourne-based Labor Party take water from irrigation farmers to water Melbourne’s lawns. The

minister is a dud. While it is trade week for the Australian Football League, I do not think anybody would take this dud minister.

Public Accounts and Estimates Committee: Liberal Party members

Mr STENSHOLT (Burwood) — I grieve for the people of Victoria because of the poor performance of the Liberal Party members of the Public Accounts and Estimates Committee (PAEC).

During the last week of Parliament, in September, the Public Accounts and Estimates Committee report entitled *Report on the 2007–08 Budget Estimates — Part Three* was tabled here. The report has broken new ground in terms of the analysis of the budget documents, and having the Premier, ministers and presiding officers actually appearing before the committee to answer questions, as well as having departments, on behalf of ministers, respond to questionnaires.

The PAEC has followed a somewhat different process this year by conducting its hearings and presenting its reports on the budget. The committee is very much focused on the process of the forward estimates, rather than confusing public accounts and estimates. This year the committee has more precisely focused on the estimates in the budget.

Its questionnaires and its public questioning of ministers have sought to provide clarification and increase transparency with respect to fiscal parameters and the proposed programs and expenditures as they are outlined in the budget papers. To break with the recent tradition of the Public Accounts and Estimates Committee and to have some regard to the federal experience of budget estimates, the committee sought to make ministers and departments accountable for proposed expenditure immediately after the budget was presented in this house.

The committee did this by holding hearings at the earliest possible opportunity and then reporting the results of those hearings to the Parliament. In fact the first part of the report on the budget estimates was presented in the middle of the hearings, in the middle of June; the second part was done after all of the hearings, at the end of that particular month.

The idea was to have the results of those hearings presented to the Parliament while the budget was still being considered by the Parliament. This was a further exercise in increasing transparency, enabling the Parliament to get the fruits of that questioning back into

the Parliament to enhance the debate on the budget and advise the people of Victoria about the questions asked of and responses given by ministers and departmental officials.

The committee believes that hearings on the budget estimates were an opportunity to enhance the accountability of the executive to the Parliament and to get results to the Parliament as soon as possible. The committee appreciated that again the Premier, all of the ministers and, as I have already mentioned, the presiding officers actually attended the hearings and appeared before the committee.

We appreciated that ministers were supported by departmental secretaries, and the heads of agencies such as Victoria Police, the Transport Accident Commission, the Victorian WorkCover Authority and many other senior public servants. Besides ensuring that the Parliament and the general public were fully informed on the estimates and results of the hearings before the budget was actually passed, the committee also undertook significant, intellectually demanding and in-depth analyses of the budget in part three of its report, which, as I mentioned, was presented to the Parliament last month.

I refer members to the introduction of the report in chapter 1. I am sure they have all read it. I am sure the shadow Treasurer has read it — it is one part of the report he has actually read — because he actually seconded it. Chapter 1 deals with the analysis which was actually undertaken.

On behalf of the committee, I want to thank the secretariat for their work on part three. It was quite intellectually demanding and rigorous — their work was far more demanding and rigorous than it was in the past. In the report the parameters of key fiscal areas were actually examined. In chapter 2 of section A there is an analysis of contingency items, planned efficiency initiatives, revenue forgone and funds carried forward. I also note that there is a summary of this in chapter 1; as I said, the shadow Treasurer seconded this and therefore he fully approves the more detailed and extensive analysis.

There is also a summary of section B of the report which deals with the key themes of contemporary relevance to the fiscal management of the state — this is actually examined in depth for the first time. Chapter 4 contains an in-depth analysis of productivity.

I have to admit that Mr Rich-Phillips, a member for South Eastern Metropolitan in the other place, spoke quite well in Parliament on this particular subject, as

opposed to his other Liberal colleagues. There is a good analysis there. Chapter 3 also has an extended analysis of the national reform agenda and how it has been carried through and forward in the budget estimates. There are discussions on asset investment, advertising and promotional expenditure — not always comfortable for any government, I must admit — and departmental output structures and performance measures, and it is part of the role of this particular committee to examine these and make sure they are looked at properly.

There is also an overview of the regional and rural initiatives. I am sure the member for Benalla, who is also a member of this particular committee, would welcome that chapter, because a significant recommendation of this committee is that there be a new budget paper. The report talks about the impact of the budget and the estimates going forward in respect of rural and regional Victoria. This is a significant recommendation of this report, which comes from the particular focus of the Labor members of the committee as well as The Nationals member on what is needed in rural and regional Victoria.

Section C also provides for the first time an extended analysis of a range of issues raised by the committee at its hearings. It also provides in full the final responses of ministers and departments to questions raised. Rather than just alluding to these things, as happened in the past, you now get the full record, the full transparency, the full responses from all the departments.

But what was disappointing for the people of Victoria was the extraordinarily poor nature of the minority report of the Liberal members of the committee. They allege there was little analysis and weak recommendations. In fact the opposite is true. If they bother to read the report — and sometimes I wonder whether they actually did read the report — and compare it to reports of previous years, they would find that the standard has actually improved significantly. Regrettably their report descends into intemperate language unbecoming of the history and tradition of the Public Accounts and Estimates Committee. Ironically the shadow Treasurer, as I have already mentioned, seconded chapter 1 and agreed that there was substantially better analysis than there has been in the past, but he says the opposite in the minority report. The shadow Treasurer has shown absolutely no credibility.

The minority report also provides a number of examples to support the allegation of Liberal committee members that no analysis was undertaken. Quite frankly, that particular report seems to have been

drafted by a Liberal staffer, who was told to ‘beef up the rhetorical attacks on the government’ without any understanding of what actually happened during the hearings or any understanding of the departmental or ministerial responses. Many of the points raised in that minority report were not even raised during the hearings. Presumably they were dreamt up overnight and just put into the minority report. It seems to be more political than analytical, because they were not raised during the hearings.

What is also of concern is that the Liberals do not seem to be up to it. The shadow Treasurer seems incapable of understanding simple forward estimates management in relation to unallocated capital strategies and total estimated investment. I even gave him a few tutorials after the end of the hearings to try to make him understand it. It was very difficult. Perhaps the member for Box Hill ought to help him out. I was also concerned about the Liberals stance in seeking to insert into chapter 7 a statement that the government had not taken up a recommendation by September 2006. They fail to understand or acknowledge that the response was due in October and was duly provided and accepted in principle.

Finally, as chair of the committee, I voice concern that the minority report of the Liberals was leaked to the media. This is a very serious matter for Parliament to consider. Parliamentary committees report to Parliament and not to the media. It is arguable that the leaking of committee reports prior to their tabling in Parliament derogates from the authority of Parliament. Given the low quality of the Liberals’ minority report, the leaking of the report can be seen as a cheap political stunt to ensure the publication of an intemperate and poorly considered piece of political rhetoric that does nothing to improve the public’s understanding of the budget estimates or to add to the transparency and accountability of government.

What does add considerably to transparency and accountability is the suite of 52 recommendations in the report as well as the timely and comprehensive tabling of all aspects of the committee’s examination of the budget estimates. In contrast the Liberals have failed to work hard and understand what the budget and fiscal management are all about. I grieve for the people of Victoria in regard to this poor performance of the Liberals on the Public Accounts and Estimates Committee.

Housing: affordability

Mr CARLI (Brunswick) — I rise to grieve for home renters in Victoria. I grieve because of the

Howard's government's failure to put downward pressure on interest rates. What is happening now is that there is more and more pressure on vulnerable people, certainly in my area of Brunswick-Coburg, as we see a skyrocketing of private rental prices.

Since the last federal election we have had eight back-to-back interest rate hikes. Not only has that reduced housing affordability right throughout Australia, and not only has it increased financial stress on families, but it has also increased the pressure in the private rental market, and we have seen very large increases in prices. What we are seeing in my electorate in the Brunswick-Coburg area and right across the rest of Australia is that people on low incomes are finding it harder and harder to find affordable accommodation.

We have seen strong intervention by the Brumby government; it is doing its bit. We have seen \$500 million extra over four years to construct more affordable social and public housing dwellings. At the same time we have had from the Howard federal government funding cuts to public housing and a failure to do anything to make it easier for people in the private rental market, particularly vulnerable low-income families. We are now seeing in our communities the impact of the more than 11 years of Howard federal government neglect of low-income and vulnerable renters across Australia and its failure to have any national housing strategy.

The June quarter rental report produced by the Office of Housing shows that in the City of Moreland there was a 38.1 per cent increase in rental prices over a five-year period. The average rent of \$210 a week in 2002 increased to \$290 in June 2007. In the same period the rent for a two-bedroom flat rose from \$170 a week in June 2002 to \$230 in June 2007, which is a 35.3 per cent increase over that five-year period. While interest rates are rising the cost of renting a home continues to increase, and the Howard federal government continues to sit on its hands. We have seen the federal government's rental assistance scheme not keeping pace with the increasing costs for vulnerable families. Even after receiving rental assistance over one-quarter of all recipients are still in housing stress, spending over 30 per cent of their income on rent. Only 27.5 per cent of new leases in this quarter were affordable to people on low incomes, the lowest rate in eight years. John Howard and his federal government have said there is no housing crisis. That just demonstrates how out of touch the federal government is. There must be action now to improve housing affordability.

If we look at the June quarter rental report of the Office of Housing, we see that some of the more dramatic

increases occurred in house prices rather than flat prices. In that quarter we saw some massive increases, particularly in the northern parts of my electorate, in the Pascoe Vale area, where two-bedroom homes are now 13.2 per cent more expensive and three-bedroom homes 27.3 per cent more expensive. Median weekly rentals have risen dramatically right throughout my electorate. The seat of Brunswick has a high proportion of rental housing — it is well over 40 per cent of all housing stock. We have seen a consistent increase in prices and increasing stress as a result of those increases.

The failure of the federal government to act on public housing has made that even more dramatic so we do not have the opportunities for particularly vulnerable families to find government housing. There has obviously been a very strong intervention from the state government to increase its contribution to public housing, but that has happened at the same time that federal government funding has dramatically dropped. The federal Labor Party has already announced a plan to address housing affordability. This includes a tax incentive to create 50 000 new rental homes across Australia. That is exactly what we need; we need significant investment both in the private market and in public and social housing to ensure that low-income people, vulnerable people, have opportunities to rent without the financial stress that is currently occurring.

At the same time we have had these increases in interest rates, which have also obviously quite dramatically affected people trying to purchase in the area. Interestingly — again in recent figures — only 39.6 per cent of people in Brunswick now believe the area is affordable. Basically the dramatic change that is now occurring, with increases in both the cost of housing and interest rates, has meant that there is an enormous amount of financial stress in the area, particularly for younger families that have been settling in the area in recent years. We now have a situation in Brunswick where the monthly repayment on an average 25-year mortgage is close to \$3200 a month. That equates to 68.4 per cent of the average household income being allocated to paying off a median-priced home in Brunswick. We are going through a situation of mortgage trauma. Many people have bought houses in the expectation that interest rates would remain pretty much static, and instead we have had dramatic increases.

This has enormous amplification throughout Australia. As we know, home ownership rates remain high in Australia — they are one of the highest in the OECD (Organisation for Economic Cooperation and Development) — but what we have seen is an increase

in the number of evictions and in homelessness. We have increasingly seen a situation where a large number of people have high debt servicing. In fact Australia now has the second highest debt-servicing ratio. Only New Zealand, of all the OECD countries, has a higher ratio of debt servicing to purchase houses. Regardless of the fact that historically we have seen home ownership as part of the Australian dream and everyone has believed they have the opportunity to buy and own a house, we have seen affordability dramatically drop in recent years.

If we look, for example, at affordability over a period of time, we see that in the 1950s a house price was equivalent to 3.5 to 4 times annual income; today it is closer to 7 times average annual income. So we are seeing a decline in affordability. The dream of owning a home is being lost, and at the same time we are seeing dramatic increases in the cost of rental housing. So those people who cannot enter the market in terms of purchasing properties, who have been forced out by a lack of affordability, are now also being hit by dramatic increases in the cost of rent. Meanwhile the federal government says there is no crisis; instead it says working Australians have never been better off. Certainly that is not true for younger people and new immigrants as they try to enter the housing market for the first time. So the cost of housing is a major expense for people, and we are seeing incredible difficulties.

In my area, which is very much a private rental area, the changes have been quite dramatic in recent years. Certainly in the last 12 months we have started to see a real crisis in terms of affordability in the rental market. That is particularly dramatic in terms of houses, although we are also seeing comparable increases in rent for flats. I grieve for Victorians who are trying to enter into home ownership, and more particularly for those who are dependent on the private rental market. I grieve for the fact that the federal government does nothing about improving the lot of young people and new immigrants trying to enter the rental market and trying to stay in the rental market. As a result of that we are seeing increased financial stress, we are seeing an increased number of evictions and we are seeing increased affordability problems.

Question agreed to.

STATEMENTS ON REPORTS

Public Accounts and Estimates Committee: budget estimates 2007–08 (part 3)

Ms ASHER (Brighton) — I wish to make some comments about the Public Accounts and Estimates Committee report on the 2007–08 budget estimates report, part 3, dated September 2007, and I was in the chamber when the member for Burwood made a couple of comments about the same report. Unfortunately I think this report is an official acknowledgement of the demise of the once bipartisan and once excellent Public Accounts and Estimates Committee.

As members of this house would know, there are two premier committees of the Victorian Parliament. They are of course the Public Accounts and Estimates Committee and the Scrutiny of Acts and Regulations Committee. Notwithstanding our differences of opinion which have been demonstrated in this grievance debate and notwithstanding what happens in question time every day in regard to the division between Liberal and Labor, traditionally the Public Accounts and Estimates Committee and the Scrutiny of Acts and Regulations Committee have always tried to work out some way to continue their role of providing transparency without being massively bipartisan. In parliamentary committees I acknowledge there will always be some crunch issues, but traditionally the Public Accounts and Estimates Committee had a significant role in analysing governments in power, even when the chair was of the same political persuasion.

I refer members who are new to this place to a range of comments by the former Premier, Steve Bracks. He was in opposition a very proud member of the Public Accounts and Estimates Committee (PAEC). Whilst he had significant individual differences with the previous Kennett government and on the topic of who chaired the committee, he was never forced into a circumstance where he had to complain about the lack of rigour and independent analysis. It is a very sad day that we have a report like this before the house.

I note with regard to the minority report to which the member for Burwood referred that there is a substantial difference between what is happening with this PAEC under this chairmanship and what happened with other Labor PAEC chairs under Labor administrations. I was a member of the PAEC, and I had no complaints about the level of scrutiny. I certainly had complaints about policy differences, but not about the level of independent research and feedback allowed by the Labor member of Parliament who chaired the PAEC at that time. I was aghast to read the minority report by the

member for Scoresby and Gordon Rich-Phillips and Richard Dalla-Riva, who represent South Eastern Metropolitan Region and Eastern Metropolitan Region respectively in the other place. It reads as follows:

It is our firm belief that there has been little or no independent analysis or consideration of the 2007–08 state budget and estimates outcomes during the review period. Similarly, the report's key findings and recommendations are weak and have little or no substance.

This is a very sad day for a formerly great parliamentary committee — and a committee which, I reiterate, under Labor chairs under this Labor administration had not received this level of criticism. I note that the minority report goes on to say:

The committee has simply relied on the budget speech of the Treasurer, Australian Labor Party ... election policy documents, government media releases and departmental responses, much of which has been presented as findings of the committee.

That is what ministers do. Ministers of whatever political persuasion are entitled to rely on budget documents, press releases or whatever; but the PAEC has traditionally been a committee that has been able to call on independent analysis. It has traditionally provided material that may be critical of government. I note that the minority report refers to the fact that chapter 9 contains no criticism of the delay on a range of projects. During the last Parliament, Acting Speaker, you will recall that there was plenty of criticism. The PAEC had a Labor chair and Labor numbers, yet there was plenty of criticism of the government's performance on major projects, because that is the brief of the PAEC.

The Premier wants to stand before the electorate and argue that he will be transparent, but unfortunately the report, and the minority reports that are contained within it, gives the lie to that claim. This is the most retrograde report I have seen in my time.

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

**Public Accounts and Estimates Committee:
budget estimates 2007–08 (part 3)**

Mrs MADDIGAN (Essendon) — I too wish to speak on the Public Accounts and Estimates Committee report on the 2007–08 budget estimates, part 3. I wish to address the 'Vibrant democracy' chapter in particular, but before I do that I would like to clarify something for the member for Brighton. She seemed to imply in her contribution that members were not able to get access to the research that they may have required during this process. The house needs to be perfectly

clear about the fact that at no stage during the whole process did any opposition member seek any information that was not provided to them. On many occasions they were asked to put in further questions and request further information, and on only one occasion did they ever seek any further information — and that information was provided to them.

If the member for Brighton believes the substance of the report is not as extensive as it should be, perhaps she should have a chat with her members on the committee, because they did not seek the sort of information that she believes should be in it. Instead of casting aspersions on the chair or any other government members of the committee, she should have a closer look at the evidence provided in the report and have a chat to the members of her party who are on the committee. Then she might find the real facts.

I turn to the chapter entitled 'Vibrant democracy', which has some excellent information on a range of initiatives that the government has been involved with, particularly initiatives relating to public transport and the metropolitan train network. As the report so clearly says in chapter 16, patronage of the metropolitan train network has increased by more than 20 per cent over the past two years, which has led to overcrowding on some trains. Various initiatives have been introduced by the government to address the situation, such as additional funding in the budget of \$360 million to accelerate the purchase of new trains, the introduction of new timetables and various capital works.

The rail line that services my electorate, the Broadmeadows line — perhaps it should be called the Craigieburn line now, as it has two new stations, Roxburgh Park and Craigieburn — certainly suffered from severe overcrowding. The poor old residents of Ascot Vale, which is one of the closest stations on the line to the city, were barely able to get on a train, which caused them a considerable amount of concern. I am glad to say that I caught the 8.36 train from Moonee Ponds to work today and had the opportunity to talk to some of my fellow train travellers. Not only could they get a seat, which was a significant change, but they spoke very glowingly of the new services that the government has introduced only this month to help improve services on that line. The report highlights the fact that there has been a problem, but it also highlights the fact that the government has been taking strong action to overcome the problem.

With two new stations at Roxburgh Park and Craigieburn and a future new station at Coolaroo, that line will be improved. I look forward to the building of Coolaroo station and the extensive car park that will go

with it, which I trust will encourage some people in the area to drive to Coolaroo and catch the train rather than driving to Essendon and parking in our residential streets before catching the train. It is good that in this report on the budget estimates the problem is identified. The member for Brighton seemed to suggest there were no problems identified in this report, so I am not quite sure what section she read. Obviously it was not the bit about public transport. The really positive thing about it is we can already see that the government has begun to address these problems and nothing is clearer than the public transport example.

I congratulate the Minister for Public Transport and the other people involved in ensuring that our public transport services are improving and that we are getting on top of the overcrowding problems. I should also add in closing that it was very nice to travel on a new train on the Broadmeadows line this morning and certainly the introduction of new trains makes travelling much more pleasant for our commuters. In Essendon we are very lucky. We have excellent public transport in the form of trains and trams, and certainly the significant improvements that this government has put through — —

Dr Sykes interjected.

Mrs MADDIGAN — The member for Benalla says they are a terrific idea. They have made it really easy for Essendon residents. I invite the member for Benalla to come out and meet me one day. We will hop on the train at Moonee Ponds and he can sit next to me during peak hour all the way to Parliament station. He will see what a significant improvement there has been on that line. I congratulate the Public Accounts and Estimates Committee on this report and I congratulate the government on its — —

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

Public Accounts and Estimates Committee: budget estimates 2007–08 (part 3)

Mr WELLS (Scoresby) — I rise to join the debate on the Public Accounts and Estimates Committee report on the 2007–08 budget estimates (part 3). I am bitterly disappointed that the chair of the committee has just left the chamber, because I had a speech already prepared about this report. Then, after listening to him during the grievance debate, I became absolutely disgusted with what he said.

The issue now is that the relationship between the Liberal Party members on that committee and the chair

has hit an all-time low. If we cannot talk in confidence to the chair and seek clarification from him in the belief that it will remain a private conversation — that is, if that trust is going to be broken — then we have a very serious problem on the committee. I was absolutely floored when I heard the member for Burwood speak on this issue. That he would come into the Legislative Assembly and tell members about discussions on points of clarification that he and I had in our roles as chair and deputy chair of the committee indicates that we have a problem.

The role of the chair is to make sure that the committee works well and is united. What the member for Burwood did during the grievance debate is nothing more than a disgrace. The couple of matters that we spoke about in confidence were about the issue of unallocated capital over forward estimates. We had those discussions on a number of occasions, and I believed they were confidential between the chair and me, but he chose to make them public by reporting them to this chamber.

We were uptight about the issue because the now Premier lied to the people of Victoria. That is why in chapter 5 of the minority report we raised the issue of the then Treasurer having said there was \$2.9 billion of unallocated capital in the forward estimates period. I asked the chair to clarify that point. Yes, it was an issue about the Treasury calculations and the figures being blown out to 2011, 2012, 2013 and 2014, but we sought clarification on this point, and that was why we wrote it in the minority report. We did not expect the chair to come in and talk about a private conversation that we had had.

The budget papers clearly said there was \$1.6 billion of unallocated capital. The Treasurer, in the *Herald Sun* and on 3AW, said there was \$2.9 billion of unallocated capital. There was a difference of opinion. We maintain that the Treasurer misled the community. As opposition members on the Public Accounts and Estimates Committee, we had the right to raise that question and express concern about that particular point. We still maintain that stand. It was a cheap shot for the chair to come in here and talk about conversations he had had with his deputy chair. As I said, the relationship between the Liberal members on the committee and the chair has hit a record low. We did not agree to or vote with this committee report. We put in a minority report, and I will give the house one other example.

In relation to key finding 7.1 of the committee — we voted against this — the Auditor-General had asked why the government departments had not accepted the Public Accounts and Estimates Committee (PAEC)

recommendations in regard to advertising and communications. The government members on the committee said that the government had written back to the committee and said that it accepts the recommendations in principle; but in practice it is not even close. The Labor members of the committee say that if something is accepted in principle then that is close enough, or near enough. On this side we had real problems with that. In fact, five departments did not develop a central budget for communications. Sure, they wrote back and said they were doing this and that, but the reality is that the recommendations in the PAEC report were not going to be actually implemented.

In the 20 seconds I have left I point out that we had no choice but to put in a minority report. We could not have a situation where the PAEC relied on the Treasurer's speech, ALP policy documents and comments from the ministers; there was no independent analytical information.

**Public Accounts and Estimates Committee:
budget estimates 2007–08 (part 3)**

Ms MUNT (Mordialloc) — It is with pleasure that I rise to speak on the Public Accounts and Estimates Committee report on 2007–08 budget estimates. When I came to the Public Accounts and Estimates Committee it gave me — —

The ACTING SPEAKER (Mrs Powell) — Order! Could the member please tell me on which part of the report she is making her contribution?

Ms MUNT — My apologies, Acting Speaker, I am speaking on part 3. When I came to the Public Accounts and Estimates Committee I viewed it as an opportunity to get a view of the whole of government, and it has been a very fascinating exercise for me to see how the whole of government works in a fiscal and financial setting. I studied economics at university, so I have some background in economics and business. I am still on a learning curve in the Public Accounts and Estimates Committee, after spending the previous four years on the Education and Training Committee.

It has been a great pleasure to work with the members of the committee: the chair, the member for Burwood; the deputy chair, the member for Scoresby; Greg Barber, a member for Northern Metropolitan Region in the other place; Richard Dalla-Riva, a member for Eastern Metropolitan Region in the other place; the member for Narre Warren South, who sits next to me in this chamber; Martin Pakula, a member for Western Metropolitan Region in the other place; Gordon Rich-Phillips a member for South Eastern Metropolitan

Region in the other place; and the members for Preston and Benalla.

We have all worked very hard putting these reports together. I also particularly thank the staff on the secretariat who have also put in a wonderful effort to complete this report: Valerie Cheong, Ian Claessen, Joanne Marsh, Joe Manders, John Misiano, Jennifer Nathan and Karen Taylor. They had long hours with a lack of resources and a lack of staff. Because the PAEC report this year has been done in a different format, it has meant that there has been a much more timely and accountable response to Parliament, but it has also meant that there has been a great deal more analysis put into these reports, which consequently means a great deal more work for the secretariat to get these reports written. Congratulations to the staff for putting the report together.

As I said, I am surprised that there has been a minority report and at the criticism of this format. This format has been put in place this year especially so that we can have a more timely and a more accountable response to Parliament. It provides for a greater amount of analysis, it provides for 52 recommendations, and it is on a very tight time line.

In the minority report from the opposition members of the PAEC the criticism is that the committee's report does not contain sufficient analysis. I really dispute this: there has been a great deal of work put into the analysis in part 3 of the first two budget reports. I believe therefore that the minority report is purely political, and once again I am surprised at the criticism from the opposition on political grounds and I believe that this minority report is politically based, particularly in a federal government election year. I feel that the minority report undermines the great work that the committee has put in, both the members and the secretariat. All of the points raised in the minority report are without substance themselves, and without a great deal of analytical responsibility.

We were surprised in the public hearings, at the lack of opposition analytical work and the lack of understanding of basic economic concepts. Once again, I am surprised that the deputy chair has criticised the chair. There was transcribed evidence in the public hearings of the lack of knowledge and understanding, and that is there for anyone to see. It is not a matter of private conversations, it is a matter of what is actually on the transcript of those public hearings, so I am surprised at the level of criticism that has been levelled at the chair in that regard.

Also, to back up my point that this is a political exercise, there is the fact that the report was leaked to the media before it was presented to the Parliament. I believe that this undermines the role of Parliament and the role of the PAEC in relation to reporting to the Parliament. If we are talking about politics here, let us point the finger in the right direction, at where the politics is coming from. We are doing our best to be accountable, timely, analytical, open and respectful to the Parliament and the people of Victoria. I support this report.

Public Accounts and Estimates Committee: budget estimates 2007–08 (part 3)

Dr SYKES (Benalla) — I too wish to talk on the Public Accounts and Estimates Committee report on budget estimates 2007–08, part 3. I will approach it from a country perspective, and I also submitted a minority report because I felt that there was a need to subject the government's claims and departmental claims to more critical analysis.

I welcome the proposal for future reporting by government to include separate reporting for budget proposals impacting on rural and regional Victoria. It is critical that that separate reporting actually dissect the money going to provincial cities — Geelong, Bendigo and Ballarat, in particular, as distinct from the other smaller communities.

I congratulate the Public Accounts and Estimates Committee staff. They did a very good job in a short time frame with limited resources.

But I still maintain a concern about insufficient critical analysis, and I raise three examples. First of all, in relation to chapter 4 there is a report that states:

The Shepparton irrigation project illustrates how productivity is improving through the budget, whereby that irrigation system will be more efficient by some 50 billion litres of water a year.

A technical discussion paper prepared for the Shepparton Water Services Committee challenges that claim and basically points out that of the water available for saving — there is 29 gegalitres of high-security water and 21 gegalitres of low-security water, which adds up to 50 gegalitres — the reality is that the low-security water is not available for saving in dry years, and therefore that particular statement oversimplifies the situation and overestimates the savings and will therefore lead to erroneous conclusions and erroneous outcomes.

Secondly, the report records questions to ministers and their responses. In a question to the Minister for Education I sought a comparison of current funding of non-government schools in comparison with other years and other states. The response which the minister gave is recorded in the report. The minister's response was to refer members to a website. It is my contention that that information should have been included in the report. When you look at the information, if you thought there was some politicisation going on, then maybe there is some evidence in the omission of this information from the report, in that when you compare the contribution by the Victorian government to non-government schools you will see that we are the lowest, or second lowest, compared with all states and territories.

For example, for primary schools, level 1, the contribution by other states ranges between \$600 and \$1300 per student. Victoria's contribution is a measly \$324, matched only by the Australian Capital Territory, which is equally low. But the ACT makes good for older students. Its contribution goes up to \$1200 per year per student, whereas Victoria's contribution only crawls up to \$900. There is a similar problem with secondary schools. The reality is that Victorian non-government schools are substantially less well funded when compared with all other states and territories except, perhaps, the ACT.

The other issue of concern that I raised was the lack of updating of the situation in relation to the impact of the drought. At the time of the budget being announced it was noted that the drought would cause around a 20 per cent reduction in economic growth, but that was expected to disappear in 2007–08, and the budget estimates were based on that. Given that the drought has not disappeared and given the traumatic situation that exists in country Victoria — and I refer people to my members statement yesterday to highlight the trauma that is being experienced and will be experienced in the months ahead — I suggest it is a shortcoming of our committee's work to have not sought an update on projections in light of the drought continuing.

Also I would suggest there is a need for the government to make a much more substantial contribution to drought recovery and drought response. The federal government has just put in an extra \$714 million. At this stage the state's additional contribution is about \$1 million.

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

**Public Accounts and Estimates Committee:
budget estimates 2007–08 (part 3)**

Mr SCOTT (Preston) — I too rise to discuss the Public Accounts and Estimates Committee’s report on the 2007–08 budget estimates, part 3, which I think is an excellent document that makes a significant contribution to the analysis and understanding of the budget. There were two minority reports within the report. It is useful to consider the intellectual basis of the discussion between the majority and the minority reports. The minority reports make an objection, I would argue, to the type of analysis that has been undertaken rather than the actual quantity or the depth of the analysis. Any reading of this report shows there is a great depth of analysis.

The minority report prepared by the Liberal Party members on the committee — the member for Scoresby, who is the shadow Treasurer, the assistant shadow Treasurer, Mr Rich-Phillips, and shadow Minister for Community Development, Mr Dalla-Riva — critiques the report on the basis that there has not been a challenging of statements made by ministers, the Treasurer or the Premier in ministerial responses and an analysis of those statements by the committee secretariat. In fact the first example given in the report is from chapter 2, and it states:

The committee chose not to investigate whether the Treasurer’s statement in relation to the state budget delivering all of the government’s output and asset commitments was factual or not.

It is not particularly surprising that this is how the report transpired, because page 20 of the introduction, which outlined the intellectual basis for analysis, states:

The inquiry into the budget estimates does not involve an analysis to verify policy statements made by ministers or the Treasurer or if information prepared by the Department of Treasury and Finance contained in the budget papers is well founded. Rather, the inquiry focuses on transparency and clarity of reporting.

That has really been the focus of the report. There is certainly a legitimate debate about what this sort of committee should do. However, I was a bit perplexed by the minority reports appearing, particularly the report prepared by members of the Liberal Party, and I was certainly disappointed by their leaking. If you look at the extract from the minutes of proceedings on page 349, the introductory chapter which I quoted from is directly referred to, and there was a motion that the new chapter introduction be agreed to; and that motion was seconded by none other than the member for Scoresby, the shadow Treasurer. Hence the production of a minority report which critiques the entire report on

the basis of the analysis that was conducted is a bit rich, when the members who are making that criticism supported the basis of that analysis.

I would argue that particularly the minority report prepared by the Liberal members of the committee is a political document designed to score a few cheap political points and that it does not really contribute to the wider understanding of the report or to the budget estimates process. It is a bit galling that the current government is being critiqued for a lack of transparency and for undermining transparency in this state when previous administrations have sought to emasculate the Auditor-General and remove that role in society.

Mr Walsh interjected.

Mr SCOTT — Far from this being wrong, as suggested by the interjection, this report actually improves the understanding of the budget and the clarity of that understanding, which is the actual purpose to which the entire committee agreed, if you look at the extract from the minutes of proceedings. It performed that duty admirably. Sadly I regard the criticisms contained in the minority reports as essentially irrelevant to a future understanding of budgets, because the basis on which they were undertaken was in direct contradiction to the actions at an earlier juncture of the members of the committee who prepared them. The criticisms of the committee about following the advice and the procedures which they themselves supported is, frankly, slightly bizarre.

I welcome one comment from the member for Benalla on recommendation 29, which is typical of the thorough and thoughtful work in the report. It recommends widening the presentation in the budget papers to provide greater information, particularly for members from regional and rural areas, to allow them to analyse the budget. That sort of work is the real work of the Public Accounts and Estimates Committee — providing better information to members to allow them to understand the budgetary process.

GRAFFITI PREVENTION BILL

Second reading

Debate resumed from 20 September; motion of Mr CAMERON (Minister for Police and Emergency Services).

Opposition amendments circulated by Mr McINTOSH (Kew).

Mr McINTOSH (Kew) — I am sure that all members of the house agree that graffiti is one of the constant scourges of living in a modern community. In essence graffiti not only derogates from the aesthetic value of a local community, it also creates untold trauma for those people who are victims of graffiti crime. I am sure many of us in this place have had a series of complaints and concerns raised with us by constituents who have to go about the task of removing graffiti or indeed have to learn to live with the fact that their businesses and homes are being constantly vandalised by people who show little or no regard for their actions. I would say that each month one or two constituents raise this matter with me. But graffiti not only affects the people in my local area. I must compliment the City of Boroondara for the way it has gone about tackling the issue of graffiti, even by providing paint at a substantially reduced price — if not free of charge — to householders so graffiti can be removed expeditiously.

I again turn to the trauma caused by graffiti crime. In particular I am thinking of the premises of a local business which is situated about 100 metres from my office on the corner of a major intersection that is also the route of public transport services. Over the years it seems to have been constantly graffitied, and no sooner is the graffiti covered up than somebody else comes past and tags the walls. Indeed my own building, which is also occupied by half a dozen other businesses, is tagged. Although the graffiti is generally removed expeditiously by the landlord, the tags remain on many parts of the building, and if the tags are covered over, they almost immediately reappear.

Graffitiing is an insidious crime. Many people in the community do not necessarily see graffitiing as a significant crime. Indeed in many cases some people talk about graffiti as art and as being creative. Unfortunately it is never artistic or creative to damage other people's property. Graffitiing is a serious crime and this government finally has seen fit to move to do something about it. The genesis of this bill — and in particular one part of it about banning the sale of spray cans to minors — has been of some concern to the Liberal Party for almost as much time as I have been in this Parliament. Indeed in 2002 and again in 2006 the Liberal Party went to the election with a clear and unequivocal policy to ban the sale of spray paint cans to minors. This was done because of the obvious impact that chroming has on young people, but it was also done to reduce the impact of graffiti. The departmental representatives who briefed us on this bill intimated that there is a clear parallel between banning the sale of spray paint to minors and the incidence of graffiti. Half the graffiti crimes in this state are committed by people

under the age of 18 years, which is a clear vindication of the policy that the Liberal Party took to the elections in 2002 and 2006 — that is, to ban the sale of spray cans to minors.

As I said, the government has finally picked up on the community's mood. A number of recent cases have highlighted community concern about sentencing in relation to graffiti, which has led to a large number of appropriate editorials and in some cases comments in this house about the inadequate nature of some of the sentences imposed for criminal damage flowing from graffiti.

A bill such as this is a worthwhile step, and apart from an amendment which I will be proposing and which the government may like to adopt, the Liberal Party will be supporting this bill. There are a number of deficiencies in the bill, and I will go through those in some detail. However, even with those deficiencies and even though it does not have the amendment that the Liberal Party will be seeking, this is a bill that the Liberal Party is pleased to be able to support, although we say that it is six or seven years too late. We should have passed this law six or seven years ago, in line with Liberal Party policy.

The bill creates a number of graffiti offences and provides that any other offences, such as criminal damage, that exist under the Crimes Act also apply. However, the most important thing is that at least the people of Victoria have a concrete piece of legislation, so we can say, 'This is our stand as members of Parliament on something that is increasingly becoming a scourge and blight across the urban areas of Melbourne and right across this state'. As I said, even a cursory view of many of our local communities would indicate that it is a very pervasive concern.

From the outset I indicate that I am concerned that some members of our community just do not get it. They seem to think graffiti is artwork or in the nature of creativity. It is a matter for profound concern to all of us that some people might condone this activity as being the outcome of youthful exuberance.

Last Sunday an article appeared in the *Sunday Herald Sun* about a new range of toys which have been developed by some famous graffiti artist and which are available to young children. Reportedly they are being sold by Kmart, one of our large national retail chains. I think that in itself is an appalling indictment not only of some members of our community but also of the large retailers that see this as something that members of the community would tolerate giving to their children. Apparently there are crayons that look like spray cans

and stencils with famous tags by graffiti artists that children can either tattoo onto themselves or use for painting over, all of which seems to me to be sending the wrong message to young children. While there may be some idiots out there who do not necessarily get it, I would have thought that a large chain like Kmart would get it.

Personally I would be calling in this place for Kmart to do something about it. The issue may well have been misreported in the press — I hope it has been — and Kmart may not be the only retailer selling these toys. I would be happy to talk to any representatives of Kmart or any other retailer that is selling toys that seem to be glorifying graffiti when the vast majority of right-minded Victorians and certainly members of the Liberal Party think they should not be. Now that the government has finally moved on the issue, people need to accept that graffiti is a significant problem and that we need to do something about it. Although this is a positive step, we need to do something more than just pass legislation. There needs to be a change of attitude. For a large chain to be selling these toys is outrageous.

I call upon the government to amend this legislation immediately in order to classify these toys as proscribed implements of graffiti, which means that they would be banned. Possession of such implements could then lead to criminal charges being laid if the implements are carried by a person. Most importantly, in advertising these articles and holding them up for display the retailers could be convicted of a serious offence. I ask the government to move as expeditiously as possible, look into the article which appeared in the *Sunday Herald Sun* and deal with these toys that are now available for sale to children in Victoria. As I said, the article may have misquoted or misreported the situation, but I am happy to talk to representatives of Kmart or any other retailer that is displaying these toys and indicate my concerns about this crime.

The Liberal Party will be supporting this bill. Overall it creates a number of new offences, the principal ones being the offence of making graffiti or making offensive graffiti, the penalty for which will be a level 7 term of imprisonment, which denotes imprisonment for a period of up to two years.

If there is criminal damage associated with that or with any other crime under the Crimes Act, then that act could also apply. This bill is telegraphing to the community that there will be a concrete law that says graffiti is not just criminal damage but a specific offence that will carry a penalty of up to two years imprisonment. The passing of this sort of law may very well also telegraph a message to the magistrates and

judges who consider these matters that the community is sick and tired of the crime of graffiti and of the way it denigrates local communities, and that members of our community are sick and tired of having to deal with the problem.

I note that in one case of graffiti, which received some degree of notoriety, some \$700 000 worth of damage was admitted to by a particular offender. That is an incredible amount. If it had been a theft of \$700 000, then I have no doubt that on a first offence or otherwise the offender would have gone to jail. It seems to me that we have to telegraph the message to our judiciary by way of legislation that we want these offences dealt with in an appropriate fashion, and this legislation certainly does that by the creation of a number of offences.

I will now consider some of the aspects of the bill in some degree of detail. Clause 5 states that marking graffiti on property that is visible from a public place without the property owner's consent is an offence, even if it exists on private property. Clause 6 states that marking offensive graffiti that is visible from a public place is an offence, and again, the need for that is quite clear. The opposition certainly agrees with the differentiation between those two offences. Both are level 7 offences and carry a penalty of imprisonment or, as an alternative, very high fines, and that is appropriate.

I would certainly be asking the government in these circumstances to explore with the Director of Public Prosecutions ways to improve compensation for those offences. We have a very rigorous compensation procedure in this state, and a person can appear at the trial of an offender and make a claim for compensation. That can be a cumbersome process because it is dependent upon a conviction, but I would have thought that such a cumbersome process could be expedited if the application for compensation were made when a person has agreed they have done damage to various pieces of property — and particularly in the case of \$700 000 worth of damage which received some notoriety.

A claim for compensation could become a debt which would be enforceable through the civil law; whether or not you would ever recover it is not the issue. Not only should there be a fine imposed, but there certainly should be appropriate mechanisms to recover the cost of this type of damage. I certainly hope that the government moves to ensure that these offences become part of the process whereby that compensation can be recovered reasonably expeditiously by

householders and indeed by local councils, which of course suffer enormously from this crime.

The bill creates an interesting new crime — that is, possession of a prescribed graffiti implement. The definition clause in the legislation defines a prescribed graffiti implement as an aerosol spray can — a normal spray can — as well as anything that is prescribed by way of the regulations. I understand from the government that it has not yet moved to provide an indication of what may be included in that definition by way of regulation. As I have indicated, the government should be moving very quickly to prescribe as graffiti implements those toys that the *Sunday Herald Sun* reported on last weekend.

Clause 7 of the bill provides that a person must not without lawful excuse possess a prescribed graffiti implement. We then get into an area of some concern in relation to this matter. The first concern is that the bill refers to the property of a transport company. Looking back through the policies of both major parties in this state, it is clear that there is an understanding that graffiti is a problem on the property of transport companies or indeed on adjacent public land. Everybody accepts that that is a significant issue, and you only have to travel on a train up and down some areas of Melbourne to see that that is still a significant problem in many areas.

But the issue is that the clause refers to a person being on the property of a public transport company, in an adjacent public place or in a place where the person is trespassing or has entered without invitation. If you are trespassing and you have a graffiti implement, then it is a show-cause offence, which means you must provide a justification for possessing that implement, and the opposition agrees with that. Curiously enough the legislation provides a lawful excuse, which is that the graffiti implement — the spray can — is being used for the purposes of employment. While that is acceptable, there are no other examples provided in the legislation either by way of the text of the legislation or by way of specific examples.

The other thing that concerns me is that normally in circumstances where legislation prescribes a specific indication of when a lawful excuse would be made out, there would be a term stating, for example, 'Without derogating from the generality of this clause, it is a lawful excuse if you are using the graffiti implement for your employment'. There would be other circumstances of lawful excuse, I am sure, but they have not been adumbrated in the legislation. I am a bit concerned that the bill does not have a generality term as a precursor to

the lawful excuse, but that is a matter for the courts to work out.

Our real concern in relation to this matter is that any right-minded person would understand that graffiti is not limited just to transport companies; to public areas adjacent to transport companies' operations; to bus stations, buses, trains or train lines, which are held under a formal lease from the government; or to private land. As we all know, there are many public areas that are subject to graffiti as well. It seems to me to be absurd that, by this legislation, we are limiting the power of this show-cause provision. The reality is that this will probably be the most used of all the provisions in this bill, and it is certainly the most powerful in dealing with preventing graffiti and indeed enforcing the issue of selling to a minor a graffiti implement such as a spray can.

It seems to me that this is the most powerful tool that we have in this bill and that it will be the most used by Victoria Police in fighting the problem of graffiti, and it also seems to be idiotic that the bill does not extend its operation to all public places. I hope that when the house considers the bill during the consideration-in-detail stage I will be able to clarify precisely what the impact of the proposed amendments will be.

However, in essence the opposition is proposing that a person must not, without lawful excuse, possess a prescribed graffiti implement in a public place, on the property of a transport company or in a place where the person is trespassing or has entered without permission. There are many public places that people can go to that are subject to graffiti, and the nature of the beast is they do not need express permission to go there — parks, roads and those sorts of things — so I think this bill should sensibly be extended to include all public places.

Likewise there is a significant difference between the legislation in relation to search and seizure powers, which I will talk about in a moment, and this legislation in relation to the possession of a prescribed graffiti implement. There is a mechanism in the bill before us that provides for this show-cause offence, but the volatile substances section of the Drugs, Poisons and Controlled Substances Act applies to all public places. I for one cannot understand why that provision was not extended to this bill.

Sitting suspended 12.59 p.m. until 2.03 p.m.

Business interrupted pursuant to standing orders.

DISTINGUISHED VISITOR

The SPEAKER — Order! Before calling questions, I advise members of the presence today in the gallery of the Honourable Chris Carter, New Zealand Minister of Conservation, Minister of Housing and Minister for Ethnic Affairs.

ABSENCE OF MINISTER

The SPEAKER — Order! I also advise the house that the Attorney-General is on leave today. In terms of acting ministers, questions on the Attorney-General's portfolio will be answered by the Minister for Police and Emergency Services, questions on industrial relations will also be answered by the Minister for Police and Emergency Services, and questions on racing will be answered by the Minister for Gaming.

QUESTIONS WITHOUT NOTICE

Hospitals: waiting lists

Mrs SHARDEY (Caulfield) — My question is to the Minister for Health. I refer the minister to the government's own Dench McClean Carlson review of elective surgery access policy which found that, as a result of the government's deceptive classification to artificially lower the published waiting list data, the number of patients on the hidden NRFC (not ready for care) waiting list has increased by 50 per cent, with some patients waiting several years, and I ask — —

Honourable members interjecting.

The SPEAKER — Order! The Minister for Education!

Mrs SHARDEY — I ask: will the minister inform the house of the total number of patients across Victoria who are waiting for surgery on unreported NRFC waiting lists?

Mr ANDREWS (Minister for Health) — I thank the honourable member for Caulfield for her question. The elective surgery waiting list is a list of people waiting for elective surgery. If in the judgement of a medical practitioner — —

Honourable members interjecting.

Mr ANDREWS — If a patient's clinician makes the judgement that a patient is not ready for care — that it is not safe, for instance, for that patient to receive elective surgery — —

Mr Donnellan interjected.

The SPEAKER — Order! The member for Narre Warren North!

Mr ANDREWS — These are judgements that are made by doctors. They are appropriately qualified and trained to make those judgements. If a person — —

Mr K. Smith interjected.

The SPEAKER — Order! The member for Bass!

Dr Napthine interjected.

The SPEAKER — Order! The member for South-West Coast! I will not have interjections when I am trying to have order in the house.

Mr ANDREWS — If in the opinion of the treating doctor the person is not ready for care, then the person is not ready for care. I am not going to second guess the expert judgements that a clinician makes. That is to say — —

Mr Burgess interjected.

Questions interrupted.

SUSPENSION OF MEMBER

The SPEAKER — Order! Under standing order 124, I ask the member for Hastings to leave the chamber for 20 minutes.

Honourable members interjecting.

The SPEAKER — Order! The member for Hastings will put that down.

Honourable member for Hastings withdrew from chamber.

Questions resumed.

The SPEAKER — Order! This is the first question of question time, a question asked 2 minutes ago. The minister has been given no opportunity to be heard in silence, and the behaviour of both sides of the house has been atrocious. I ask members for some cooperation so that the Minister for Health can answer the question.

Mr ANDREWS (Minister for Health) — If in the judgement of a medical practitioner a person is not ready for surgery and not ready for care — and that may well be about safety or a range of other matters — then that person is not listed for elective surgery. That is

appropriate. It is not my job to second guess the judgements of doctors and nurses.

Honourable members interjecting.

The SPEAKER — Order! The members for Warrandyte and Ferntree Gully should act in a manner more appropriate to members of Parliament.

Mr Baillieu — On a point of order, Speaker, the minister is debating the question, as ministers tend to do in this house. He has been asked a simple question about the number of people on the NRFC (not ready for care) waiting list. That is the question. He has the knowledge; the Parliament wishes to have the answer.

The SPEAKER — Order! I do not uphold the point of order at this time. The minister has been interrupted on I think four occasions already in trying to answer the question. I am attempting to listen to the answer, which is very difficult with the amount of noise from both sides of the chamber. I seek the cooperation of members.

Mr ANDREWS — It is not my intention to undermine the judgements that are made by doctors and nurses in terms of determining when a person is ready for care. That is a medical judgement; that is a clinical judgement.

Honourable members interjecting.

The SPEAKER — Order! The member for Narre Warren North is warned, as is the member for Warrandyte.

Mr ANDREWS — That is a medical judgement, and it is not my place, nor is it the member for Caulfield's place, might I put it to her, to undermine the judgements that are made by those who are best placed to make those judgements.

Mrs Shardey — On a point of order, Speaker, on the question of relevance, the question is very simple. We require the minister to give us an answer in relation to the number of people on this hidden waiting list.

The SPEAKER — Order! I do not uphold the point of order. I think this is now six times that the minister has been interrupted.

Honourable members interjecting.

The SPEAKER — Order! I do not need help from the government benches.

Mr ANDREWS — It is not appropriate for me — —

Mrs Shardey interjected.

The SPEAKER — Order! The member for Caulfield! That interjection at this stage does not help in the smooth running of question time.

Mr ANDREWS — It is not appropriate for me to be undermining those judgements. They are made by those who are best placed to make those judgements. What I am prepared to do, though, and what I can do, is to continue to provide our health services with the resources they need to do more elective surgery than has ever been done in this state. This year alone we have had 15 000 extra episodes of elective surgery compared to when the member opposite sat at the captain's table and said nothing —

Honourable members interjecting.

Mr ANDREWS — when hospitals were closed and nurses were sacked.

Dr Napthine — On a point of order, Speaker, the minister is again debating the issue. The question is very simple: it is looking for an answer as to how many people are on this hidden waiting list. The minister knows how many there are, and he needs to advise the house and the people of Victoria. What has he got to hide?

The SPEAKER — Order! The member for South-West Coast knows that that is not the form of a point of order. To enter into debate on a point of order is most inappropriate.

Mr ANDREWS — We will continue to invest in the elective surgery that matters. We will continue to give our health and hospital services the funding they need to do more elective surgery and to provide better care. I will also leave it to those who are appropriately trained to make clinical judgements.

Rail: rolling stock

Mr NOONAN (Williamstown) — I refer the Premier to the government's commitment to improving public transport and ask him to outline any recent announcements to deliver on that commitment.

Mr BRUMBY (Premier) — I want to thank the member for Williamstown — —

Mr R. Smith interjected.

Questions interrupted.

SUSPENSION OF MEMBER

The SPEAKER — Order! The member for Warrandyte should not feel at liberty to interject at will. He has been warned, and I am not warning him again. He will leave the chamber under standing order 124 for 20 minutes.

Member for Warrandyte withdrew from chamber.

Questions resumed.

Mr BRUMBY (Premier) — I want to thank the member for Williamstown for his question today and observe that it is quite some time in this chamber since the member for Williamstown has been able to ask a question — and a very good question it was, too, as was his excellent inaugural speech earlier today.

As honourable members know, the economy of Victoria is growing very strongly. We have generated more jobs this year than any other state in Australia — 58 000 new jobs — and our population is growing very rapidly. Melbourne is adding more than 1000 people per week and more people over the course of this year than at any other time in the state's history. All of that, combined particularly with the increase we have seen in the price of petrol over the last couple of years, has put unprecedented demand on our public transport system. In a sense we have been the victims of our own economic success, as we have seen an increase in rail patronage of more than 20 per cent over the past two years.

I made it very clear when I became Premier that addressing these challenges in public transport would be a key priority of our government. Today I was able to announce, with the Minister for Public Transport, off the back of what is a very strong budget result for the state — a stronger than expected budget result, which has given us the capacity to bring forward expenditure which we otherwise would not have had — that the state will commit to a further eight train sets, which will be delivered in 2009–10 at a cost of \$272 million.

This will add to the additional 10 trains that we committed to in the budget earlier this year, meaning that beginning in late 2009 through to mid-2010, 18 new trains will be delivered to the people of Victoria. That is a good news announcement.

Honourable members interjecting.

The SPEAKER — Order! The member for Scoresby!

Mr BRUMBY — The opposition hates good news! The 18 new trains means capacity for an additional 14 500 passengers.

If you add this to all the other measures that we have announced over the last two months — the full tendering of the public transport system going forward so we can open it up to best value, the most competition and the best operators around the world; the new train services; the new timetables which start this month, with 200 additional services, including 6 in the morning peak; the trial which will start later this month of the pre-7.00 a.m. services, which I expect to shift thousands of passengers into that early time frame to take advantage of what will be free travel; and the opening of the new stations at Roxburgh Park and Craigieburn — these are significant commitments in relation to public transport, and they begin to address the serious challenges that we have had that have built up over recent years.

All of the measures that I have announced over the last couple of months will mean, in aggregate, in excess of 20 000 new spaces in peak hour services, and that will make a huge difference. I think about 250 000 people use the morning peak. That is almost a 10 per cent boost to capacity in the system.

The minister and I will be making further announcements about public transport. I have made it very clear that this is an area of priority for the government. It is an area where the record growth in patronage has presented some challenges. We are announcing solutions to those challenges, and we will be announcing more initiatives in the weeks to come.

Gippsland Lakes: environmental flows

Mr RYAN (Leader of The Nationals) — My question is to the Minister for Water. I refer to a letter written by the minister on 4 October this year, sent to the member for Murray Valley, and I quote:

A further reduction in fresh water flowing into the Gippsland Lakes would only make these water quality problems worse and has the potential to damage the lakes environment, with flow-on effects for their recreational and commercial use.

I further refer to a comment attributed to the former water minister in a press release dated 3 October 2006, and I quote:

Mr Thwaites said environmental flows were being returned to the stressed Thomson River in Gippsland — which will also help the health of the Gippsland Lakes, which are so economically, socially and environmentally important for the region.

And I ask: given that the minister and his predecessor both claim to understand the importance of the Gippsland Lakes and rivers, how does the government reconcile these fine words with its recent decision to withhold 10 000 megalitres of environmental flows from the Gippsland Lakes when Melbourne has not even be placed on stage 4 restrictions?

Mr HOLDING (Minister for Water) — I thank the Leader of The Nationals for his question, which raises a whole series of different issues. Firstly, in relation to the letter that he referred to, which was to the member for Murray Valley, I think my recollection of my response to that member was in the context of a discussion around an increase in or stage 2 of Buffalo dam and the question of whether the government would proceed with the — —

Mr Ryan interjected.

Mr HOLDING — I take the warning offered by the Leader of The Nationals! The context of that is that the government has made it very clear that we do not believe that creating extra storages or building further dams is part of the — —

Mr Jasper interjected.

Mr HOLDING — The member for Murray Valley interjects and says that we have got it wrong.

The SPEAKER — Order! The minister will ignore interjections, which are unruly.

Mr HOLDING — We do not believe they are a part of a long-term solution to meeting Victoria's needs. We have made it very clear that in that context, the provision of an extra dam on the Mitchell River — which is advocated by many people, and in fact I recently saw protesters with signs outside the front of Parliament House which said that the government should dam the Mitchell River — —

Mr Ryan — On a point of order, Speaker, the minister is clearly debating the issue. I ask you to have him answer the question.

Mr Batchelor — On the point of order, Speaker, the Leader of The Nationals asked the Minister for Water a question which was nearly as long as a typed A4 page. It covered a whole range of areas. The Minister for Water acknowledged that at the commencement of his answer. I assume he is going to answer most of those questions. It will be a long answer, and he ought to be allowed to do that without interruptions.

The SPEAKER — Order! I acknowledge both the breadth of the question and the breadth of the answer. I will not uphold the point of order at this moment, but I ask the minister to try to restrict his remarks to answering the question.

Mr HOLDING — I will focus on the stress created on the Gippsland Lakes by future propositions which may exist to dam the Mitchell River. It is in that context that the government makes it very clear that there are, I think, already three dams of one sort or another that operate on the rivers which feed into the Gippsland Lakes. It is for that reason that the government does not support measures to add further dams, reservoirs or storages to the river systems that feed into the Gippsland system. It is for that reason, too, that we recognise the stress that those river systems operate under and the impact that has on the Gippsland Lakes.

We have also made it clear that, as a part of managing the drought contingencies which exist for the central region, we have the option of drawing down on environmental flows for the Yarra River or for the Thomson River system. In the context of the restriction regime that exists for Melbourne, I remind the Leader of The Nationals that it was not more than a week ago that he stood up in Kerang, I believe, and said that Melbourne should be on stage 3a water restrictions for three years to come. So he stands in the Parliament today and asks, 'Why are we not on stage 4 water restrictions?', but he stood in Kerang last week and said, 'We should be on stage 3a water restrictions for the next three years'.

The SPEAKER — Order! I bring the minister back to answering the question.

Mr HOLDING — So we make it very clear that before any decisions are made about the environmental flows of the Yarra River and the Thomson River we will take into account all of the environment impacts that those reduced environmental flows would have on the Gippsland Lakes and on other river systems as a consequence. We will take all of these things into account. But what we will not do is be distracted by the harebrained proposals of members of The Nationals.

Questions interrupted.

DISTINGUISHED VISITOR

The SPEAKER — Order! Before calling the member for Albert Park I welcome and acknowledge the presence in the gallery of George Crawford, a former member of the Legislative Council representing the then Jika Jika Province.

Questions resumed.

Rail: government initiatives

Mr FOLEY (Albert Park) — My question is to the Minister for Public Transport. Can the minister report to the house on how the government is delivering on its commitment to improving rail services?

Ms KOSKY (Minister for Public Transport) — I thank the member for Albert Park for his question. I will repeat the earlier comments of the Premier, in that it is very nice to have a question from the member for Albert Park.

As the Premier has outlined to the house, we are making major improvements to our public transport system. Today's announcement is about yet another improvement to our public transport system. We are making those improvements because we are committed to public transport in Victoria. We are delivering on the commitments we have made.

On Sunday, 30 September, I was with the Premier in Craigieburn. We were able to announce then another commitment to open the Craigieburn line. This was a commitment that we had made, and it was fantastic to be opening that line. It is an extension of the Broadmeadows line to Craigieburn, and it also includes a new train station at Roxburgh Park. We have delivered on our promise. It was a \$115 million project, so it is a very large project. It included the extension of the service by 10 kilometres.

The local community was very pleased with the opening of the services, the line and the new station at Roxburgh Park. They came out in their hundreds to see the new stations at both Roxburgh Park and Craigieburn. Unlike the opposition, the people were delighted with the improvements to public transport that have been made for them by the Brumby government. The extension of the line means an improvement in morning peak services. The community now has eight services that travel to the central business district, which is up from three previously. There has been a similar increase during the afternoon peak time.

We have also seen massive increases in services in terms of the frequency of trains late at night and also at weekends. I know the opposition is very unhappy about these improvements in public transport, because it is not committed to public transport; but we on this side are definitely committed. The project also now provides direct access to the loop.

This is a real boon for the people in Craigieburn and along that line. The opening of the line was not just about the extension to the service. A whole range of other improvements have been made which make a real difference to the people living along that line. The Craigieburn station has been upgraded to a premium station, which means it is staffed from the first train in the morning until the last train at night, seven days a week. Kiss-and-ride facilities are now provided, as is ample free car parking space, so people can park and ride as well; and there are also bus and taxi interchanges at both stations.

This comes on top of the other improvements we are making to public transport.

An honourable member interjected.

Ms KOSKY — I indeed love this job — and we have more good news to come!

In terms of the other improvements we will be seeing around the system, we are fixing the Clifton Hill bottleneck, delivering new stations at Coolaroo and Wendouree — I know they are welcome by the local members — and completing the grade separations at Taylors Road. We are doing a lot in terms of public transport and will continue to do so, because we believe it is incredibly important for people right across Victoria.

The SPEAKER — Order! Before calling the member for Caulfield I inform the member for Hastings that I am advised by the clerks that his watch must be running a little fast. The Clerk clearly has note of the timing of his suspension from the chamber.

Western Health: investments

Mrs SHARDEY (Caulfield) — My question without notice is to the Minister for Health. I refer to the closure of 56 beds and 2 operating theatres at the Western Hospital, the cut of \$15 million from Western Health's surgery budget and the fact that 3607 patients in the western region are waiting for critical surgery. Will the minister inform the house how much of Western Health's funds have been invested and lost in high-risk investments in the United States subprime market by both the minister and the chairman of Western Health, former federal Treasurer Ralph Willis?

Mr ANDREWS (Minister for Health) — I thank the member for Caulfield for her question. Can I begin by absolutely refuting the notion that this government has cut funding to Western Health. Western Health, like every health service in this state, has received a funding boost in every single year this government has been in

office — every single health service in every single year!

The notion that this government has done anything other than boost the resources available to Western Health is simply wrong. We have increased funding to Western Health, and that is all about giving the dedicated staff and board, our management out there, the resources they need to treat more patients in a growing area and to provide better care. That is our record, that is our commitment and that is what we will continue to do.

In terms of investments, section 29 of the Health Services Act empowers boards such as the Western Health board to make investment decisions and to invest the funds held by them. Those investments need to be made pursuant to various guidelines and acts, whether it be the Financial Management Act, the guidelines issued by the Department of Treasury and Finance in terms of financial risk — —

Honourable members interjecting.

The SPEAKER — Order! The member for Caulfield asked the question, and I suggest that she listen to the answer. I ask the member for Polwarth to stop interjecting.

Mr ANDREWS — As I was saying, health services are empowered under section 29 of the act to invest funds held by them. Those investments need to be made in accordance with various acts, whether it is the Trustee Act, the Financial Management Act or indeed the guidelines issued by the Department of Treasury and Finance in relation to managing prudential risk.

It is my expectation that all health services do that effectively and well — —

Dr Napthine — On a point of order, Speaker, the minister is again debating the issue rather than answering the question. The question was very specific: how much has Western Health invested in the high-risk, subprime mortgage market, and how much has it lost? How much, Minister, has it lost?

The SPEAKER — Order! I do not uphold the point of order.

Mr ANDREWS — To conclude, let me make it absolutely clear. Firstly, this government has boosted the resources at Western Health and not cut resources.

Mr Hodgett interjected.

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

Mr ANDREWS — This government grows health budgets, it does not cut them. That is the first point. The second point is that it is my expectation — —

Honourable members interjecting.

Mr ANDREWS — Fancy getting lectured about being subprime by this mob here! Fancy getting a lecture about subprime from this rabble! This government increases health service budgets, it does not cut them. Pursuant to the terms of the Health Services Act it is my expectation that Western Health has acted appropriately.

Honourable members interjecting.

The SPEAKER — Order! I ask the member for Derrimut to desist from constantly banging his hand on the bench in front of him.

Mr McIntosh — On a point of order, Speaker, it is a very simple question: how much, and how much has it lost?

The SPEAKER — Order! I expect better from the member for Kew. The member knows that is not the way to make a point of order. If the member for Kew wants to ask a question, perhaps he should do so, but not under the guise of a point of order. The minister has concluded his answer.

Honourable members interjecting.

The SPEAKER — Order! I warn the member for Polwarth that making interjections across the chamber in that manner is absolutely not going to be allowed.

Energy: government performance

Mr HAERMEYER (Kororoit) — My question is to the Minister for Energy and Resources. I ask the minister to update the house on what recent independent reports have to say about the delivery of gas and electricity to all Victorians under this government.

Mr K. Smith interjected.

The SPEAKER — Order! The member for Bass! I believe that word is unparliamentary.

Mr BATCHELOR (Minister for Energy and Resources) — I thank the member for Kororoit for his question. As the member would know, when the Labor government came into power in 1999 Victorian

families had no choice when it came to the purchase of their energy supplies. They had to buy their gas and electricity from monopoly service providers in 1999. We set about changing that, and the contrast could not be sharper or greater today. In 2002 it was the Labor government that set up a system where all Victorians could choose their gas and electricity retailer.

Honourable members interjecting.

The SPEAKER — Order! I ask for cooperation from the Leader of The Nationals and the Deputy Leader of the Opposition.

Mr BATCHELOR — At the same time we established a transitional safety net arrangement to ensure that things went smoothly in bringing in retail contestability. Over the last four years prices at the safety net level have come down in real terms here in Victoria. But even with the safety net there, competition in Victoria has continued to thrive and customers have taken up market offers to secure even greater reductions in prices. There are plenty of Victorian customers who have chosen to shop around and get the best deal for their gas and electricity.

So where is the market today? There are no monopoly service providers. We have 13 retail companies selling energy here in Victoria, and they are vigorously competing for customers. Recently the third edition of the annual report entitled *World Energy Retail Market Ranking* was released by the First Data Corporation. It shows that Victoria has the hottest energy market of any market anywhere in the world. It ranks reports of customer switching and compares 30 countries from around the world. It shows that Victoria ranks no. 1. In Victoria one in four customers switched their energy company last year. Just compare that, for example, with New York — the home of modern capitalism and the home of the free and the brave — where less than 1 in 20 customers switched energy companies last year.

From having no competition when we came into office, Victoria has been independently assessed as having the most competitive market not just in Australia but in the whole world.

Honourable members interjecting.

Mr BATCHELOR — So what does this competition mean for customers? Why did the Labor government do this? Currently the Australian Energy Market Commission (AEMC) is conducting a review of the effectiveness of energy retail competition in Victoria. The first draft has just recently been released, and it shows a number of things.

Honourable members interjecting.

Mr BATCHELOR — You should listen to this, you would learn a lot. It is a draft report, and the preliminary findings are there for all to see. It shows that the market here in Victoria has been effective in delivering efficient energy prices and better services to Victorian consumers. Market prices have been generally lower than the standing offer under the safety net provisions — for some people some 10 per cent lower than the standing offer of the safety net. The next thing — —

Mrs Fyffe — On a point of order on the length of speaking, Speaker, it is very difficult to get excited about energy, but does it have to be so boring?

The SPEAKER — Order! I warn the member for Evelyn that that is not a point of order; it is a frivolous waste of the chamber's time. The minister, to continue.

Honourable members interjecting.

The SPEAKER — Order! The minister has been given the call and is answering the question.

Mr BATCHELOR — The second finding in this AEMC report shows that the majority of energy consumers are participating actively in the competitive market here and that more than 60 per cent of customers in Victoria have signed a market-based contract. Market-based contracts are clearly providing better outcomes for Victorian consumers.

The third thing that the AEMC review found was that most customers were switching retailers and that the changes in their doing so had met their expectations. Most were switching retailers to save money and get lower energy bills. That is why they were switching, and that is what they were able to get. Finally, it was found — —

Honourable members interjecting.

The SPEAKER — Order! The minister has promised to conclude his answer.

Mr BATCHELOR — You are right, Speaker; answers always eventually conclude.

The fourth and final thing that the review found was that there was strong rivalry between these energy retailers. So in short, Speaker, the system we have put in place is good for Victorian families. It should be noted that it is because of this effectively competitive market here in Victoria that we can look forward to mitigating the impact that the drought will have on

wholesale energy prices next year. As we know, the impact of the drought will put up retail prices next year, but the world-beating competitive market that we have here will help mitigate the impact of that on ordinary people.

Questions interrupted.

DISTINGUISHED VISITOR

The SPEAKER — Order! Before calling the Leader of the Opposition, I would like to acknowledge the presence in the gallery of former Speaker John Delzoppo. I can only hope that he had better control of the house than I have managed today!

Questions resumed.

Western Health: investments

Mr BAILLIEU (Leader of the Opposition) — My question is to the Minister for Health. I draw the minister's attention to the Western Health board of directors charter, which states that the board should:

... ensure that the minister and the secretary are informed about significant board decisions and issues of public concern or risk that may affect Western Health.

And I ask: when did the minister and departmental secretary become aware of and approve Western Health's high-risk investments in the US subprime market, and will the minister advise the house of the vehicle through which those investments were made?

Mr ANDREWS (Minister for Health) — I thank the Leader of the Opposition for his question. As I made clear in the last answer, section 29 of the Health Services Act empowers health services such as Western Health to make investment decisions. They are empowered under the act to do that with the funds they hold, whether they be funds in terms of community fundraising or other funds that they may hold over time. They need to do that, as I mentioned, in accordance with Department of Treasury and Finance guidelines that judge the management of risk as well as the financial management acts and indeed other acts of the Victorian Parliament.

My answer to the Leader of the Opposition is that it is my expectation that all health services would exercise their absolute responsibilities under those acts of the Victorian Parliament and under those guidelines, and it is my expectation that all health services do just that.

Mr Baillieu — On a point of order, Speaker, the Minister for Health has been asked three questions

today. He has answered not a single one, and I invite you to ask him to address the question.

The SPEAKER — Order! The Speaker is not in a position to direct a minister as to how they answer a question.

Schools: assistance programs

Mr LUPTON (Pahran) — My question is for the Minister for Education. Can the minister detail to the house how the government is investing in education to ensure that teachers can concentrate on what they do best, helping our children in the classroom?

Ms PIKE (Minister for Education) — I thank the member for Pahran for his question. The Brumby government is making an unprecedented investment in education to ensure that our children get the very best start in life. I was very pleased to announce today that the allocation of the first 90 teacher assistants has actually been decided and has now gone ahead, with the largest number going to needy schools in Melbourne's north and west.

This forms the first batch of the 300 teacher assistants that were promised during the election campaign, and these teacher assistants will start at the beginning of the next school year. It is a \$35 million initiative so that secondary schools right around the state will have teacher assistants over the next four years. As the member for Pahran has correctly identified in his question, the assistants will help teachers to concentrate on those things that they do best, and they of course are assisting in the teaching and learning process and helping young people within our classrooms to improve their performance.

It is not the only initiative that the Brumby government has been rolling out to particularly focus on those young people who need assistance with their school performance. We have invested \$11.7 million in literacy improvement teams in schools with the greatest needs, and those literacy specialists work alongside around 380 teachers to help lift student performance above the anticipated levels.

The early findings of this program have been very positive. Sixty-five per cent of teachers believe that their students have increased their literacy skills to a moderate or a major extent as a result of working very closely with these literacy specialists. There are 45 full-time literacy specialists funded through the initiative, with 17 working across 35 schools in the particular region that I mentioned, the northern and western suburbs.

We are also putting resources into the schools and areas that need them most and supporting them through the school accountability and improvement framework. On top of that, we recognise that we need to continue to invest in school leadership programs. There is an additional \$11.6 million to boost the quality of our leadership within the education system so that our principals and leading teachers can enable our staff to use the very best teaching methodologies to improve performance.

It is also worth mentioning that the Auditor-General today has released his report entitled *Improving Our Schools — Monitoring and Support*. The Auditor-General notes that support for schools with poorer outcomes is starting to have a significant impact. That shows that the strategies the Brumby government has under way and the strategy I am announcing today are targeted at those places that really do need additional support. There is always more work to be done, and I am very proud to be part of a government that has chosen to put additional investment into some of the tougher areas in education, because we have a commitment to lift the standard of education for every child in this state.

Western Health: investments

Mr BAILLIEU (Leader of the Opposition) — My question is to the Premier. Will the Premier detail to the house when he first became aware that Western Health had an investment exposure to the United States subprime mortgage market, and will he now report to Parliament on all Victorian government departments, local councils, statutory authorities and other bodies which have similar exposures?

Mr BRUMBY (Premier) — As the Minister for Health indicated earlier today on very similar questions, any institutions in this state which invest money are subject to guidelines which are set by the government. Those guidelines apply through the Financial Management Act and they apply through prudential guidelines that are issued by the Treasurer of the day. Whether it is the Victorian Funds Management Corporation, a superannuation fund, a school or a hospital, if they are relying on government funds and they are investing those funds, they must comply with those guidelines.

In terms of accounting processes, we also have in this state a system of auditing every year by the Auditor-General. We have a system of financial reports, and each year, usually in November, the Auditor-General reports on the accounts of all agencies across the state in his annual financial report. To my

knowledge overwhelmingly they are audits which are satisfactorily completed by the Auditor-General. That is the process that is in place.

Individual ministers obviously do not control the investment decisions which are made by individual schools or individual hospitals. It is a matter for them to operate within the guidelines which are set by government and which are set by ministers, and institutions are audited against their compliance with those arrangements by the Auditor-General.

Hospitals: government performance

Ms MARSHALL (Forest Hill) — My question is to the Minister for Health. Will the minister outline to the house what action the Brumby government is taking to deliver quality health services to all Victorians?

Mr ANDREWS (Minister for Health) — I thank the member for Forest Hill for her question, and I acknowledge her commitment to the best health services in her local community.

When it comes to providing resources to our health and hospital services, this government has a proud record of investment and achievement. We have given our health services — —

Honourable members interjecting.

The SPEAKER — Order! I understand that question time seems to be going to finish the way it started. If no-one else in this chamber is interested in the answer to the question, the Speaker is. I ask that the Minister for Health be allowed to answer the question, in silence.

Mr ANDREWS — Over the last eight years we have increased ongoing funding to our health and hospital services by a whopping 96 per cent.

An honourable member — How much?

Mr ANDREWS — By 96 per cent! It sure beats cutting budgets — it is much better than taking away. We are putting money in, giving our health and hospital services the resources they need to treat more patients, to provide better care and to meet the needs of today and the considerable health challenges of the years to come.

What that extra funding means is that there are now 8061 extra nurses working in our health and hospital system today compared to 1999. It is a very clear contrast: extra funding — 96 per cent more funding —

and 8061 extra nurses. It is much better than cutting budgets and sacking 3500 nurses.

Mr Wakeling interjected.

The SPEAKER — Order! The member for Ferntree Gully is persistently interjecting, and I ask him to stop.

Mr ANDREWS — What the record levels of funding that we provided to our health and hospital services mean is that they have, in every respect, more resources to treat more patients and provide better care. In terms of staff levels alone there were 8061 extra nurses employed across our health system compared to those levels in 1999. This is a government that puts in rather than takes away. We do not sack nurses, we employ record numbers of them.

In terms of capital works we have got the best staff, and we need the best facilities to provide the best care.

Mr Burgess — What about outcomes?

The SPEAKER — Order! I would have expected the member for Hastings to come back to the chamber after a 20-minute suspension and listen carefully to the answers being given.

Mr K. Smith interjected.

The SPEAKER — Order! I ask the member for Bass to restrain himself also.

Mr ANDREWS — What that extra funding means, and what our fundamental commitment to giving our health services the resources they need to treat more patients and provide better care means, is that we have 96 per cent more funding. We have the best facilities, in that we have a \$4.1 billion boost to help capital works — the biggest health infrastructure investment program in this state's history.

That is about investment to open new hospitals. That is about investment to improve hospitals — not to close 12 hospitals, as those opposite did, but to build new hospitals and to improve the infrastructure that is so important to providing the best care. Record levels of ongoing funding and record levels of capital funding mean that our health and hospital system is best placed to provide the best care.

It is not just me saying this. The commonwealth government itself —

Honourable members interjecting.

The SPEAKER — Order! I ask members to listen in silence to the minister.

Mr Donnellan interjected.

The SPEAKER — Order! I asked that of all members, especially the member for Narre Warren North.

Mr ANDREWS — Whether it be in terms of ongoing funding or capital works, in general terms this government has provided record levels of funding — record levels of ongoing support to our health and hospital services — and that makes all the difference in terms of the outcomes for families and patients right across Victoria. We are treating more patients than we have ever treated.

Mr O'Brien interjected.

The SPEAKER — Order! The member for Malvern is not helping.

Mr ANDREWS — As I was saying, Speaker, we are treating more patients than ever before and we are providing better care, and that is in every respect the result of the record funding that this government has provided to treat record numbers of patients. The *Your Hospitals* report last week showed that whilst we have challenges, whilst there are pressures in the system and whilst there is more to be done, we have through our record funding been able to provide care to record numbers of people.

Whether it be in terms of admissions to public hospitals or in terms of presentations to our emergency departments, we are treating more patients than ever before, and that is only possible because this government has provided record levels of funding to each and every one of our health services in each and every year of this government. That is our record and that is our commitment, and that is what we will continue to do because we know that it is only through building new hospitals, not closing them, and it is only through putting in more money rather than cutting budgets that we can give Victorians the care that they deserve.

Mr Baillieu — On a point of order, Speaker, in regard to question time today, the standing orders require that a minister's answer be relevant to the question. They also require, under standing order 58, that answers to questions must:

- (a) be direct, factual and succinct —

and further that they should —

- (b) not introduce matter extraneous to the question nor debate the matter to which the question relates.

The opposition today has asked four questions and The Nationals one — including three to the Minister for Health and one to the Premier. In no single instance has the minister or the Premier answered the question, nor has the minister been direct, factual or succinct.

I invite you, Speaker, to contemplate what the point of question time is if ministers can come into the chamber and not give answers which require simple, factual statements. What is it that this government has to hide from the people of Victoria by taking this approach on a continuing basis, refusing to answer questions and refusing to comply with standing orders? If this is to be the norm, Speaker, then there will be no future point to question time.

Mr Batchelor — The point of order raised by the Leader of the Opposition is factually incorrect. The ministers to whom questions were directed today — I think there were 10 questions asked — on each occasion answered those questions.

Honourable members interjecting.

The SPEAKER — Order! I warn the Leader of the Opposition that I will not have that demonstration in this chamber. I ask members to listen in silence to points of order being taken by other members.

Mr Batchelor — I can well remember the time when there were only perhaps three questions answered during question time, but in each of those 10 answers today it was the ministers who determined what the content of their answers would be, just as it was the person asking the question who determined the content of their question. As you pointed out, Speaker, during the course of today's question time, it is not within your control, either, to determine the content of the answers. All were answered, and it is up to the individual ministers to determine the content, and they did that accordingly today.

Mr McIntosh — Speaker, on the point of order, you may like to consider a couple of matters that are set out in *Rulings from the Chair* of August this year, which has just recently been published, in relation to relevancy. I refer in particular to the rulings of Speaker Delzoppo on two occasions, on 9 March 1993 and 20 July 1993 — this is on page 162 of that book — where he indicated in relation to relevancy:

A minister is to relate remarks to the question asked.

Speaker, you might also like to look at the following ruling by Speaker Maddigan on 26 August 2003, when she said:

When responding to a question a minister must — must! —

answer the question rather than responding generally.

I certainly support the point of order the Leader of the Opposition has raised that on four occasions in response to opposition questions, ministers did not answer those questions.

Mr Haermeyer — On the point of order, Speaker, I have to say neither the member for Kew nor the Leader of the Opposition was a member of this house during the period from 1992 to 1999. I know there are some members opposite who were. The member for Kew referred to rulings by Speaker Delzoppo. I have to say that during the seven years that the Kennett government reigned in this house the idea of getting relevant answers from ministers was an absolute farce. The opposition is lucky to get in the number of questions that it does, because — —

The SPEAKER — Order! I have heard sufficient on the point of order. As members know, the life of any Parliament is in the hands of the Parliament itself — the members and the Speaker that have been elected. I regularly review question time, and I have explained that to members on numerous occasions. I have had discussions with all parties on the nature of question time and questions and answers. I will review question time again. It is my belief that today's question time has not been very different to any other question time.

The Speaker cannot direct the way a minister answers. Opposition members often do not like the answers they receive to their questions. As I say, I will look at the standing orders and the points that have been raised by the Leader of the Opposition and the member for Kew, and will come back to the house with a ruling in time.

Mr Brumby — Speaker, on a point of order, during question time today an event of some significance and major interest to the house occurred. At 2.20 p.m. today Tom Hulls was born, weighing 8 pounds 11 ounces. Mother is healthy; Deputy Premier is delighted!

GRAFFITI PREVENTION BILL

Second reading

Debate resumed.

Mr McIntosh (Kew) — Just before the suspension of the sitting I was perhaps not concluding — I still have some time remaining — but winding up, if I can say that, my contribution to the

debate on the Graffiti Prevention Bill. I had just dealt with clause 7, which was about the amendments I had circulated seeking to extend the ambit of that to public places as well as to properties of transport companies, places adjacent to transport companies and private property.

Certainly the view of the opposition is that there is no apparent reason why, given the fact that graffiti is a pervasive problem that appears not just on transport company property and private property but indeed in many public places, this provision, being a very powerful enforcement tool, should not be made available to Victoria Police to enable it to deal with an issue that is as much of a problem in public places as it is on transport company property and private property.

One could go into a number of other issues in some detail, but perhaps I will highlight a few provisions that have caused concern among members of the opposition. Clause 10 makes the sale of spray cans of paint to minors an offence. It needs to be acknowledged that the government has finally adopted a Liberal Party policy of some six or seven years standing, and we are very grateful for that. It is for others to comment whether this measure is timely, but it is certainly welcome.

Once the sale of cans of spray paint and graffiti implements to minors has been proscribed, the bill provides a penalty for a person who sells cans of spray paint or graffiti implements to minors. Persons under the age of 18 years will need to obtain a statutory declaration or a letter from their employer stating that the paint or implement they are buying is to be used in the course of employment and that effectively the sale is condoned or authorised by the employer. Curiously enough, proposed section 10(3)(a) states:

A person who is an employer or principal must take reasonable precautions to prevent an employee or an agent of the person from contravening subsection (2) ...

I will not go on ad nauseam about it, but that is an offence in itself, so the question is: which employer are we talking about? Are we talking about the employer of a person in the vendor's shop, or are we talking about the employer of the young person who is purchasing the item? While there is a penalty of 20 penalty units, in relation to the clarity of this provision there is some concern as to which employer it is — or are we talking about both employers? I hope I will be able to raise this matter with the minister during the consideration-in-detail stage of the bill so the precise circumstance can be clarified.

The fine for breaching this provision will be 20 penalty units — some \$2000 — which is a significant financial penalty, and there ought to be some clarity as to which 'employer' the bill refers. Given the circumstances in proposed section 10(2), it is quite clear that it could be the employer of the employee or agent selling the product to a minor as well as the employer of the minor, both of which are actually specified in the proposed section. As I said, it could apply to both, and there is some ambiguity. Perhaps it does apply to both, and maybe that should be explained by the minister during the consideration-in-detail stage.

I will also talk about the issue of a search warrant. There is a provision in the bill that provides a search warrant can be granted by a magistrate where there are reasonable grounds for believing that an offence under the act has been or is being committed. It is a very standard provision in relation to 'reasonable grounds for believing'.

Likewise, over the page there is a new provision in this bill which has some similarity to the provisions that apply in the Drugs, Poisons and Controlled Substances Act relating to volatile substances. Those provisions were introduced by the government in a previous Parliament to deal particularly with the contentious issue of chroming. They dealt with volatile materials and their supply to minors. Interestingly enough, it comes out of that.

At the briefing I accepted that the Drugs, Poisons and Controlled Substances Act deals with an issue of public health rather than law enforcement, but there are clear law enforcement provisions in that provision. Those provisions are not completely replicated in this graffiti bill, but the provisions relating to search warrants are very much the same. During the consideration-in-detail stage I will be asking the minister whether there is any difference in the standard of proof required for issuing a warrant which requires 'reasonable grounds for believing', which the Scrutiny of Acts and Regulations Committee (SARC) has identified as being a much harder test to overcome than 'reasonable grounds for suspecting'.

It is certainly a matter of clarity as to why there is a difference between the two standards — a matter that SARC has raised in its report — and it needs some clarity as to why there is a difference. My understanding of the matter is that 'reasonable grounds for suspecting' is perhaps a lower threshold to overcome, and because of the immediacy of the need to conduct a search of a person to see whether they have any proscribed graffiti implements in their possession, I can understand why that test may be lower.

The other matter of some note is that a search without a warrant is limited to a person of 14 years or over, whereas the Drugs, Poisons and Controlled Substances Act places no limit on the age of the person for such a search to be conducted. From the government's briefing I also accept that the reason for that is because this is specifically related to law enforcement as opposed to the Drugs, Poisons and Controlled Substances Act, which deals with more public health issues, and that is the reason for the difference.

I also note that perhaps the 14 years of age is probably not exactly the same as, but certainly very similar to, a raft of legislation relating to terrorism that was supported by all members of this house generally. It was a matter that I was involved with by making public comment when we passed terrorism legislation related to the Commonwealth Games.

There was a real fear that children under the age of 10 years — or certainly under the age of 14 years — could be searched in relation to serious terrorism offences. That happened in the lead-up to the Commonwealth Games, and the matter was rectified by the government's inserting a floor in that circumstance. Presumably that is being reflected in this legislation. As I said, I do not have any difficulty with that age limit, but it is certainly a matter that needs to be watched.

I am also reminded of what the government indicated during the briefing — that is, that over half the graffiti offences are committed by people under the age of 18 years. I also refer to my earlier comments about the graffiti toys that are now available and the likely prospect that some people carrying graffiti implements could easily be under the age of 14 years. One would hope that that is monitored.

The bill also provides a mechanism on a voluntary basis for local councils to clean up the mess created by graffiti. There are also extensive forfeiture procedures in the bill, all of which the opposition has no difficulty with.

Coming back to the general thrust of the bill, the opposition supports and welcomes this bill. It is certainly overdue. It is a matter that has been exercising the minds of members of the opposition for some six or seven years. We are very grateful that it has come to this, and I call upon the government to extend the show-cause offence in relation to a graffiti implement not just to transport companies or private property but to all public spaces as defined by the Summary Offences Act, and I ask government members to support my amendment to that provision.

Dr SYKES (Benalla) — I rise to speak on the Graffiti Prevention Bill 2007 on behalf of The Nationals and to indicate that The Nationals support the general thrust of the bill. Also at this stage I would like to thank the minister's staff and the departmental staff for a very informative briefing, which has helped me understand the issues and the relevance of the bill to the problem with which it is trying to grapple.

The bill is a new one rather than an amending bill, and it focuses specifically on graffiti. It creates new specific graffiti offences with tough new penalties; it gives police stronger powers to search people and property for evidence of graffiti offences; and it establishes a system under which graffiti can be removed from private property. In a general sense we are comfortable with those intentions.

The bill is before the house because the community has had an absolute gutful of the graffiti vandalism that exists out there and which causes great cost to the taxpayer in general but also at times to private property owners. There is a great sense of frustration that these vandals — they are not artists, but vandals — have up until now been getting off with very light sentences. If people can come down from Sydney, commit these offences, appear to get off scot-free and then get good media coverage, it is going to prolong and exacerbate the problem of graffiti. This legislation is a sound and appropriate attempt to address that issue.

There is risk in this legislation, or in any legislation, of placing unnecessary restrictions on law-abiding citizens in order to be able to apprehend offenders. There are also concerns that have been raised about human rights in relation to some of the clauses of the bill, in particular the concern that the reverse onus of proof violates the basic right of the presumption of innocence.

In relation to the restriction on law-abiding citizens, clause 10(1) states:

In this section, minor means a person under 18 years of age.

Then subclause (2) states:

A person must not sell an aerosol paint container to a minor unless the minor produces to the person a letter or statutory declaration from the employer of the minor stating that the minor requires an aerosol paint container for the purposes of his or her employment.

As the member for Kew has indicated, the use of spray paint for employment seems to be a restrictive exemption. It does not allow for the legitimate use, for example, of spray paint in a school situation. The member for Kew proposed a rational and more appropriate set of wording to address that issue.

In relation to whether it is appropriate or not to impose this restriction on people under 18 years of age, The Nationals could certainly envisage practical difficulties in country Victoria where a young person could well be given the chore of going into town to get paint for activities back on the farm. If there is a lack of knowledge of this legislative requirement, then considerable inconvenience could be caused to people who live some distance from town in their not being able to pick up necessary materials to undertake repairs et cetera.

The Scrutiny of Acts and Regulations Committee has looked at this particular clause, and my interpretation of its findings is that that committee was generally comfortable with this approach on the basis that Victoria Police statistics indicate that 69 per cent of persons apprehended for graffiti crimes from 2001 through to 2006 were minors, and that in the city of Casey, following the introduction of a similar local law alongside a set of other measures — and there is a reference to the City of Casey website — there was a 70 per cent drop by area in graffiti requiring removal. That would suggest that whilst this particular clause does impact on people's rights, there is in fact a sound basis for having it.

I turn to clause 7, which brings in the reverse onus of proof. It is the Law Institute of Victoria that focused on this particular issue, and it sent a letter to the minister and copied it to myself, to the member for Kew and to the Greens representative in the other place. It has to a large extent welcomed the bill but pointed out that it has ongoing concerns with respect to the reverse onus of proof in clause 7. Interestingly the institute felt that the penalties were too severe. It summarised its position by saying that the institute:

... considers the proposed new offences and penalties in the bill to be a disproportionate response to the community problem of graffiti. The bill fails to address the main causes of graffiti-marking behaviour, and in fact threatens to damage current constructive programs that aim to engage graffiti vandals in restorative justice initiatives. Such tough laws are a blunt tool in community problem-solving and in all likelihood will fail to adequately address the issue of graffiti.

That is the opinion of the Law Institute of Victoria. I think it would be fair to say that the opinion of The Nationals is that whilst we accept we live in a democracy, we believe that in addition to having the rights that a democracy enables us to have, people certainly have the concurrent responsibility to respect other people's property, and graffiti vandalism is not consistent with fulfilling that responsibility.

The other clause of interest to me is clause 6 in that it provides for two offences. It states in subclause (1):

A person must not mark graffiti that is visible from a public place if the graffiti, or any part of the graffiti, would offend a reasonable person.

But then subclause (2) states:

Subsection (1) does not apply to graffiti that is reasonable political comment.

Not being a lawyer, I had some difficulty understanding whether that made reference to a politician being a reasonable person or not; whether you could offend a politician without there being a problem; or whether you could be offensive to a reasonable person, but that anything you did in relation to a politician, offensive or not, was fair game. At an exhibition of graffiti that came to the fantastic regional art gallery at Benalla I saw displayed for the public — I should say much to my displeasure — graffiti that had four-letter words in reference to the Prime Minister. I found that personally offensive, and I certainly did not consider it art. I am intrigued about whether or not this legislation will enable that to continue. Whether it be the Prime Minister, the Premier or a local MP, I think there is still a reasonable expectation that they should not be subjected to having their name abused in public by the use of four-letter words.

That said, I know that country people have certainly found the need to make reasonable political comment in the form of signs. I should say that country people in general do not resort to graffiti vandalism. If they are going to make a reasonable political comment, then they make it on signs that they place generally on private property with the property owner's approval. Some examples of this — and I think they have to some extent achieved a political objective — relate to Lake Mokoan. I am sure members of Parliament are aware of that lake, but I will just remind them that it is a lake that the government proposes to decommission, and the local people feel that that is an unreasonable proposal and that there are alternatives.

The way that people have expressed themselves — in line with clause 6 — is by putting up signs that include statements like 'Save Mokoan, save a wetland', 'No Mokoan, no future', 'No Mokoan, no fishing'. Some of the signs do stray towards being a little bit more personal, like 'Water thief Thwaites' and two or three others, but none of them uses offensive four-letter words to attack individuals or the process. That is perhaps what separates the ethics of country people from the ethics and principles of these graffiti vandals.

Another current issue, which again relates to north of the Great Dividing Range, is the proposed pipeline. I should say the wit and the humour of some of the

people who make these signs never ceases to amaze me. The signs in relation to the pipeline include 'Flushing our future down Melbourne's toilets', 'Turning our food bowl into a dust bowl', 'Save your own water', 'No pipeline! Put a plug in it, Mr Brumby', 'Brumby's pipedream, our nightmare' and 'Don't steal our future'.

Ms Pike — On a point of order, Acting Speaker, I draw your attention to the lack of relevance of the member's speech to the bill and ask you to request that he return to the matter at hand.

The ACTING SPEAKER (Mr Ingram) — Order! On the point of order, the honourable member for Benalla is the lead speaker for The Nationals on this bill, and lead speakers are allowed more latitude than other members. However, I remind the member that he is required to keep to the subject matter of the legislation.

Dr SYKES — Thank you, Acting Speaker, and I thank my local member, the member for Melbourne, for drawing my attention to correct parliamentary procedure.

I am addressing the bill. My comments relate to clause 6, where there is an exception for reasonable political comment. I am providing some examples of how reasonable political comment can be made on issues of concern to country people without its being offensive. There is, therefore, opportunity to convey a message using legitimate means, and I do not believe, in relation to clause 6, that there is a need to perhaps even infer that commentary in relation to political issues can be offensive. If I were to go down that track, there is one bit of graffiti in our area that says, 'I would rather kiss a horse's' — blank, blank — 'than vote for a Brumby'. Equally another says, 'We cull Brumbies in the Barmah forest' — but that might be starting to be offensive.

Rather than continue to cover the issues that the member for Kew covered quite satisfactorily, I indicate that The Nationals will be prepared to support the amendments circulated by the member for Kew, because they pick up the issue of this bill's apparent focus on public transport. If its wording were broadened to make reference to a public place, then the graffiti in places adjoining public highways would be easily covered within the definition.

As I said, The Nationals will be supporting the amendments of the member for Kew. We are generally comfortable with the thrust of the legislation. We hope that when this bill is enacted, graffiti vandalism will be

severely curtailed. Our police will have the powers to undertake more effective investigations, and with increased the search powers they will be able to more easily obtain the evidence they need to achieve arrests. Hopefully members of the judiciary will recognise public sentiment, and I trust that the tough penalties provided in this bill will be imposed by the relevant members of the judiciary.

Ms GREEN (Yan Yean) — It is with great pleasure that I join the debate on the Graffiti Prevention Bill. I am pleased that both the opposition and The Nationals recognise the need to support this bill. However, I will say at the outset — and I will go into detail later — that I will be opposing the amendments circulated by the member for Kew.

The bill creates new offences, gives new investigative powers to police and brings in new procedures for graffiti removal. The community has strongly expressed its abhorrence of wanton and destructive graffiti, which defaces Melbourne's beautiful buildings and is a blight on our landscapes. As the community has correctly identified — and anybody who uses public transport, as I and my family do, knows this — it is a particularly ugly, revolting and continual problem along our public transport corridors. Not only is this graffiti ugly but it also costs our community enormous amounts of money to remove — both for private business owners and for the public sector.

It has affected quite a few of the traders and community organisations in my area, and the Diamond Creek Bowling Club, whose premises back onto the Hurstbridge railway line, has had a particular problem. This is a great club run largely by volunteers, yet they are beset by this ugly graffiti on the back walls of their club. The members are having the best time of their lives now that they have retired, and they would rather be spending time playing bowls than removing graffiti.

I represent an area well known for its artistic expression, having the Dunmoochin artists colony as well as Montsalvat just down the road, where many well-regarded artists have lived in the past — and more will come there in the future. I do not think the work of these brilliant artists — the Clifton Pughs of the world — should be confused with the wanton destruction we see with the scourge of graffiti.

I am pleased to be part of a government that has recognised this serious problem did not require just a knee-jerk response and an absolute, overall, draconian response but that we needed to have a bit of consultation with the community. Late last year an exposure draft of the graffiti bill and a lengthy

discussion paper were circulated in the community. Seventy responses were received, and I would like to thank everyone who contributed their ideas and shared their views about this, because that process was most helpful in drafting the bill.

I am pleased to be part of a Labor Party which went to the last election committed to this legislative action and to introducing harsher penalties in response to the community's concerns, preventing acts of graffiti through deterrence and allowing for the clean-up of graffiti on private property.

I will now detail what the new offences are under this bill. The bill creates six new offences. The first is marking graffiti, which is contained in clause 5 and which makes it an offence for a person to mark graffiti on a property that is visible from a public place without the property owner's consent. The maximum penalty for that will be two years imprisonment or a fine of \$26 428.80. The same penalty will be applied for marking offensive graffiti, which is contained in clause 6 and which makes it an offence for a person to mark graffiti that is visible from a public place if the graffiti would offend a reasonable person. The clause provides an exception for graffiti that is reasonable political comment.

These are some of the highest penalties in this country, so I would hope they would be a deterrent to any future graffiti tourists visiting this state. I would hope they might think twice and keep their graffiti in their own backyard. There is an additional offence, which is possessing a prescribed graffiti implement near public transport. It is contained in clause 7, and it makes it an offence for a person to possess a prescribed graffiti implement without lawful excuse while on the property of a transport company, in an adjacent public place or in a place where the person is trespassing. The fine for that is \$2753.

We did not take lightly this decision to apply a reverse onus of proof in relation to this offence. We have not attempted to curtail people's rights without thinking long and hard about it, but there has to be a balance between freedom of expression and protecting public property and dealing with this significant problem on public transport.

At this point I should say that I oppose the reasoned amendment moved by the member for Kew, which seeks to apply this offence across the board, because I think that would not only interfere with people going about their normal business but also pick up people such as art students on their way to and from places of education and others who may have a need to use spray

cans in their employment. I think that would not be fair, and it would also unnecessarily tie up police resources. It is just an example of opposition members talking tough. When they were on the government benches they did not take any action in this arena, but now that they are in opposition they are wanting to be brave and talk tough and extend this beyond the scope of the bill, but I do not think that is necessary.

Clause 8 refers to the offence of possessing graffiti implements with intent. It makes it an offence for a person to possess a graffiti implement, which is defined in the clause, with the intention of contravening clauses 5 or 6 of the bill, and that also carries a fine of \$2753. There is an additional offence, which is to advertise prescribed graffiti implements in a manner likely to incite or encourage unlawful graffiti. This would make it an offence to advertise for sale one of those implements outlined in clause 8. The final new offence is selling a spray paint can to a minor other than for employment purposes. Clause 10 makes it an offence to sell a spray paint can to a person under the age of 18 unless the person can demonstrate that he or she needs that paint for his or her employment, and that would attract a fine of \$2002.

Importantly an education campaign will accompany this. It has been prepared particularly for retailers and will raise awareness of the bill and focus on issues that relate directly to their business, including the offence of advertising prescribed graffiti implements in such a manner as to incite or promote illegal graffiti and restricting the sale of spray cans. This will also provide retailers with information about what constitutes an offence under these two clauses.

The government has an overall strategy. We have allocated \$4.5 million over three years for investment in graffiti prevention and removal programs. There are three key elements to Victoria's graffiti prevention and removal strategy, and they are prevention, removal and enforcement. I think the community has spoken absolutely that it wants action on this. I am not prone to promoting the outcome of *Herald Sun* polls, but a lot of people have taken notice of this one because it is so overwhelming: 95.1 per cent of callers to a recent *Herald Sun* vote line said there should be tougher action in this area, so we as a government have responded in that way.

I support the provisions in this bill, because they provide a balance. I oppose the reasoned amendment moved by the member for Kew. Also in relation to his concerns about the information given to retailers, I do not think there is an additional expression required in clause 10. I think the education campaign will take care

of that. It is a good piece of legislation. I commend it to the house and wish it a speedy passage.

Debate adjourned on motion of Mr HODGETT (Kilsyth).

Debate adjourned until later this day.

TRANSPORT LEGISLATION AMENDMENT BILL

Second reading

Debate resumed from 20 September; motion of Ms KOSKY (Minister for Public Transport).

Opposition amendments circulated by Mr MULDER (Polwarth) pursuant to standing orders.

Mr MULDER (Polwarth) — The Transport Legislation Amendment Bill 2007 has been described by the government as a reform of transport policy. It is an omnibus bill that deals with a number of issues concerning public transport and transport in general across the state. But having gone through the bill, division by division and clause by clause, the best way I could describe it would be as a chapter-and-verse depiction of the failure of the Brumby Labor government on transport issues across the state, whether it be the botched smartcard ticketing system that is currently delayed, the bus contracts that the government is still titivating or the issue with train drivers, which points to the fact that we do not have enough of them.

It talks about controls over touting in commercial passenger vehicles, which points to the absolutely disgraceful situation in our taxi industry. It introduces rail safety interface agreements, which points to the failure of the government to deal with level crossing safety until its hands were forced. It also talks about authorised officers at park-and-ride facilities, which again opens the wound relating to the government's hidden plans, which were discovered by the opposition prior to the last state election, to introduce paid parking at railway station car parks here in Victoria.

It confirms the government's policy on private full-fee-paying overseas students, whereby they are not entitled to concession travel on public transport. That is an issue that perhaps in better times in public transport across the state the government should be in a position to at least consider. The bill also talks about the removal of trees or wood on land owned or occupied by rail operators and deals with the issue of not requiring

permits for this particular purpose. You have to ask yourself, given the number of serious rail accidents we have had, why it has taken the government so long to realise that this provision is required to enable them to make level crossings safer across the state of Victoria.

Division 1 of part 2 of the bill deals with smartcards. It inserts a number of provisions into the Transport Act to facilitate efficient prosecutions and other proceedings relating to the smartcard ticketing system for public transport by providing a streamlined process for providing largely computer-based facts or matters where there are no disputes about those facts or matters. These provisions are necessary to enable the government to one day introduce its smartcard technology into Victoria. One has only to look at the history of smartcards in Australia and at what has taken place in other states — and indeed at the pathway that this government has taken in tendering out the smartcard technology and smartcard services here in Victoria — to see the problems. If you wanted to sit down and plan how to botch an entire project, you would have a good look at the way this particular project has been handled.

We await the Auditor-General's report about the tendering process in this regard. Because the tendering process was reported widely, we know that the financial details of individual bidders were leaked prior to the closing of the tendering. No-one is sure as to the rationale behind that and whether it was an attempt by the TTA (Transport Ticketing Authority) to drive down the price or whether the entire process was completely corrupted. We expected that the Auditor-General would have completed this particular inquiry and that we would have the information in front of us by now. Unfortunately it appears that the report will not be tabled until some time prior to Christmas.

It is interesting that in the second-reading speech the minister claimed:

Similar smartcard ticketing systems are already in place and working successfully in a number of major cities, such as Hong Kong, London, Taipei and Singapore.

But the minister makes no reference to what is happening in Australia in other Labor states, particularly New South Wales and Queensland. It is important that members understand that at this particular point in time we are talking about an investment in Victoria of \$494 million over 10 years, plus a two-year lead-in. Today's announcement by the Premier and the Minister for Public Transport about eight new trains to try to relieve the problems we have on our public transport system must make you sit back and ask yourself why on earth in terms of prioritising

how we spend our public transport money we went down the pathway of a plastic ticketing system. Why did we not apply our funding to more vital projects?

As I have said, it is interesting to see what people in other states are saying about the smartcard and its rollout. There is an article in the *Courier-Mail* of Friday, 31 August 2007, about the situation in Brisbane. It says:

And, why else is the \$200 million smartcard ticketing system still nothing more than a pile of costly junk?

This is what is happening in Queensland. I also have articles about the Labor government in New South Wales. One reads:

The debacle with Sydney's \$400 million transit card system has led smartcard technology vendor ERG —

which is part of the Victorian bid —

to report a pre-tax loss for its large projects division of \$11.5 million for the financial year ended 30 June.

Once again, this project is an absolute debacle. It is years behind time. We have the same situation developing in Victoria. An article in the *Herald Sun* of Wednesday, 10 August, says:

Contrast this with the almost universal silence that has followed the government's botched handling of the \$500 million smartcard public transport ticketing tender.

That tender process has been so undermined by the leaking of internal bid documents that the government had no option but to refer the matter to the Auditor-General.

Labor is maintaining uncharacteristic silence on a dilemma that raises profound questions about whether probity issues were adhered to.

This brings into question the entire coming together of Labor transport ministers across the states and their decision to embrace smartcard technology over and above other issues that are of profound importance in terms of delivering sound public transport services in Victoria. As I have said, this project is now dragging behind, and in Victoria it is dragging seriously behind.

We have had discussions with contractors who were involved with the project. They have already claimed that they have been pushed, bullied and forced into delivering components of this particular project based on 2005 prices. They are having great difficulty. I call on the minister, when she sums up on the issue, to give the people of Victoria an absolutely gilt-edged guarantee that this project is not going to blow out like each and every other project that Labor has handled in the state of Victoria. As I have said, the project is worth half a billion dollars of taxpayers money, and it is only

a piece of plastic in the hand. If it does not work, it will be an absolute disaster for the taxpayers of Victoria.

It is interesting to read the spin of the Transport Ticketing Authority on the smartcard ticketing system. A document from its website says:

This milestone has been achieved at a much earlier stage than in comparable smartcard ticketing projects interstate or overseas, which reduces overall project risks and increases visibility and bona fides modified in overall project delivery.

...

The TTA probity auditor's investigations reconfirmed the integrity of the tender process. The forensic investigations undertaken by PricewaterhouseCoopers did not establish when the information was acquired by the media. Further, it was PricewaterhouseCoopers view that the financial information was of no commercial value in July 2005, and that it appeared that a primary motivation for the leak would have been to embarrass the TTA or government after the contract had been awarded. The Auditor-General has yet to conclude his investigation.

It appears to me that the TTA is attempting to forecast what the Auditor-General is going to say about this particular project when he finally tables his report. This paints a very bleak picture in terms of what has been a significant financial investment in the public transport system in Victoria.

Clause 9 refers to payments to train drivers traumatised as a result of a fatality or suicide. Up until 2003 train drivers were getting access to victims of crime compensation payments for these particular incidences. In 2003 the tribunal made a ruling, which was supported by the Victorian Civil and Administrative Tribunal, that the actual incidents were not crimes and that the train drivers should not be gaining access to the victims of crime compensation process. This bill reinstates those payments; the payments will be made out of the Public Transport Fund. No-one in this house could question the fact that a train driver who suffers from trauma as a result of these types of events is entitled to be taken care of properly.

I acknowledge that, and the rest of the Liberal Party acknowledges that. We are concerned that these provisions relate to matters that should be dealt with by the train drivers' employers. These are work-related matters. If a train driver has suffered trauma as a result of a death arising from an accident with a vehicle at a level crossing or indeed a suicide, then the matter should be addressed by their employer. There are some concerns that a precedent could be set with these provisions. What will happen, for instance, to a conductor or another staff member on a train who has to attend the scene after a particular accident? Will they claim at some time in the future the same level of

trauma from having to investigate and deal with a number of these issues?

The Public Transport Fund is for public transport-related matters. We believe this particular issue should be dealt with by the employers. I must say I was bitterly disappointed that, when we asked questions at the briefing about how many train drivers had gained access to victims of crime compensation prior to 2003, we were told, 'We do not know'. When we asked how many accidents we have had in the last 12 months involving suicides at level crossings or on train-related properties, we were told, 'We do not know'. When we asked how much this was going to cost the Public Transport Fund into the future, we were told, 'We do not know'. That information should have been provided to the Liberal Party so that it had a better understanding of the implications of these provisions in the bill. No-one could possibly deny that train drivers may be traumatised. This issue has not been reported widely. I think that is wise, because there is always the possibility of someone looking at it and thinking, 'Mental illness, perhaps this is a way out for me'. That is why it is very rarely published.

An article about this issue appeared in the *Herald Sun* of Thursday, 25 November 2004. It reports that a driver who had killed three people in the past four years has twice been denied compensation because of a controversial legal ruling, and it is the ruling that I am talking about now. That gives the house some indication as to how many times a driver can be implicated in such events. That 2004 article points out that up to 40 Victorians take their lives in front of trains each year. I do not know whether that number has increased since then; as I said, we asked for the details on that at the briefing but were not given that information. I raised this issue in relation to the potential for these particular provisions to be used in other cases.

I refer to a matter that was reported on by Australian Associated Press on Tuesday, 25 September. Visitors on a Royal Melbourne Show train were stranded at the Showgrounds railway station after a rail passenger suffered serious head injuries after coming into contact with a train at Kensington station. A signalman working there was unable to continue with his work because he was obviously traumatised by that particular event. I ask: are these provisions going to be extended to deal with those sorts of matters? Once again I point out that these issues involve work-related incidents, and they should be dealt with by the employer. WorkCover and the insurer should have come together, and the matter should not have been brought before the Parliament in the manner that it has. Because of the

sensitivities surrounding it and because we understand the trauma that drivers face in these circumstances, the Liberal Party is not going to oppose the provision.

I now turn to clause 10 of the bill. It deals with the issue of touting, which in the majority of cases occurs at Melbourne Airport. This provision is designed to make it easier for touts to be identified and prosecuted. Touting involves thievery, stealing and taking from persons who legitimately drive, operate and run taxis or hire cars. These people have no long-term business interests and pay no fees for licences. They usually park in a private car park and either wander over to the baggage areas or send over a spotter in an attempt to convince people to use their services — or drag them away from the traditional and legitimate taxidrivors or hire care operators, put them in a car and take them away without, at this point in time, much of a chance of their being caught and prosecuted.

I support this provision, in that it is at least trying to do something about the problem, but unless it has the backup of enforcement by authorised officers — which will be an awful problem for the Victorian Taxi Directorate — it simply will not work. It is one thing to put particular provisions in legislation, but you have to be prepared to support them and back them up with the resources required to make this work.

I have raised issues before in relation to this matter. It is not just a simple matter involving the loss of income of taxidrivors or legitimate hire car operators, because one of these days something is going to happen, like a young woman being encouraged into one of these vehicles and disappearing. The people who operate those businesses usually cannot be traced, and the practice needs to be stamped out. That is why the Liberal Party has put forward a recommendation that anybody found guilty of touting offences should be blacklisted. They should not be able to operate at any stage in the future in the hire car industry or the taxi industry in Victoria. We have enough legitimate people out there running their businesses and working hard, quite often for very meagre incomes and rewards, and the last thing we want are operators who turn up and drag the money out from underneath them.

I turn to clause 23 of the bill. This provision deals with overseas full-fee-paying students not having access to public transport concessions in Victoria. We have all been lobbied very heavily on this particular matter by the Ethnic Communities Council of Victoria and others, encouraging us to vote against this provision in the bill. I would love to have been in the position to support the Ethnic Communities Council of Victoria. However, reality says to me that we are in such an absolute mess

with public transport here in Victoria that we simply cannot afford this type of concession — at this point in time, I will add.

Anecdotal evidence suggests it would involve around \$20 million of recurrent funding each year, which is a lot of money. Many people in this country are residents who have paid their taxes for a long time; they get despondent when trains do not turn up or turn up late. We know what happened with that despicable lie about the cost of a project as it was told to people in communities such as at Rowville, Cranbourne East, South Morang. How could we possibly come out and make a commitment to support international students when the government cannot even provide basic public transport services for Victorians, as it is?

It is disappointing when you consider that some of the other states have been able to offer these types of incentives, and we are in the business of attracting international students to come here, to live and study in Victoria. But the current state of the Victorian public transport system indicates that we could not possibly support their request. As I said, it is very unfortunate. On that clause I emphasise ‘at this point in time’, because it is something that perhaps in the future we might be able to revisit and review once we get on top of the debacle that has been created by the Minister for Public Transport.

I now refer to clause 44 of the bill. This deals with the auditing of public transport operators for compliance reasons. This provision states that audits do not have to be full compliance audits but can be simply spot audits. I have concerns about this. Page 112 of budget paper 3 talks about the benchmark for train and tram safety compliance inspections not being reached. It shows in relation to ‘Train and tram safety: all accredited organisations audited annually’ that the benchmarks were not met. It goes on to talk about how the outcome is expected to be lower than the target due to the implementation of new legislation involving some lead-in time for recruitment and training functions to be fully implemented.

It sounds to me as if what has happened is that the people who are required to be employed to carry out this work have not been employed. Therefore, rather than organisations being taken through a full compliance audit, they will be subject to spot checks. Having worked in the area of quality assurance for a number of years, and holding a certificate in internal quality auditing, I am very concerned that this will result in a watering-down of the audits of and the checks and balances on accredited rail operators in Victoria.

It has always been the case that there is usually at least one full compliance audit of an organisation’s operations over a period of time. If that is to be replaced by a regime of simply doing spot audits when non-compliance reports have been made to see if those matters have been dealt with, we are starting to water down rail safety requirements and the monitoring of the operators who deal with them.

We are continually faced with a situation in which more and more government services find themselves in the hands of private operators, and it works. That being the case, we have to remember one thing: at that interface there is always the potential for something to break down or for work not to be carried out as per the intention of contracts or contractual arrangements. That is why the auditing processes have to be as stringent as you can possibly have them. We have to make sure that the services we are paying for and the safety we expect are being delivered all the time. I am concerned about what the budget papers say. These provisions suggest to me that we simply do not have the people to carry out this work and that we will now start to water down accreditation and the requirements for safety audits of our rail operators and the people involved in rail operations throughout the state.

Over the last couple of years this Parliament has gone through a process of accrediting taxi operators, taxidivers and taxi licence owners. Almost everything in the state seems to have been accredited. If you are going to put in place an accreditation process, you had better make sure that you back it up with a proper compliance audit process. I have followed through one issue I picked up on in the second-reading speech, and I have had a look at the clause it relates to. The second-reading speech says the bill will:

... make minor and miscellaneous modifications and clarifications to the operation of the taxi accreditation scheme —

once again there is an accreditation scheme —

and the commercial passenger vehicle driver accreditation scheme;

clarify the scope of the safety-based accreditation scheme for —

operators of buses or larger passenger vehicles —

so that it could if necessary be extended to require accreditation of operators of non-motorised vehicles, for example horse-drawn carriages ...

As I pointed out, the audit process we have in place is being watered down. We are allowing our rail safety to be compromised with an audit system that has replaced

full compliance audits with spot audits. However, we will now accredit the horse-drawn carriages in Bourke Street. Who will carry out the audits on Bourke Street? Is that why we have had to water down the accreditation process for rail operators? If you are going to go down the pathway of accrediting everything that moves, you need to make sure you get your priorities right. I find it extraordinary that we are now dealing with horse-drawn carriages. Does this mean that the government will be at the shows as well? Will the little ladies with their top hats and whips cracking be running around to find out if their horses are accredited, if their carriages are accredited or if their tyres are pumped up? The government is watering down the auditing of rail safety in Victoria.

I have seen these operations in Bruges, in Belgium. The only thing I will say about them is that they have horse-drawn carriages there, and the government should have a look at how the pavements there are protected in terms of what drops from behind the horses. There is not a spot there, although the horse-drawn carriages are everywhere. This does not quite happen in Melbourne. A simple directive to the operators of horse-drawn carriages to follow the example of Bruges would make the people of Melbourne very happy. But whatever it does, the government should not interfere with small business. It should not have someone from the Department of Infrastructure turning up every 12 months with a clipboard and whistle — ticking and crossing boxes, asking us to do all these crazy things — to audit and accredit our horses and carriages. It is quite extraordinary that we have such provisions in the bill when at the same time safety is watered down in other parts of the bill.

Whichever way you want to look at this bill, it gives chapter and verse on the failure of the Minister for Public Transport. In this week alone, yesterday there were 131 late trains and 6 cancelled trains, and the day before that the early bird trains — the government's bird-brained system — did not turn up. What happens to someone who turns up for a bird-brained service very early in the morning and, when that service is cancelled, they get on a later train and arrive at Flinders Street at, say, 7.30 a.m.? How do you separate those early bird travellers from the others?

Do we have a drafting gate — early birds to the left, other passengers to the right? It will be one hell of a botch up. No-one even knew about it. The rail service operator, Connex, did not even know it was coming until the announcement was made. That is the way the government conducts its business — running one full-page advertisement in the *Herald Sun* about lousy

public transport and making an announcement about new trains. That is the way the government does business in relation to public transport in Victoria.

We all know what the problem is. We all know how it occurred and what the root cause was — it was the fast train project. It was the \$80 million project that ended up gobbling up over \$900 million, so all these Melbourne projects simply got pushed out. They got pushed out month after month, year after year. Subsequently the government does not have enough trains, it does not have enough drivers, it has not delivered the promised rail extensions, the new timetable has turned out to be an absolute failure and the early bird trains are a bird-brained idea.

No matter what you look at, it has been an absolute and disgraceful failure in every single aspect of public transport right across the state. The issue I raised in Parliament yesterday in my 90-second statement related to security. Minister, now that you are here — —

The ACTING SPEAKER (Mr Languiller) — Order! Through the Chair.

Mr MULDER — Safety and security officers are supposed to travel on 80 per cent of all train trips at night from 9.00 p.m. until the last train of the evening. Through the Chair: do they do it? They do not. I tell you what, the next time there is a major assault or other major incident out there we will be checking where these people are, because we know they are not out there. The taxpayers are paying for the service. Security services are supposed to be on our trains right through that period, and they are not there.

The minister, when I asked this question, said, 'I do not know. I do not know if they're out there. We're paying money for it, but I simply do not know what the answer to the question is. I have no idea whether Connex is providing these security services as per the contract or not'. It is an absolute disgrace that a minister who is forking out money on a monthly or a quarterly basis — whatever the payment arrangement is — simply does not know whether or not we are getting a very vital service. We have women, we have children and we have elderly people on those trains, and they deserve the protection we are paying for.

The ACTING SPEAKER (Mr Languiller) — Order! The member's time has expired.

Mr CRISP (Mildura) — I rise to talk on the Transport Legislation Amendment Bill, which The Nationals are not opposing. The objectives of this bill are to provide legislative support for some government transport policies, such as the introduction of a

smartcard, some new metropolitan bus contracts, a policy on full-fee-paying overseas students, financial assistance to traumatised drivers, more effective controls over illegal touting, particularly at the airport, and road rule and parking regulations at rail stations, as well as a some minor alignment of federal and rail safety legislation. The issue I am going to address is how some of this applies to country areas — including, in particular, the smartcard.

It is worth talking about some of the differences between smartcards and some of the ways they have come about. They are different to conventional magnetic strip cards in that these cards themselves are microprocessors, are only partially read and can think for themselves. What we are going to have here is a system whereby fares are calculated for commuters.

These cards have been around for a long time. They came into being in Europe back in 1982 and were first used as phone cards. The first bank use of them was in 1997. They have also been used to store a whole lot of information, in particular in South America. Your driver's license information is stored in this way, particularly information on offences. Since 1999 Chinese cities like Shanghai and Guangzhou have had smartcard systems for taxis, the metro and ferries. This should be proven technology and should be able to be applied in Australia.

Sydney has a T-card system that was first proposed in 1996. The installation was contracted out in 2003, and there have been some difficulties. Operations commenced this year. Trials of the smartcard will be conducted in Victoria in 2007, and we are certainly urging that this not be rolled out until we are sure it works properly.

As far as smartcards go, there are: memory cards, microprocessor cards, cryptographic cards, contactless cards, optical memory cards, radio-frequency identity cards, dual interface cards and dual or multipurpose cards. These all have different functions, and I am hoping that the one we have chosen for Victoria is the best. Different kinds of smartcards work in different ways depending on how they are read and how the transactions take place. The size of the card is typically between 3 and 24 kilobytes, and their limited size makes them different to computers in that they are completely incapable of assessing user interfaces and have no ability to access external or storage information.

The smartcard that Victoria has chosen is contactless and is swiped between 7 and 10 centimetres from the reader. I hope we can build a provision into this to

upgrade these cards. By far the better system is the one that has a radio link that just tags you as you walk onto the tram or train and tags you as you walk off. That would save the congestion at the door caused by swiping. I hope that will be the system we will ultimately adopt as things progress and our public transport becomes far more congested. This model of consumer card is something that people will be very used to. It has popped up with credit cards, fuel cards, SIM cards for telephones and in a number of other areas as well.

There are security issues with this. It is a high-security identification card, and there are a number of examples from elsewhere of how this sort of card works. One hopes sufficient capacity will be built in to support the standard security protocols. It is extremely important that they are designed so the security keys cannot be accessed even by the owner of the card. They will need to have holograms embedded in them to stop them being counterfeited. Contactless cards usually have a limit on them, and in the case of a bank-related card the proposal would be to limit transactions to around \$50 and to have security measures to prevent that money being siphoned away. Also there is a problem with these cards in that they can break easily due to the inflexibility of the chips embedded in them. The cost of replacing those cards should not be borne by the consumer.

The authority to track an individual's movements using these cards is an important issue. Information about a group of people's movements will aid the authorities in monitoring services — so that is a plus — but accessing information about individuals is of concern, because that can be very useful to others, including marketers. There have been a number of cases in the world where police have sought to have access to information as to where individuals are and there will need to be a rapid way to report a theft of a card. It is amusing though to imagine someone stealing a smartcard to escape from a crime on public transport, given how crowded it is and the speed with which it moves. He is probably not going to be the smartest criminal on the block. However, there are concerns about thefts and how to report them.

There are also difficulties with fare evasion using contactless cards. The bill has had to deal with how this will be handled in the courts and how fare evasion will be managed. This raises the old issue of whether convenience of prosecution will be placed before privacy, and also the ability to track an individual being used as a tool in law enforcement. Increasingly invisible money and automatic debiting may cause problems for people without funds. If you do not have

the money to put on a card, you have a problem, but that is not new when it comes to public transport. There are possibilities for misusing the smartcard system, and I expect we will be back with further legislation to cover the gaps once the cards are used and the problems start to appear. It is important that we maintain the ability for a cash payment option within the system as this is something occasional country users are very concerned about. The old Metcard system needs to be maintained so that the occasional user is able to pay cash.

We will leave smartcards there and move on to financial assistance for train drivers following fatal accidents. The history of this is that the only legislation that covered drivers involved in fatal accidents was the Victims of Crime Assistance Act 1996, but this no longer services drivers who are involved in fatal accidents where there is no criminal act. This is an anomaly that generally relates to cases of suicide. We are reluctant to speak about suicide because of the potential for copycat action if the details are known and because such discussion may seem to be uncaring in the community. We must carefully work our way through this.

In 2003 the Victims of Crime Assistance Tribunal ruled out the possibility of compensation for train drivers involved in fatal accidents devoid of a criminal act. Until then tribunal compensation was paid. This raises the issue of other people becoming involved. Will this cause a legal challenge in order to extend it to other paid employees on the train of the rail provider? Could it also be an example for bus drivers and other people involved in accidents where there is no criminality? The change in convention introduced by this particular amendment relating to the acceptance of liability is of concern as normally one would have expected the Workers Compensation Act or the Transport Accident Act to be amended. We may well have opened Pandora's box with this provision and perhaps an amendment to those acts would have been better.

The introduction of new metropolitan bus contracts has always been an interesting issue. Public transport operators make a large capital investment, and over time they have had the advantage of rulings that have said that they in fact own the bus routes they have developed, so those routes have been considered their property. With the subsidisation of public transport routes, the government became their major financier, but we know that the routes have remained the property of the metropolitan bus operators.

When we try to introduce new routes into the existing route network and change the ownership of routes, we

have a very complex legal situation to work our way through. It relates to the Public Transport Competition Act and the provision for property and staff transfers, and legislative support in relation to new bus routes and the renegotiation of bus services. In particular we have new orbital routes coming into Victoria which cross radial routes where there are multiple operators.

All this is a means of sorting a way through the legal minefield that has evolved in public transport, but Melburnians are lucky that new services are being introduced into the metropolitan area when in the country we seem to be fighting to keep our services and when getting minor changes in timetables to suit local people seems to take a great deal of effort. I encourage the minister to be as sensitive to the country's needs in public transport and timetabling as he is to the city's needs through these amendments.

The confirmation of the policy that full-fee-paying international students are not entitled to concessions for travelling on public transport is very interesting. This continues the current policy of not extending travel concessions to full-fee-paying private international students. Public transport concessions are inconsistent Australia wide. Each state has its own rules and levels of concession for international students. Currently only New South Wales and Victoria do not offer a level of concession to international students. Queensland, Western Australia, the Northern Territory, Tasmania and the Australian Capital Territory all offer concessions of some type. Various organisations, usually connected to universities, have been lobbying for the said concessions.

Other states may need to offer those concessions to attract students. The view of many to whom I have talked is that, when making decisions about which university to choose to get into higher education, this issue rates down the list. However, what we are doing will impact on the Equal Opportunity Act. There are some exemptions in that act, but I expect that this issue will continue to be raised, even though we are attempting to ring-fence a legal action by one group on behalf of overseas students.

The bill provides for more effective controls over illegal touting by commercial passenger operators and other drivers. Currently touting is prohibited; however, its enforcement appears to be ineffective, and this has been my experience on occasion at Melbourne Airport. The bill targets particular areas — and again it seems that the problem is at our airports. The Nationals will be supporting the amendment proposed by the Liberals. If we are serious about this, let us make the punishment

serious. If we want this to stop, let us toughen this up and stop it.

The next provision addresses the road rules and parking breaches in the park-and-ride facilities at our railway stations. Railway station car parks have had an uncertain legal status. The enforcement of parking regulations can be carried out only by a police officer, but under this legislation the transport authority personnel will have the right to enforce the regulations, and that is specifically relevant to V/Line and local government enforcement officers. There are some issues that have to be resolved, particularly in getting current V/Line enforcement staff accredited to undertake this task. Parking infringements at our railway stations can cause considerable disturbance; however, members of the public are going to need considerable education about the new officers who will be handing out parking offence tickets.

There are also some minor and miscellaneous technical amendments in this bill. In the second-reading speech there is mention of non-motorised vehicles, and this has drawn in our horse-drawn carriages. In the country they are a feature of our local shows, and they also cover the occasional tourist and wedding processions that occur in our country towns. We have a great concern that if the minister moves on this — and this is only about suggesting that the minister can move — the cost could make one of our country traditions prohibitive. We urge the minister to consult widely about this. Also, when we are looking at what the full range of legislation and red tape could mean in effect, let us not have to register and audit every horse rather than just the carriage or the unit. We have a problem with moving that way, if we have to.

In conclusion, our main concern is with the rollout of a new ticketing system after the problems with the Metcard rollout. As far as using public transport goes, country users are concerned because they are not regular users and therefore struggle with some of the interfaces with the public transport system.

Software is always going to be a problem, and I urge the minister not to allow a rollout until the software has been adequately proved in the trials. There will also be a long-term need for country people to access a cash option. Similarly, if the smartcards are available, there should be a country purchase option, a little like the access they have to the freeway system. With those comments I indicate that The Nationals are not opposing this bill, but we want to make sure that the interests of country people are protected in this matter.

Mr HUDSON (Bentleigh) — It is a great pleasure to speak in support of the Transport Legislation Amendment Bill, because it supports key elements of the Labor government's transport policy across a wide range of areas. I will start by addressing a number of those areas, beginning with bus contracts. This bill demonstrates the Brumby government's commitment to providing public transport for commuters who live beyond the train and tram tracks. We are investing more than \$1.4 billion over the next 10 years in a huge boost to Victoria's bus system.

The bill provides a framework to ensure that as we roll out those new buses over new bus routes and also over existing routes that we have in place a legislative framework that will support the new bus contracts. Over time those new bus contracts will be more akin to what we have in the way of train and tram contracts. They will be bus contracts that drive performance, are based on outcomes and will have new performance measures around incentives to increase patronage, incentives for on-time running and incentives for punctuality in relation to those services.

I think this demonstrates that unlike the Liberals we take buses quite seriously, because this is a once-in-a-generation increase in bus services. This legislation also supports the new SmartBus technology that has been introduced by this government with the SmartBuses and the new orbital buses that this government will roll out in the future. It is interesting to note that in his contribution the shadow Minister for Public Transport, the member for Polwarth, did not once mention the new orbital bus routes. That is possibly because, as reported in the *Moorabbin Glen Eira Leader* of 29 August, the member for Polwarth said the SmartBus technology was failed technology. That is what he said. He said SmartBuses were a failed technology and a waste of money. He also said we had rolled out only two SmartBus routes. The fact is that we have rolled out four SmartBus routes.

I can tell the house that the people using the SmartBus technology do not think it is failed technology. The people who can now go to a bus stop and get real-time information telling them when a bus is going to turn up do not think it is failed technology. The mothers with prams who can now get on a low-floor bus do not think it is failed technology. The passengers who are on buses that will now run to time because we are introducing bus lanes along many of the routes for these SmartBuses do not think it is failed technology. The people who are flocking to SmartBus in droves — there has been a 50 per cent increase in patronage on those SmartBus routes — do not think it is failed technology.

The only person in Victoria who thinks SmartBuses are failed technology is the member for Polwarth.

Presumably the only thing following on from the comments of the member for Polwarth is that he opposes the rollout in the future of the four SmartBus routes that will be the orbital bus routes, which will be 900 kilometres of dedicated bus routes that will for the first time provide cross-town travel between railway lines, between our radial railway system, for those people in the outer suburbs who want to travel between outer suburbs without having to go into the central business district of Melbourne by train. This is an investment that we are making of over \$657 million over 10 years that will absolutely revolutionise the way Melburnians get around this city. But presumably the member for Polwarth does not support that technology either, because that will be SmartBus technology. That will be technology that will ensure that buses can run to time, that they get priority at traffic lights and that they have dedicated bus lanes where necessary, and where passengers get information about when the buses will actually turn up.

This bill also provides a framework for improving level crossing safety. It is another step forward in making sure that our level crossings are even safer than they are now. We know the member for Polwarth loves to get a headline in relation to level crossings at any opportunity. The member is always telling us there are too many level crossings. Of course we agree with him, but it is this Labor government that has actually been reducing the number of level crossings that exist across the state. We have in two years reduced more level crossings than the number reduced by the Kennett government in the whole seven years that it was in office.

In the last year alone we have completed 57 level crossing upgrades. That builds on the 96 level crossing upgrades we completed in the previous year. So we are actually reducing the number of level crossings. It is worth noting that in Colac, in the member for Polwarth's own electorate, it has been only Labor governments that have reduced the number of level crossings. In 1991 the Cain Labor government upgraded two level crossings in Colac, with the installation of flashing lights at those two crossings. Then nothing happened for another seven years. Nothing happened in the electorate of the member for Polwarth for the seven years of the Kennett Liberal government. Since then this Labor government has completed another three level crossing upgrades in Colac. Flashing lights were installed in 2005 and 2006 on the Colac-Ballararat Road, and this year both Hart Street and Queen Street have had boom barriers

installed. So the people of Colac, the people of Polwarth and the people of Victoria know that it is this government and that it is only Labor governments that actually upgrade level crossings.

I would have thought that if you were opposed to having level crossings the last thing you would do would be to have a transport policy that actually introduced more level crossings. But that is precisely what the Liberal Party's public transport policy is. The Liberal Party at the last election said that it would extend the train line to South Morang for the grand sum of \$12 million. That is what it said it would do it for; that is what it said it could be done for. The only way you can extend the train line to South Morang for \$12 million is if you create three more level crossings, at Cooper Street, McDonalds Road and Pindari Avenue. If you do not do the grade separation at those two roads and if you create two new level crossings maybe you could do it for something like that. But if you do the level crossing upgrades and the grade separation, there is no way you could do it for anything like \$12 million.

The Liberal Party also claimed at the last election that it could extend the railway line to Cranbourne East for \$6 million — a real cheapo \$6 million! Yet you would have to take that railway line across the South Gippsland Highway and the Narre Warren-Cranbourne Road, which are two major roads in the area. I doubt that you could even do it for \$6 million, but the only way you could even get within cooee of that is if you created two more level crossings. So the Liberal Party had better start working out where it stands on the issue of level crossings.

The other thing we had the member for Polwarth in here doing was perpetuating the lie that this government intended to introduce fees for car parking before the last election, that Labor had a policy of introducing a \$2 parking fee for car parks that were attached to railway stations. That is despite the fact that the provision in relation to that expired in the franchise agreements in October 2004. Eighteen months later we still had the Liberal Party running around scaring commuters by telling them we are going to introduce a car parking fee, whereas if they had read or knew anything about the franchise agreements they would know there was no provision in the agreements for that to occur. This bill introduces sensible new provisions in relation to the control of railway car parks. I commend the bill to the house.

Mr KOTSIRAS (Bulleen) — It is a pleasure to briefly speak on the Transport Legislation Amendment Bill. I wish to limit my contribution to commenting on

proposed section 220DA, which deals with conditions relating to overseas student travel. As members will know, overseas students contribute about \$6 billion to the Australian economy. Of that \$6 billion, \$2 billion is put into the Victorian economy. Our industry is growing and it is very important that we support the industry and that we encourage overseas students to come and study in Victoria. The previous Minister for Post-Compulsory Education and Training said in a media release:

Recent figures, released by IDP Education Australia, reveal a 13.4 per cent increase in overseas student enrolments over the past 12 months.

...

The growth in international student numbers highlights the importance of protecting our hard-won reputation.

Ms Kosky said there were currently 37 370 overseas students enrolled at Victorian universities — 34.4 per cent of the total national figure.

Of these, 22 156 overseas students are completing courses as on-campus students, 717 off-campus and 14 497 are enrolled in offshore campuses.

As you can see, it is a big industry and it is one that we must ensure that we protect to ensure that more students come over. However, under this Labor government our reputation in offering high-quality education is at risk. According to the *Age*:

Overseas students pay tens of thousands of dollars to study at Victorian universities, but one expense, of up to \$76 a month, has been transformed from a price to an injustice. That's the difference between a concession zone 1 and 2 public transport fare, to which full-time Australian undergraduates are entitled, and the normal fare that overseas students must pay.

Despite much lobbying by overseas students, the Victorian government is unmoved. Lamenting the unchanged policy, in 2005 the president of the Melbourne University Overseas Students Service told a newspaper: 'I don't know why we are second class'. Last year, the overseas students took their cause to the Victorian Equal Opportunity Commission, alleging racial discrimination. The case is likely to proceed later this year.

It is also interesting to see what the minister said in the second-reading speech. She said:

Victoria very much welcomes the private full-fee-paying overseas students who choose to study here and we acknowledge their important contribution to the state. However, for sound policy reasons, this government has not considered providing concessions assistance to this particular group of students a priority, and therefore the students do not receive the entitlement. The previous government held the same view.

Providing transport concessions to private full-fee-paying overseas students would be very costly.

If it is the Labor Party's policy, that is fine, but what did the Labor Party say when it was in opposition? When the Minister for Public Transport was the shadow Minister for Education in 1997 she said:

I wish to raise the matter of international students who pay an enormous amount to study in Victoria, where they are not eligible for concession; they have to pay the full fare on public transport. In some other states that is not the case, and tertiary students from other countries who pay full fees get the benefit of a fare concession.

Will the minister —

this is the shadow Minister for Education asking the Minister for Education —

address this issue with the federal government to examine altering the situation for full-fee-paying international students who have to pay full fares on public transport?

So we have the then shadow Minister for Education saying to the minister, 'Work it out with the feds. Come to an agreement to make sure that these students do not have to pay full fares'. It is amazing that when the then members of the opposition came into government they changed their tune. Now they cannot find the money. From what I am advised, this will cost up to \$30 million a year, or slightly less, and the government is saying it cannot find the money to make sure that international students do not have to pay fares.

Again, I would not have minded if Labor Party members were consistent, but for them to say one thing in opposition and then change their tune when they come to government shows the hypocrisy of the Labor Party. It shows that Labor members will do anything they can to get into government, because they love the chauffeurs, their white cars and their big offices, and they love the 50 political advisers in every minister's office. They love the advisers, because they have not got the intelligence to come up with any policies or initiatives unless someone does the work for them.

The number of public servants in the Department of Premier and Cabinet has increased from 400 to 800 in only seven years. They have got the public servants to make sure that they do the work for the minister. Backbenchers have a folder given to them when they stand up to speak, they repeat what the minister would like them to say and they pass the folder on to the next backbencher, because they are too lazy and incompetent to do their own work. They are lazy and incompetent! As I said, it would be okay if their actions were consistent with what they say they believe.

Like other members, I received a delegation from the Ethnic Communities Council of Victoria, which is very upset that this government has brought in this

legislation without consultation. The ECCV claims that it was not consulted. Again it seems that a government which claims that it consults and goes out and speaks to the public has failed to do so. The ECCV issued a media release on 21 September headed 'New Victorian legislation discriminates against international students'. It states:

The Ethnic Communities Council of Victoria today opposed legislation introduced into Parliament yesterday which seeks to permanently prevent international students from receiving concessions on Victorian public transport.

Victoria's 100 000 international students bring \$3 billion into the Victorian economy but are made to feel like second class-citizens when travelling on our trams, buses and trains ...

The new legislation introduced by the Victorian government is unfair and discriminatory and potentially in breach of their new human rights and responsibilities charter.

If you have a look at the second-reading speech, you see that it takes this government about 10 pages to justify why it is doing this — 10 pages! The ECCV press release goes on to say:

Ethnic Communities Council of Victoria has been pursuing a complaint this year under the Equal Opportunity Act because we believe it is discriminatory to deny international students public transport concessions.

...

The Victorian Government has failed to make any efforts to resolve this complaint and have made it clear that they regard international students as not entitled to the same equal treatment as Australian students. Victoria and New South Wales are the only states that deny international students public transport concessions.

We said it when we were in government and we are saying it again now: we do not have a problem with this. Unlike the hypocrites on the other side, who say one thing in opposition and then change their tune when they come into government, we at least are consistent. I know it is \$30 million a year, but we are saying that the public transport system is in a mess — it is a disaster and is falling apart — and that money could be used elsewhere. However, I will say to members opposite that this is an issue that should be revisited in a few years time. I hope that once the public transport system — trams, buses and trains — is back in good working order and is running efficiently we can perhaps revisit this in terms of providing some subsidy to overseas students.

As I said, opposition members support this legislation in terms of overseas students. We have been consistent since we were in government between 1992 and 1999, and we are consistent today. We are unlike members opposite, who have changed their minds. They did

everything they could to get into government, but once in government they have thrown out their policy and have come up with a policy with which they formerly disagreed and for which they criticised the Liberal government in the 1990s. It is shameful and a disgrace. For the life of me, I cannot believe how members on the other side can actually sleep at night, especially the mushrooms on the back bench.

Honourable members interjecting.

Mr KOTSIRAS — Look at the mushrooms on the back bench! They are like those clowns you see at the circus. You go along and drop a ball into their mouths. They just sit there and smile and do nothing more. I urge members on the other side to be consistent with their policies. They should come up with new policies, but they should be consistent. They have 50 advisers to advise them and 500 public servants in each department to give them advice, so I urge them to come up with something that actually works. But they should be consistent.

Debate adjourned on motion of Ms RICHARDSON (Northcote).

Debate adjourned until later this day.

EDUCATION AND TRAINING REFORM MISCELLANEOUS AMENDMENTS BILL

Second reading

Debate resumed from 20 September; motion of Ms PIKE (Minister for Education).

Mr DIXON (Nepean) — It is a pleasure to talk today on the Education and Training Reform Miscellaneous Amendments Bill. The Liberal Party will be supporting this piece of legislation, but it obviously has a number of comments to make regarding it. It basically has two aims. Firstly, it makes numerous amendments to the principal act, which is the Education and Training Reform Act 2006, which came into operation on 1 July this year, and that is the bulk of the bill.

Secondly, there are a number of consequential changes to the content of the principal act and also the content of numerous other acts following the change of the department's name to the Department of Education and Early Childhood Development. That is a minor part of the bill, but it is certainly an important part.

I and my colleagues were quite interested in the number of changes. We have the Education and Training

Reform Act, which is a very important piece of legislation that took a long while to develop — I remember when the bill was introduced last year — but already, even though the ink on the act is hardly dry and it is hardly in operation, numerous amendments have to be made. There are omissions, spelling mistakes, grammatical errors and whole areas of the complex education field that have been left out; once the act started to be operational it was found that various amendments have to be made. No doubt we will be back here in 12 months time making further amendments.

It is disappointing that the original bill was sloppily drawn up and that we have to make a lot of amendments. Also, when you read through the current bill, you will see that many of the clauses finish up with a sentence saying that the clause will be retrospective to 1 July. No-one will be disadvantaged by that retrospectivity, but it is always alarming in this place when we are tackling retrospectivity in our legislation. As I said, there are numerous instances of this in the bill, but I take the department's word and the government's word that no-one will be disadvantaged by that retrospectivity, and I will just leave it at that.

As I said, the other major reason for this bill is to address changes that have been brought about by changes not only in the role of the department but also in the department's name. The fact that the department now has 'early childhood development' in its name is something that I find quite amusing. I welcome it, and all along I have said I would welcome it, because it has certainly been part of Liberal Party policy that the total education of children should come under the one department, but this backflip in policy joins a few other quite spectacular education backflips in policy that we have seen.

Obviously the government regards the Liberal Party as the leader in state education policy, because it has adopted a number of its education policies without a blink, without a thank you and without a by-your-leave. It has just taken them, run with them and said they are theirs. I could name a few of them, one being our policy on selective entry schools. I remember when we announced that, we were decried by the government, which said that it was elitist, it would not to work, and it would ruin other schools in the areas where these schools might be established, and on and on the government went. Before we knew it, it had realised that this is what is needed out there in Victoria, and it decided that it would adopt the policy.

It is interesting that it is having a number of teething problems up in the Ringwood area, where the first

selective entry school will be based. Everybody seems to know what the outcome of the review is, but no-one is being told. Teachers are not being told and parents are not being told, and a lot of parents are being disadvantaged by that, especially those who want to enrol their children in year 7 at Ringwood Secondary College. No-one will tell them what the role of that school will be in the following year.

Another policy that has been taken from the Liberal Party is technical schools. The forerunner of this Labor government — the Cain and Kirner governments — closed down technical schools in a bid to make everybody the same, to make education the same and to make all schools the same. But the world does not work like that, and that is one of the major reasons for the skills shortage in Victoria.

All state Labor governments around Australia followed suit, and it took the Howard federal government to establish the Australian technical colleges to redress this imbalance and this lack of technical training schools. It has been a long-term policy of the Victorian Liberal Party to reintroduce technical schools into Victoria. Again, what are we seeing? We are seeing this government adopting a policy for technical schools, and it is in the process of establishing four of those.

It is interesting, too, that performance pay was Liberal Party policy last year and that we said it needed to be investigated. We committed money to that end, and I see now that the former education minister, Mr Lenders in the other place, actually signed up to a national agreement recognising the need for and the importance of performance pay for our teachers — another backflip and follow-on.

It was also interesting that, not to be outdone, the federal Labor Party is also copying state Liberal Party policies. In addition to all the me-toos as far as the federal Liberal Party policy is concerned, the federal shadow minister for education and training has announced as part of his policy the extra allowances for hard-to-staff schools, which again is a policy that we announced last year. It is a state Liberal Party policy that has been pinched by the federal Labor Party in this instance.

I turn to the new role of the Department of Education and Early Childhood Development that this bill partly facilitates. We have a new department — and I will in due course receive a departmental briefing about that — but what we really need to know at the stage we are at now is what this department change means for preschools in Victoria. What does it mean for their physical location? What does the department change

actually mean for their relationship with schools? What does this mean for the preschool teachers and their conditions, their payment, their face-to-face teaching time, their roles and their responsibilities? What does this mean for the curriculum in preschools and in early education? What does this mean for the professional development of the teachers in our kindergartens and preschools? We have not heard. There has been total silence on this at this stage, and I think it is about time the government — having backflipped and said, ‘We have got this new department that is totally looking at education across all age groups’ — told us what it actually means to the preschools.

I think it is very important that we move on to this next stage, and again I challenge the government to introduce part of our policy in this area under which, in most cases, preschool education would be free for the vast majority of four-year-olds in Victoria and not just for the children of health care card holders. I think the kindergarten participation rate used by the government is a dodgy figure. I think there are far more than 4000 four-year-olds in Victoria who are not taking advantage of kindergarten education. I think a lot enrol in kindergarten but many do not continue because their parents just cannot afford it.

Moving back to the broader issues of the bill, as I said it is a very broad bill and it covers areas such as higher education awards, the minister’s powers, the merit protection board, the Victorian Curriculum and Assessment Authority, the Victorian Institute of Teaching, police checks, the Victorian Skills Commission, TAFEs, the Victorian Registration and Qualifications Authority, overseas students, overseas exchange students programs, volunteers in schools, accident compensation, homeschooling and universities, and, as I said, it also amends seven other acts that are not educational acts but are relevant to the legislation, so it really is quite broad.

The only real feedback I had regarding the legislation was from the Australian Education Union, which broadly has no objections to the bill, but it does object to provisions in the bill that relate to police checks and criminal checks for teachers. The union has a fundamental philosophy whereby it believes that payment for those checks should not come out of the pocket of the teacher and that it is something that the government, the department or the school should be covering. I will talk more about that later when I talk about the Victorian Institute of Teaching. It also asked for but did not actually get an amendment which would cover the scenario in which teachers who have been sacked by the department but then reinstated by the disciplinary appeals board would actually receive back

pay. I am told by the union that there are two cases where teachers were sacked, they did not work for 15 months, they were reinstated and they have actually not received any back pay.

The bill will also delegate more employment powers to principals with regard to school services employees. I think this is welcome, because I think it is very important — this is a theme that I want to continue and that I want to lay the foundations for — that we delegate more local powers to the principals and school councils of our local schools. That does not mean that there is not a role for a department. There is a role for a department. There are things that a department or a region can do that are far more efficient and more cost effective and time effective than when done by schools individually taking up those sorts of tasks. However, I think there are far more on-the-ground issues to do with organisational and funding arrangements in local schools that need to be handed, along with the power and along with backing, to the principals and local schools.

This bill is a tiny little step towards that, but I think we need to take a lot more strides towards it. We need to trust our principals and trust our educational leaders to take on more responsibility, but with the backing of the government and the department. The department might be the employer of the teachers, but it is a service organisation. It is not in every single way, shape or form the boss of our teachers and our principals and our school councils. It is a service organisation, and I think that culture is being lost. We need to bring it back by inculcating into the department the service mentality.

The bill also tackles criminal or police checks in a couple of ways. As a general statement it is very important that our community has the utmost trust and confidence that all teachers and all adults who interact with children in our schools have undergone — and most importantly passed — a police check so that parents can with great confidence send their children to school. Whatever the perception, the action and the reality always have to be beyond reproach, with absolutely no exceptions. This is just a fundamental tenet of education and of the expectations of parents and the community. This bill broadens the number of offences reportable to the department and to the VIT (Victorian Institute of Teaching) by the Chief Commissioner of Police. We are not just talking about crimes against children; we are also talking about broader crimes that may have been committed. It is very important that the full relevant criminal history is laid before the VIT and laid before employers and principals, and this bill helps to do that.

There are a number of teachers whose police checks do not actually line up with the years of their registration cycle. This bill will clarify the powers of the VIT to order those teachers to have those police checks and also to bill them. I underwent one of those checks recently, paid my \$25 and passed, which I was very pleased about; I had no worries, but it was very pleasing. I was also one of those people out of cycle. However, we have now clarified that matter, which is very important. It is a small thing but it means there is no mistake about the powers of the VIT to ask for these police checks to be made and to ensure that teachers pay for them.

I have just one more thing to say about police checks. There are thousands of teachers who have had police checks and who have passed who need to be rechecked before the start of the next school year. I hope that rechecking process is going to be completed by the start of the next school year, although I have my doubts about whether that will happen. It is very relevant to what we are talking about here, and I take this opportunity to remind the government that the community and I will be watching it, wishing and ensuring that that happens. Broadly in education there are still a number of people who may not have contact with children but who work in schools and have not undergone police checks. I think there are thousands in that category, and that needs to be addressed too.

I turn to overseas students. The bill refers to overseas students at all levels, but I primarily want to talk just about those in our schools. The bill registers the department as the provider — there has to be a registered provider — and we support that. Overseas students are very important to our state, both culturally and economically, and we need to do everything we can to enable a good system to operate as far as overseas students are concerned. The flow-on economic and cultural benefits are incredible. It is a great experience for an individual to experience education in another culture. They learn, they pick up skills which they can take back to their country and which make them more employable there, and they also make friends and learn about the culture of Australia. They experience Australia's culture and take it back to their culture of origin and are able to look at Australia in a different light.

That builds up a tremendous base into the future. When these young people become business leaders, interacting and trading with Australia, they will know and understand Australia a lot better. The converse also happens. The students are also good for the Australian schools in which they are studying. Schools learn a lot from these students about the people in other countries.

Many cultural and other misconceptions about those countries can then be laid aside. It is a very productive program. At the moment six state primary schools have full-fee-paying students from overseas. There are also 388 children in secondary schools who, I understand, are also full-fee-paying students from other countries. They pay a minimum of \$8000, I think it is, in the primary schools, and the fees increase as they move through the secondary school years.

I do not like calling it an industry, but overseas students in Victoria are economically valued at \$2 billion, and across all levels of education 35 per cent of overseas students in Australia study in Victoria. So this is something we need to protect, nurture, encourage and improve all the time.

Also relevant to this bill is that the VRQA (Victorian Registration and Qualifications Authority), through this legislation, is given the power to register and control student exchange programs. That is very important for the same reasons applying to overseas students. There are private groups that organise this, and parents in both countries pay for their children to live and study overseas. I pay tribute to the many service clubs that take this on. The Rotary Club of Rye has a student from Germany currently living with a member at the moment. She came into Parliament and received a student kit.

So far as the student kits are concerned, the one that is given out by the Australian government is far better than the state one, which is a bit dodgy. It has a few leftover leaflets and bookmarks; I think it needs to be upgraded a little. It was a bit embarrassing. I had to throw a few extras into it like a Martin Dixon ruler to make it better! I think the student exchange programs are important, and I pay tribute to the various organisations that facilitate the programs.

Homeschooling is another issue. It is only dealt with in a minor way in the bill, but it was regarded as a major issue when the original legislation was enacted last year. At the request of homeschoolers, this legislation allows 17 and 18-year-olds to be registered. The age had been set at 16, which is the school leaving age, but at their request it has been extended to 18, and I think that is a good move.

The school leaving age of 16 is an interesting issue. I recently received a letter from a young girl named Amy, who is 15 years old and who does not want to continue at school. She has organised an apprenticeship and is ready to go and take another step in her life, but she cannot because she has to wait until she turns 16. I remember when the legislation was introduced into this

place; I said then that there are exceptions to the rule, and we should have more flexibility with the school leaving age. It was interesting that I should receive a letter from Amy just last week regarding that issue.

The Victorian Institute of Teaching, through this legislation, would be allowed to cross-check. They have the register of teachers, but they are able to cross-check with employers, and therefore schools and systems, regarding the staff. It would be unfortunate if the cross-check and the cross-audit actually throws up some disparities, because I hope the registration details held by the Victorian Institute of Teaching are exactly the same as those held by schools, and this legislation allows for that. It is a double check; I think that is good. We need to do that. Again the confidence we need to put across to the community and to parents that all those interacting with children in our schools are beyond reproach is very important, and this is a small step in that direction.

I declare a financial interest here. I want to say a few words about the Victorian Institute of Teaching. It is undergoing a review at the moment, and I think that is timely. It is very important that teachers have a professional body. I think the community has a perception of teachers as not a profession, and I think it is very important that teachers see themselves first of all as a profession, and they need to have a professional organisation. Many other professions have organisations, and the \$60-a-year registration fee is not too much; I do not agree with teachers who say they should not have to pay that.

Part of their being teachers is having police checks, and I think teachers should willingly pay the \$25, which I think is pretty cheap. If you want to be treated as a professional, if you want to be a professional organisation — and I can say that because I am a teacher and a VIT member — I think it is very important that you take some of the responsibilities that go with that. There are rights attached to being a teacher and to being a member of the VIT, but there are certain responsibilities as well.

I am glad that the VIT is being reviewed, because I think there is a lot of uncertainty amongst teachers about what it actually does other than send out a bill for \$60 each year and conduct police checks every five years. I think it is very important that the profession and the institute have a far clearer and more proactive role in speaking on behalf of teachers.

An honourable member interjected.

Mr DIXON — I think they are actually too close to the government. There was actually a ministerial appointment as part of the board of the VIT. I do not think that is healthy. I would like to see the VIT depoliticised and be a stand-alone institute that has no formal connection, no legislative connection with the minister or the minister's office. It is not a problem having open lines of communication between the two bodies, but I think it is very important that the government is at arm's length and is perceived as being at arm's length from the VIT.

There is one other point I need make. I was doing some research on the number of teachers who are registered with the VIT.

Mr Kotsiras interjected.

Mr DIXON — I do it myself; I do not have 50 staff to do it. There are 31 000 teachers who are registered with the VIT, but the VIT does not know where they teach or what system they are in — whether they are in the independent system, the catholic system or the government system — which I found quite extraordinary. I would have thought that would be one of the basic sort of statistics that the VIT could provide, but they were unable to do so. There must be a box — I cannot remember the form you fill out — and you do not have to actually tick where you teach or what your role in education is, but I think 31 000 is nearly one-third of teachers who are unaccounted for in terms of where they teach, as far as the department is concerned.

In a general sense this bill amends the Education and Training Reform Act 2006, which is the bill that governs all aspects of education in Victoria. It is quite ironic that we are here making a host of minor changes to education when there are some quite some major issues in education that I think need to be addressed by this government. I will quickly in the short amount of time left run through some of the major issues that have not been addressed in this legislation.

The issue we are all grappling with at the moment is the payment of teachers and the funding of education. The public education and non-government education system in Victoria is the worst funded in Australia. Our teachers are the worst funded in Australia. We have seen the Western Australian education minister over here openly poaching our teachers and offering them not only better wages but better conditions. I was talking to educationalists up in Wodonga last week, who say they are losing teachers across the border. They do not even have to move home; they only have to drive for an extra 2 minutes and they will earn in

some cases up to \$10 000 more. That is an easy thing to do.

It is very hard for an established teacher to move to Western Australia, but I think our young teachers are very tempted by an exciting life in an exciting state like Western Australia. I am very worried that we may be losing our good teachers — a whole generation of our young teachers and future educational leaders of Victoria — to Western Australia. I think the government needs to talk and negotiate as this enterprise bargaining agreement period approaches, to improve the pay and conditions of our teachers so that Victoria becomes far more competitive in recruiting teachers throughout Australia.

Another major issue is the condition of our schools too — again it is part of the legislation but is not part of this bill. The condition of our schools is quite incredible. There needs to be immediate spending in the short term and in the long term. I will talk in a moment about the long-term plans of this government, but in the short term there are schools that might theoretically have to wait until 2015 for a modernisation, but what are they going to do in the meantime? Minor amounts of money have been given to schools that absolutely just scratch the surface. It is years away before those schools will be modernised.

Mr Kotsiras interjected.

Mr DIXON — What is the definition of ‘modernisation’? Is it a new toilet block or one new classroom or a repaint? We do not know about modernisation. This government has said that every school in Victoria will be modernised and expanded by 2016. There is no definition about that. In fact they have said that by the end of 2010 — that is, before the next election — 500 schools will be modernised. What does that mean?

Then when the Public Accounts and Estimates Committee questioned the former Treasurer, now the Premier, about the money that was being bandied around, he said, ‘Don’t you worry about that. There is plenty of money in the budget. We don’t need to borrow it. The money is there. It is accounted for and it is going to be spent’. As I said, we always have doubts about what ‘modernisation’ actually means.

But last week the Premier announced that he asked the Treasurer and the Minister for Education to investigate public-private partnerships as a means of funding. That is an admission that there is not enough money and that the government has real problems in trying to meet its commitment to education. Modernisation is more than

the \$250 000 that has been spent. That is just not on! The modernisation or expansion of a school is a multimillion-dollar project, and I doubt we will see the modernisation of 500 schools.

During the election campaign last year so many schools were promised that their school would be upgraded this year, but so many schools have been disappointed to find out they were not included in that budget. The government said, ‘No, we did not mean this year; we meant this term of government’.

Ms Neville interjected.

Mr DIXON — They were told that they would be included in the budget of May 2007. I went out to Mount Evelyn Primary School; it was told that it would be in the budget of 2007. But the government said, ‘No, it is this term’. We have scores on the long finger as far as their capital funding is concerned.

Another real issue which we need to be concerned about is disability services in our schools. The provision of these services in our schools is vitally underfunded. A major review is taking place. This issue was raised in the Public Accounts and Estimates Committee. We were told, ‘Yes, there is a review going on’, but that review has been going on since 2005. We have had two years of education, but the students with the greatest need in our schools are missing out, because of the gigantic review that is going nowhere. This ongoing review is just an excuse to delay the extra money that is needed for disability services in all of our schools, including our government and non-government schools. I think that is a disgrace.

Today the Auditor-General said in his review that there is just not enough money to help schools and help individual children who are falling behind; the structures are not in place in regions and of the number of schools that have been recognised as at risk, only 30 per cent — —

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

Ms MUNT (Mordialloc) — I am pleased to be able to speak this afternoon in support of the Education and Training Reform Miscellaneous Amendments Bill 2007. This education bill is a huge omnibus bill; it carries an enormous amount of legislation. Education is a huge field. From 2003 to 2006 I served with the member for Bulleen on the Education and Training Committee.

Mr Kotsiras interjected.

Ms MUNT — We were both very good members of the committee — the member for Bulleen is absolutely right.

Mr Kotsiras — The chair wasn't that good!

Ms MUNT — The chair was very good as well. The committee did an enormous amount of work in the field of education. It was a real eye-opener for me to see the range and breadth of education and to see the huge liner that it is and what it carries within it. It was an eye-opener for me to see the great complexities in education and the wonderful work that the department and the minister's office do in the provision of education.

The new education bill was put together because the old education act had been patched and amended for about 150 years. I was involved in consultation about the new legislation, which was also a massive amount of work for a lot of people who did a good job. When there is a bill of that size and complexity, inevitably some tweaking of the legislation becomes necessary. The Education and Training Reform Miscellaneous Amendments Bill 2007 does some tweaking.

There are a number of amendments. The amendment I would like to concentrate on is mainly to do with the Victorian Institute of Teaching (VIT). I would like to go through a few issues on that and explain why the bill introduces amendments in the way that it does. I agree with the member for Nepean in a number of respects: teachers have rights and responsibilities. To be considered as a part of a professional body, teachers have to comply with the regulations and requirements of that body. One of the instances that the member provided to the house regarding the bill's lack of flexibility is incorrect. I have checked some information, and I can say that students at 15 years of age can be given consideration if they are enrolled at another registered training institution. For instance, a 15-year-old can do an apprenticeship and spend time at a local TAFE. I think that is considered to be an appropriate way for a 15-year-old to spend their time; this bill gives 15-year-olds flexibility.

During my time on the Education and Training Committee I met with the VIT quite a few times and came to know about its operations. It provides a process of registering our teachers and mechanisms for ensuring high standards of professional integrity and practice for our teachers. Also, it most importantly provides a process for criminal checks and screening our teachers for professional and behavioural standards. Elements of those checks will be strengthened by this amending legislation. We do this because we owe our students the

highest levels of integrity and the highest levels of professional standards and behaviour. We also owe it to our teachers to give them the correct standing in the community that is required. We are committed to providing a great education for all Victorian students.

It has already been mentioned that the VIT is currently undergoing a ministerial review. The outcome of that review will be interesting. The VIT has been in operation for a number of years. A few issues that have arisen during its operation can be addressed both through this legislation and the ongoing review that is being currently directed by the minister. As it stands, Victorian teachers are required to renew their registration with the Victorian Institute of Teaching every five years. It has already been mentioned that teachers are required to receive a criminal history record check every five years.

The registration and the criminal history record check may not coincide, so this legislation accounts for when those periods do not coincide and when the cost has already been borne so that it is not borne again. Therefore the institute considers that it is unreasonable for teachers to undertake a new criminal history record check when they already have a current check that may be valid for a further two or three years after they have registered with VIT. Consequently the amendment is required to give the institute the powers to charge teachers for a criminal check outside the renewal of registration process.

I will go through what that criminal registration widening will encompass. The wider category of offences will now include the offences listed in clause 4 of schedule 1 to the Sentencing Act 1999, which covers the trafficking or cultivating and associated offences relating to drugs; also the offences in sections 71AB and 71B of the Drugs, Poisons and Controlled Substances Act of 1981, which deal with the supplying of drugs to children, which is most important; and also the offences in clause 2 of schedule 1 to the Sentencing Act 1991, which covers the violent offences of murder, manslaughter, defensive homicide, causing serious injury intentionally, causing serious injury recklessly, intentionally causing a very serious disease, threats to kill, threats to inflict serious injury, kidnapping, intentionally causing grievous bodily harm or shooting, with intention to do grievous bodily harm or to resist or prevent arrest, inflicting grievous bodily harm, attempting to choke in order to commit an indictable offence, making a demand with a threat to kill or endanger life, the offence of conspiracy to commit, incitement to commit or attempting to commit an offence referred to in paragraphs (a) to (e) of clause 2, and any other offence, whether committed in Victoria

or elsewhere, the necessary elements of which consist of elements that constitute any of the offences referred to in paragraphs (a) to (f) in clause 2. This amendment will aid in ensuring the safety of Victorian schoolchildren.

Also included in the act are amendments to the powers of Victorian Institute of Teaching (VIT) to collect teacher information. Previously under the Education Act 1958 the registered schools board conducted an annual census of non-government schools that included relevant information concerning teachers. This legislation puts in place the Victorian Registration and Qualifications Authority, which will be responsible for the registration of non-government schools. Therefore the VIT will be able to screen teachers in both the public system and the private system to maintain appropriate professional details of quality assurance mechanisms for all teachers and all students in Victoria. That is basic to maintaining the confidence of parents when they send their children to schools in Victoria.

The VIT has undertaken 68 000 police checks of registered teachers since 2001, which is an enormous amount of work. That was its job when it was first put in place. It has really had a huge amount of work to undertake. That work will probably flow on less intensely now that that up-front checking has been done. It is a big job. It had to be done. We cannot have in contact with our children people whose professional and criminal details are less than absolutely checked. The VIT has done a wonderful job, and this legislation will enable it to continue that work.

I would quickly like to mention the government's firm commitment to education. We stand firmly behind children not only in terms of safety but also with the resources that we provide to them, particularly the number of teachers who teach them and the facilities in which they teach them. We have demonstrated a wonderful dedication to education. It is one of our top priorities. I know that schools in my electorate have benefited from upgrades, extra teachers and the resources that we have provided to them. Once again I commend this legislation to the house. It is another brick in the wall of our commitment to education, and I commend the bill to the house.

The ACTING SPEAKER (Dr Harkness) — Order! Just before I call the member for Mildura, I apologise to the member and to The Nationals for calling members out of order. As the lead speaker for The Nationals, the member for Mildura should have been called next.

Mr CRISP (Mildura) — I am going to talk on the Education and Training Reform Miscellaneous Amendments Bill. The Nationals are not going to be opposing this bill. Within this bill there are 48 amendments to nine related acts. We are also retrieving provisions from some repealed acts. So we are chasing the baby, having tossed it out with the bathwater some time ago.

Clauses 27, 36 and 48 deal with the payment of fees. This allows registration fees paid to education institutions for courses that cover a five-year period to be paid in instalments. Such courses bring revenue over that five-year period, and it is reasonable that these fees should be spread out over the same period. The Nationals are also seeking to extend these provisions to include secondary school fees so that they are allowed to be paid in instalments over a calendar year. We will talk about that later.

The second aspect is in relation to enabling the Victorian Curriculum Assessment Authority (VCAA) to appoint committee members without first obtaining the permission of the minister. Presently the minister cannot delegate this task of appointing an acting member to the board. The restriction is being removed due to the volume of business involved in having seven merit protection boards. This amendment allows the chairperson of the board to appoint a member from an already approved list of candidates. This should alleviate some of the congestion.

Clauses 29, 31, 34, 42 and 45 of the bill expand the criteria for registered courses for international students. These clauses deal mainly with the word 'suitability'. The course must be deemed suitable for overseas students by the authority. This will determine whether a provider can gain approval. The second part of this relates to exchange programs and organisations that arrange these programs for students. This is an integrity issue and something that the international reputation of our educational institutions runs on. These organisations must be approved by the state education authority. This reform will mean this function will be taken away from the department and given to the Victorian Registration and Qualifications Authority.

The bill also creates an avenue for the Victorian Civil and Administrative Tribunal to review a decision on whether to approve a student exchange organisation. So there is a right of appeal. The bill also delegates the hiring of school service employees to the principal. This amendment allows the secretary to delegate the power to employ non-teaching staff to another person — namely, the principal of the school. It does not, however, restrict the principal. Previously the

secretary could confer this power only to school councils.

The provisions covering compensation arrangements for school worker volunteers specify which act is being referred to in a particular sentence. The words 'the act' have been interpreted to mean the Workers Compensation Act 1958 and not the Accident Compensation Act 1985. Subsequently compensation has been in question, and this clarifies the matter. This is important when volunteers are injured in the course of giving much-needed assistance at schools.

Criminal record checks on teachers requires the Victorian Institute of Teaching to ensure every registered teacher has a criminal record check every five years. This check will be carried out for the institute and paid for by the teacher in question. If the teacher fails to pay this amount, they can have their registration amended. This is of interest, and I quote from the Australian Education Union's *AEU News* of September 2007:

Members have now started receiving invoices for the police check. The AEU is campaigning for the charge to be met by the government and has advised members not to pay — although they should submit the paperwork for the check.

It appears that all is not happy amongst the teachers who are paying this amount, and it would be a shame if we started to have teachers suspended over this issue. The bill also enables the Victorian Institute of Teaching to get the criminal checks from the department to check them against its own records concerning information on teachers.

The next purpose of the bill is to permit children to be registered for homeschooling past the age of 16. This will allow children to take their year 11 and 12 studies at home. Children of compulsory school age need to be registered for homeschooling; however, when children pass the age of 16 they no longer need to be registered. This amendment will allow parents to voluntarily register their children for homeschooling beyond that age, and importantly it will allow them to continue to receive benefits. At present benefits are stopped when children reach the age of 16. Under the amendment if a parent registers their child, they can continue to receive those payments. These are tough times in the bush. A number of people opt for homeschooling, and I welcome the fact that financial support for them will be continuing.

Another purpose of this bill is to homogenise relevant terminology and correct titles and minor details. This is something that is very much in fashion. The Nationals wish these sorts of things all the energy they need, and

we cannot resist asking the government to take care of the cross-border anomalies. There are a number of other acts that are being amended by this bill — the Accident Compensation (WorkCover Insurance) Act, the Child Employment Act, the Community Services Act, the Interpretation of Legislation Act, the Child Wellbeing and Safety Act, the Children's Services Act, the Forests Act, the Public Administration Act and the Transport Act. There are a number of acts being repealed as well.

We have some issues to raise for country constituents in relation to this proposed act. These amendments relate to the major education bill, which provides the framework for educating our children. There are problems with education. In particular the problem we would like to focus on is the retention rate in country schools. Country students are more likely to attend a government school, and government schools have lower retention rates for students completing year 12. In government schools 66.4 per cent of students will complete year 12, whereas 95.5 per cent will complete higher education in non-government schools, excluding Catholic schools. Overall in Victoria the rate is 72.3 per cent, so country kids are behind. In the country girls tend to stay at school longer than boys, and the retention rate for years 7 to 12 is 79.6 per cent. That is lower than the rate for their metropolitan brothers and sisters, which is 85.2 per cent. The retention rate for years 10 to 12 in government schools in country areas is 77.6 per cent — far lower than city schools, at 84.9 per cent.

The combined Mallee and Loddon Campaspe area has a years 7 to 12 retention rate of 73.5 per cent overall and 77.6 per cent for years 10 to 12. This is in contrast to the higher retention rates in the city. There is ample evidence to suggest a significant difference. The participation rate of country people in the 15 to 64 age group lags behind the metropolitan rate as well, so it is not just the education rates for children but the ongoing education rates as well that are quite low.

In times of drought we need to be proactive with programs to keep country youth in school. They need to be at school enhancing their opportunities rather than out there in a job market in a depressed and recessed rural economy. In drought-affected areas currently the only Australia-wide assistance with school fees is under the youth allowance system, which does not seem to have any specific reference to drought-affected areas. The state government offers a preschool fee subsidy of \$250 to those who successfully apply for the Victorian farm business grant. The government also offers an education maintenance allowance. This is only available to those who have already successfully applied for a Victorian farm business grant. It pays

\$254 per annum for secondary students and \$127 for primary students, and it is paid in two instalments. There is some support available from various committees for school uniforms.

Senior college fees in many country areas are approaching \$1000 a year. Many of our families will struggle with that this year, particularly as one-off payments. We believe this legislation should be interpreted by the minister as allowing those school fees to be paid over a longer period of time, and we also encourage the minister to look compassionately at a state government approach to the drought and to include the payment or part-payment of those education fees in order to keep our children at school so they are not out on the streets looking for work that is not going to be there.

How many volunteers in schools do we have, and what do they do? In 2006, 5 million people over the age of 18 volunteered in schools all over Australia. Thirty-two per cent of them were men and 36 per cent were women, and principally they were aged between 35 and 44. People in a relationship with dependent children were the most likely to volunteer, at 45 per cent. In capital cities 32 per cent assist, and in country areas the figure is 39 per cent. At last we have something that we in the country are better at than our city friends, and that is volunteering in schools. One-third of the people who actively volunteer in our schools are involved in other community groups. People whose parents volunteered are more likely to be volunteers themselves. Of the 34 per cent of people who said they did volunteer work over the last 12 months, 66 per cent did other volunteer work. This is a strong recognition that country people care about their schools. This volunteer work has value. It enhances education, and I think it should be recognised by the state government assisting those volunteers with a school fee rebate.

Everyone seems to need a criminal record check, and many people need to pay for more than one in different areas of their life. We have heard a lot about this, and it is becoming something of a problem. The issue is one of confidentiality. The checks can be viewed only by those authorised to do so. It would be necessary to create a way for more than one person or organisation to access the same material. A system that allows more than one person or organisation to access material would in turn require a security system that had an application process such that only legitimate entities have access. The United Kingdom has such a system, and Queensland has such a system. If we are going to continue to protect our children and other people in our

community, we need to move further to create a single reference point for criminal record checks.

Next are the principal powers. What do they mean? The duties of a principal in a school are to manage the policies, regulations and procedures of the school environment to ensure that all students are supervised in a safe learning environment that meets an approved curriculum and the mission of the school, to work collaboratively to direct all the members of the school staff hired by the board of directors and to communicate effectively with parents and the community. The principal also has the responsibility of scheduling curriculum development, extracurricular activities, personnel management, emergency procedures and facility operations.

This new amendment gives a principal the authority to hire non-teaching staff for the school under his/her authority. This was previously delegated to the school council, and I would encourage school principals to continue to work cooperatively and collaboratively with their school councils. They are their networks in the community. They are also important links, although there will be changes to how they will work.

Education offers opportunities for youth, and at present country youth are disadvantaged by location. The drought makes this even worse. I call upon the minister to address the issues of equity of access and opportunities for country children, particularly in a time of drought. Again I indicate that The Nationals are not opposing this bill.

Debate adjourned on motion of Mrs VICTORIA (Bayswater).

Debate adjourned until later this day.

EMERGENCY SERVICES LEGISLATION AMENDMENT BILL

Second reading

Debate resumed from 20 September; motion of Mr CAMERON (Minister for Police and Emergency Services).

Dr SYKES (Benalla) — I rise to speak on behalf of The Nationals on the Emergency Services Legislation Amendment Bill. I commence by thanking the minister's staff and the departmental staff, particularly Holly Cooper, for providing an informative briefing and additional information upon request.

The purpose of the bill is to amend the Country Fire Authority Act 1958, the Emergency Management Act 1986, the Metropolitan Fire Brigades Act 1958 and the Victoria State Emergency Service Act 2005 to improve the coordination and delivery of fire and other emergency response services. It also seeks to provide similar long service leave entitlements for officers and employees of the CFA (Country Fire Authority) and the Metropolitan Fire and Emergency Services Board (MFB).

The key aspects of the bill make clearer compensation provisions under the Emergency Management Act for volunteer emergency workers; clarify the roles and responsibilities of interstate and overseas emergency workers; strengthen the emergency management powers, especially the Emergency Services Commissioner's powers to monitor the non-financial performance of emergency service agencies; and increase the powers of police and CFA members to stop people at road blocks and to use reasonable force to remove people interfering with firefighting activities where a pecuniary interest in a property at risk is no longer a reason for an exemption at road blocks or for staying on an at-risk property.

The bill also clarifies and broadens the powers of the CFA and MFB to use water for firefighting purposes and dealing with chemical spills, with the water used to be deemed as fire damage under a person's fire insurance policy. The bill provides for tougher penalties and amends the ability of firefighting authorities to charge the cost of fighting fires to people with high insurance excesses.

The bill has many good features. However, as it fails to adequately address the issue of the replenishment of the water used by the CFA and the MFB to fight fires and undertake other authorised duties, I cannot recommend the bill to The Nationals. With that in mind I wish to move the following reasoned amendment:

That all the words after 'That' be omitted with the view of inserting in their place the words 'this bill be withdrawn and redrafted to provide for the replenishment by the government of all water from privately owned storages used by the Country Fire Authority and/or the Metropolitan Fire Brigade to fight fires and to undertake other authorised activities'.

The ACTING SPEAKER (Ms Campbell) — Order! I advise the house that the debate will now proceed on the bill plus the reasoned amendment.

Dr SYKES — The issue is that currently there is no legislative responsibility for the government to replace the water used by the CFA or the MFB in the course of their duties, and in developing that I shall just recap some relevant events. In the 2003 mega fires in

north-east Victoria and in Gippsland, firefighting groups took water that was not replaced. This caused considerable concern amongst land-holders adjoining Crown land where a lot of the water was used, and an inquiry into those fires recommended that in future the issue be addressed.

In the 2006–07 fires, the Premier undertook to provide \$1 million for the replacement of critical water supplies used to fight fires, and that undertaking worked reasonably well after some teething problems. When I had the briefing from the minister's staff and the departmental staff I asked, 'What legislative responsibility was there for the government to replenish water used?'. The answer was none.

I advised the minister's staff at that stage that I was not happy with the situation and would be taking it further. Interestingly, within a few days the *Weekly Times* published an announcement by the government renewing its pledge to replace the water taken to fight fires. Whilst I welcome this commitment, it highlights the need for the government's responsibility to replenish water used by the CFA and the MFB to be locked into legislation rather than being left to the whim of the government of the day, which only responds when sufficient political pressure is applied.

I wish to put this issue into context. The first issue is the situation currently with fire containment lines on private property and the associated damage. This is an issue which I raised with the Premier on 20 February and the Treasurer, in writing, on 19 March. I spoke to the then Treasurer on 4 May at the Public Accounts and Estimates Committee inquiry, and I wrote to the Treasurer on 16 May about this issue, and I still have not received a response.

In essence the issue is that current policy provides for the rehabilitation of fire control lines on private land and reimbursement for fence repairs due to damage caused by putting in the fire control line. But the current policy does not provide for the reimbursement of costs associated with fences and pastures destroyed by back burns from the control line. Private landowners feel they are bearing the cost of protecting public land and that it is not being recognised.

Up our way there was a severe problem with poor mobile phone communications in the Tolmie area. The Premier came along and undertook to look into it, in fact I think he undertook to fix it. To his credit he did contact the chief executive officer of Telstra who contacted the regional manager. They did a business case, there was a shortfall of \$200 000 or \$300 000 to

make it work, and guess what? It has been deathly quiet since then.

The broader issue is that people do not trust the government to deliver on its commitments, and it leaves private land-holders to bear the cost of fighting fires that have, in most recent times, been on public land. We have also had reason for our lack of trust in the government when a recent commitment that we all remember well — to take no water from Lake Eildon to Melbourne, as made by the Premier in November 2006, prior to the election — was broken within six months.

Mr K. Smith — No tolls on the freeway!

Dr SYKES — And no tolls on the freeway, as the member for Bass reminds me. In the legislative context of the proposal I am putting, we looked at clause 93 of the Country Fire Authority Act. It provides that any damage to property caused by the chief officer and others:

... shall be deemed to be damage by fire within the meaning of any policy of insurance against fire covering the property so damaged ...

The reality is that there has rarely been a claim on insurance policies for this loss of water, and it has not been a significant problem up until now. Perhaps the reason for an absence of claims relates to the fact that a lot of farmers would have an excess on their insurance and the cost of replacing water may be less than that. There is also a concern that a claim will result in an increase in the insurance premium and there is the basic issue of hassles with making claims.

The situation has changed now. We are 10 years into a drought, water is scarce, the volumes of water being used to fight fires now have substantially increased in that with helicopters operating — and I think we might have 45 on board this year — water can be taken from kilometres away to fight fires; the volumes taken can be substantial given that choppers like Elvis can take 9000 litres in one hit. There is also the significant cost of replacement. One milk tanker full of water can cost anywhere between \$200 and \$400 to replace.

The Insurance Council of Australia recognises that the situation has changed and is in favour of a review. Therefore the statement in the second-reading speech by the minister is totally inappropriate. The statement says:

Where the CFA or MFB takes water from a person's well or tank for fire fighting purposes, this loss of water would be deemed to be fire damage within a person's insurance policy against fire.

These concerns are not just a fabrication in the mind of members of The Nationals, they are shared by the Victorian Farmers Federation and individuals out there in country Victoria. The VFF has written to the Leader of The Nationals, saying it has concerns with this aspect of the bill, and it does not reflect the changing status and importance of private water storages. It identified two issues — that is, the scarcity of water; and the asset value of that water. It says:

The VFF does not support an approach, as proposed by the minister for emergency services, where individuals will seek recourse through an insurance policy for the cost of replacing water deemed to be fire damage.

...

Secondly, substantial taxes, approximately 80 per cent, are levied on fire insurance policies and it seems unfair that the suggested remedy to the cost of water lost to provide a public benefit is taxed at such a rate.

...

In October 2006, and again this week a commitment to replacing essential water used in fire fighting efforts has been announced by the government. The VFF believes that at a minimum this approach should be incorporated into the proposed amendments but preferably arrangements to offset the water, or the tradeable value of the water lost should be incorporated into the legislation.

That is the support from the body representing the majority of farmers in Victoria.

There is also a letter from Patricia Siddle addressed to the Leader of The Nationals. Patricia Siddle is one of the farmers who had water taken from her property to fight the fires last year. She points out that it is just not practical for her to be able to claim it back on her insurance because they find the cost of fire insurance expensive and are not in a position to take it. She notes also the significant distress that it caused to their animals when the helicopters were coming in throughout the day to take water, with no recognition of that, and no public thanks from the Premier.

Also the Country Fire Authority Mansfield district group fire officer, Dick Hutchinson, has expressed his concerns about the proposal in the *Mansfield Courier* this week.

An interesting statement was made by the Minister for Environment and Climate Change, Gavin Jennings, in response to a question by a member for Northern Victoria Region, Mrs Petrovich, in the other place yesterday. Mrs Petrovich was seeking an assurance that water taken by the government would be replaced in the case of Department of Sustainability and Environment firefighting activities. Minister Jennings indicated that the government would replace that water

and, by definition, would replace all of that water, so it appears the minister has set a precedent on behalf of the government to replace all water used.

If we take this issue in the context that the government is responsible for managing 7 million hectares of public land, as such it has an obligation to have an appropriate fire risk management strategy in place. Such a strategy would reasonably consist of strategically located dams to provide water for firefighting purposes rather than relying on drawing water from neighbouring private land-holders. Of course the policy strategy should also include permanent containment lines, as are in place for the Thomson Dam, and fuel reduction burns.

As the word spreads there is a growing disquiet among land-holders and CFA volunteers about the inequity of this proposal by the government. It is for these reasons that I have moved the reasoned amendment and that The Nationals will be opposing the bill in the event the reasoned amendment is unsuccessful.

I move on to a couple of other issues. I have briefly touched on the fire services levy. Just recently we have had another increase in the levy. Country Victorians now pay a fire services levy of 49 per cent, which makes us the most highly taxed people for fire service provision in Australia. This tax is inequitable and the sooner we move to a property-based tax to ensure that the costs are reduced and are shared more equitably, the better for all concerned.

Another issue of concern that has been raised with me is the provision in the bill for the police and the CFA to have increased powers in the manning of roadblocks and the removal of people from at-risk premises. In particular, as I indicated earlier, there is a removal of pecuniary interest as a reason to be exempted from being blocked at a roadblock or removed from a property. The concerns expressed to me indicate that in the hands of inexperienced or overcautious officers or people without local knowledge we will have people prevented from returning to their property or staying on their property to implement fire risk plans that they have put in place over a number of years.

I acknowledge, and we all do, the importance of saving and protecting human life. I am aware that in the 2006–07 Gippsland and north-east fires there was only one CFA volunteer death. That was tragic, but it was very low. But I would also point out that there were no land-holder deaths. Land-holders were often left to protect their assets when it was deemed to be unsafe for the CFA or the combat authorities to come in. One person who is known to us all is Graeme Stoney, a former upper house member. He had that experience,

where he stayed and implemented his fire suppression strategy, and with a lot of blood, sweat and tears and one heck of a lot of emotional angst he saved his property.

I believe that power is important for the police and CFA members to have, but I am concerned there is a need to make sure there is appropriate training and operational management to ensure that power is used wisely rather than to stop people from returning to protect their assets, which they have often worked all their lives to put in place. This issue was raised with me by a number of people, including Maurie and Heather Killeen in an email sent to the Leader of The Nationals, and also Alex Hooper who sent an email to the member for Morwell.

There are also similar concerns in relation to the powers of incident controllers to take charge of all the equipment. Again there is a situation where private people, with their slip-ons and small firefighting units, feel they can get in and do work. They are concerned that, again, if there is an overcautious incident controller their ability to protect their assets and their neighbours assets will be lost. This issue was again raised with me by Alex Hooper.

In summary, there are a number of positive aspects of the bill, but unfortunately the positive aspects are overshadowed by the omission of the requirement for the government to replenish all waters taken from private storages and used by the CFA or MFB to fight fires. I look forward to the other parties in the house supporting my reasoned amendment to address the concern that I have raised with the house.

Mr McINTOSH (Kew) — In relation to the question that the member for Benalla just raised, the Liberal Party will be supporting The Nationals reasoned amendment. We will also be supporting The Nationals in opposing the bill in the event that the reasoned amendment is lost.

As the member for Benalla has clearly indicated, there are a number of worthwhile measures in the bill. Some measures certainly have to be discussed and debated and adumbrated in some way by the government, but generally speaking 95 per cent of this bill does not raise significant concern with the Liberal Party. The critical feature of this bill is that it is an omnibus bill. While it deals with emergency services it crosses a whole range of different pieces of legislation, from the Country Fire Authority (CFA) to the Metropolitan Fire and Emergency Services Brigade (MFB) and the State Emergency Service (SES) legislation. It touches on the

Emergency Management Act and also expands the powers of the emergency services commissioner.

As I said, generally the opposition accepts these changes as being worthwhile, certainly necessary in some cases, but there are probably a few matters that do cause it concern. One is the issue of taking water, particularly critical water, and again particularly from country Victorians, rather than that taken by the Metropolitan Fire Brigade. It certainly has not raised itself as a significant issue around Melbourne, but around the whole state the issue of the CFA's ability to take water free of charge from a landowner for the purposes of fighting fires is certainly a matter of significant angst.

I shall just deal with those parts of the bill that really do not cause any concern. Certainly a provision that extends the umbrella of compensation for volunteers under the SES and the CFA and clarifies those compensation powers — as well as the compensation powers for the MFB, but particularly volunteers from the CFA and the SES — so that they can have access to the scheme under the accident compensation conciliation services and medical panels is something we would all agree with. Notwithstanding the fact that they are technically not employees — they are volunteers — of course everyone appreciates the hard work of the 60 000 volunteers from the CFA during the long hot summers we have experienced in the past, including two and a half months of fires last season. It is certainly worthwhile supporting in every possible way the extension of compensation and the clarification of those powers, and certainly their extension to SES workers and all the hundreds of volunteers with the SES who do a great job around this state — that we are all very grateful for — and certainly there is unanimity in enabling all of that to occur.

The second thing is that the bill clarifies the power of the CFA and the MFB to deal with interstate and international firefighters. Again, we appreciate the support that Victoria does get from interstate and international firefighters. In his second-reading speech the Minister for Police and Emergency Services commented on the nine injured international firefighters from New Zealand. At the time of those injuries I was some 9 kilometres up the Howqua River. I was actually staying with Graeme Stoney, a former member for Central Highlands Province in another place, and certainly a great local member and a great local identity in that area. Regrettably I never had the opportunity of fighting the fire because the fire went through the day after I left Graeme's to come to a shadow cabinet meeting. I returned on two separate occasions and spent probably a total of about 10 days there. One of those

days was a day when the New Zealand firefighters were there, and there were some 60 or 70 of them. We actually saw them and met them at Sheeppark Flat when they came through.

They were deployed further down the Howqua River, some 5 kilometres away, when the accident occurred. We could not see them, but we certainly heard the noises of the helicopters. I was very grateful to be able to have immediate contact with Bruce Esplin, the emergency services commissioner. Notwithstanding the fact that I was a recently appointed shadow spokesman, I was able to get a telephone call through to Mr Esplin to find out what all the kerfuffle was about, because the news was yet to hit the radio. I commend Bruce Esplin for briefing me fully within 30 minutes or so about the accident that had occurred.

This legislation clarifies how interstate and international firefighters are subject to the control and direction of the Country Fire Authority or the Metropolitan Fire Brigade respectively. Also importantly, it places the equipment that these people bring with them under the control of the CFA so that there is a clear chain of command in these matters, and that is a worthwhile step.

The bill creates new offences. It deals with the specific concerns of the community about pyromaniacs and other matters. Not only does the bill deal with that issue, but the creation of offences for assaulting, resisting or delaying firefighters can now result in up to a term of six months imprisonment. Without derogating from any other criminal sanctions that may apply, the bill also creates new offences for obstructing an officer or damaging or interfering with equipment, including fire indicator panels, and for wilfully giving a false report or causing one to be given.

Some offences already exist under the Country Fire Authority Act. The offences and penalties are brought into line, and we were told by the government at the briefing that a lot of those have been brought into line with the Sentencing Act. In relation to two serious crimes, the bill provides for a minimum term of imprisonment. For example, if you recklessly or intentionally light a fire for the purpose of destroying property, stock or other things — it does not relate to life, but deals with property, which is still a serious matter, particularly in country Victoria — at an inappropriate time, under present legislation the offence results in a minimum term of imprisonment of at least 12 months or a maximum term of 20 years.

Obviously there is concern about that minimum term. While the Liberal Party has supported the introduction

of minimum terms, we have always made it very clear that a minimum term should also be accompanied by a discretion that in exceptional circumstances a judge could impose a lesser penalty. However, those exceptional circumstances would be set out in the Sentencing Act and would always be available.

We do not support the notion of mandatory minimum terms, but we do support minimum terms where there is a discretion to go below. That still exists in the sense that suspended sentences are always available, and there are other provisions in other acts of Parliament where a minimum term still exists — for example, driving a motor vehicle without a licence on a second or subsequent offence attracts a three-year minimum term of imprisonment. As we know, our judges regularly get around that by imposing suspended sentences.

The opposition has been critical of the idea of suspended sentences. The government has referred the matter to the Sentencing Advisory Council, which has come back with recommendations. The first raft of legislation in relation to serious indictable offences went through at the end of last year to remove the opportunity of imposing suspended sentences, except in exceptional circumstances. That term was then used in the bill that we passed at the end of last year. I can certainly see the need to rectify the mandatory minimum term to impose an opportunity to go below the minimum term in exceptional circumstances, but I am concerned about the removal.

I certainly can understand the government doing it, as long as it then takes the next step to say that suspended sentences could be used in exceptional circumstances. However, the government has moved to get rid of that as well as to increase the penalties and bring it in line with the Sentencing Act commensurate with the term of imprisonment in a number of offences. In regards to the increase in penalties in those matters, members of the opposition see that as a worthwhile step.

I raise the issue of minimum sentencing at this stage. The difference between mandatory and minimum sentencing is that the opposition has always supported the idea that, in exceptional circumstances, you can go below the minimum term. Indeed that was picked up in legislation we passed at the end of last year — unrelated to this bill — in relation to serious indictable offences, where a suspended sentence could still be available in exceptional circumstances. The opposition would have preferred the course that the government adopted last year as being a mechanism of dealing with minimum terms. However, it is not because of that that

the opposition supports The Nationals amendment or, in the event of that being lost, would oppose the bill.

There is an issue about the fire services levy, which is a matter that has burdened this house on a number of occasions. The last occasion was in 2005. That which the government did in 2005 — and notwithstanding a lot of criticism that was made at the time — the government has now said, ‘We got it wrong’, and is changing back to the original scheme that was in place before 2005. The scheme that existed before 2005 and which essentially is being reintroduced gives the minister the ability to determine a quotient or a figure that could then be levied on insurance companies to pay a contribution to the fire services levy that would then be shared amongst all insured properties.

The amendments that were then brought back essentially treated those people who had a deductible on an insurance policy as uninsured for the purposes of the CFA or the MFB act, which of course then meant that a charge-out rate for the provision of fire services would be levied by either the CFA or the MFB. I understand that one of the difficulties with that is that the core function of the CFA and the MFB is not debt collection, it is fighting fires, so it has not met with any degree of success in a financial sense. I understand that the amount collected annually is in the hundreds of thousands of dollars — not the millions one would have expected — so the government has largely reverted to the old system that existed prior to 2005.

The fire services levy is a matter of significant debate among aficionados — certainly in relation to insurance companies. I have received considerable correspondence from a number of people. In particular I would like to thank the Insurance Council of Australia for its input. The council has provided me with a significant amount of material. I have had the opportunity of spending some time with its representatives on a couple of occasions, when they have clarified this particular circumstance. They have made a number of suggestions about how the process could be improved, but this is not the occasion on which that debate should occur.

All the government is doing is changing back to the system that existed prior to 2005. It is still a matter of some note. There are many members of the community who see that as being inequitable, because those people who are uninsured are still not paying their fair share and there may need to be an alternative system. That matter is for debate on another occasion, and is something that should not tax the minds of members of this chamber today. I note that the amendments that were made back in 2005 are basically being changed to

reinstate largely the status quo that existed prior to 2005.

The really significant issues about which the opposition has received a large number of concerns are twofold. The first is the issue of people with a pecuniary interest in property having an obligation not to interfere with firefighters going about their lawful duty — a duty they perform on behalf of the whole community, which we are all very pleased they are able to perform, particularly the CFA firefighters, who are largely volunteers.

In relation to that issue, at the time of the bushfires I attended a number of different public meetings that were held, which was something I had not experienced until I took over the portfolio of shadow Minister for Police and Emergency Services. I went to Merrijig and a number of other country areas not to perform as a politician but just to listen to what was going on, and the amount of information that was being disseminated at those public meetings at hundreds of locations around Victoria at the time of those fires was truly commendable. Daily meetings were held that dealt with a range of different issues that included road closures, where the fire was and what people could do to protect their properties. All the people who attended those public meetings — not just the CFA members but the police, the local councillors and the volunteers providing food, transport and all of those things — were kept informed. The meetings were a very useful tool.

One of the issues that came up at a number of those public meetings was the issue of road closures. A couple of police officers I talked to informed me that they actually had no power to stop somebody from going down a particular road unless there was a fire incident on that road. Even if there were issues about access to the fire, about it being unwise to travel on a particular road or about interference with access to other areas, police had a real difficulty in being sure whether they had the clear power to prevent people from travelling on roads.

Whatever else the situation may be, this bill does clarify the position. In the event of a chief fire officer in a local area saying to a person, 'We need access to that road to get access to the fire', even when the fire may not actually be close by, or an officer saying 'Smoke or fire may interfere with this road, so we need access to your property' or 'You are interfering with our doing our business on behalf of the community', the legislation will empower that person to be removed. Indeed this is a real trigger point that has caused angst amongst people who have a pecuniary interest in a piece of

property or otherwise, because they too are subject to these directions. The bill clarifies those powers of officers of the CFA and the MFB.

Another issue that came up when talking to locals at the time was the issue of removing people from their property not because they were interfering but because they were in danger. The bill amends the act to provide that people can be removed from their property when it is part of a declared disaster area. In that one circumstance people can be removed for their own safety. As I understand it, that has never occurred in the state of Victoria, and hopefully it will never occur in the future, but the bill certainly does provide that people can be compulsorily evacuated in that circumstance.

That issue is different from the pecuniary interest issue. On balance it is the view of the Liberal Party that it will certainly watch that right or ability and make sure that it is not being abused. It is a matter that came up in the course of my discussions with both Country Fire Authority officers and police at the time, and hopefully the bill clarifies that issue in a positive way. It is a matter to be watched.

The second issue — this is the most significant issue, and it is the subject of the reasoned amendment that has been moved by The Nationals — is access to water. The bill does not do anything new in the sense that it does not provide a new power to get access to water free of charge on a land-holder's property. What it does is extend the power that already exists. Indeed I understand that in previous years the government has either provided the council with the water or provided it with the funds to buy the water to enable it to very expeditiously replenish critical water that is taken by the CFA in particular. I do not have any knowledge of that occurring with the MFB, but I am sure that power exists and that it has been used from time to time. I do not have any specific examples of that, but there are hundreds of examples that I am aware of where this has occurred on private property to enable the CFA to go about its business of fighting fires.

As I understand it the system is that the compensation should be paid to the local council, which will then purchase the water and replenish critical water, and I believe that system has largely been working pretty well. A landowner makes a claim to the LEMC (local emergency management committee), and the LEMC then arranges for the local council to purchase the water, and it then delivers critical water supplies to the landowner. But the important issue here is the statement made by the minister in the second-reading speech that essentially any water loss occasioned by the CFA or the

MFB in relation to fighting a fire on a person's property becomes fire damage for the purposes of insurance.

There are two issues about that. Firstly, not everybody is insured, certainly at a time of drought. The bizarre process of determining the fire services levy — which, according to a speech made by the Leader of The Nationals in 2005, could mean as much as an 83 per cent increase in premiums — is driving more people out of insurance. The higher the insurance premiums, the less likely it is that people will purchase the product. It is not an issue about competition between insurance companies and it is not about price fixing, it is just a sheer add-on to insurance premiums that drives people out of the insurance market at a time of drought and when people are facing the other sorts of problems that people in regional and rural Victoria are facing.

The second-reading speech states that it does not really matter what happens with the amendments the bill is making because water loss will be deemed to be fire damage for the purposes of an insurance policy. Section 93 of the Country Fire Authority Act — and I understand a similar provision exists under the Metropolitan Fire Brigade Act — provides that any water loss caused by the CFA on a property is deemed to be fire damage for the purpose of a fire insurance policy, and there is nothing insurance companies can do to write that out of their policies. Of course if you talk to insurance companies, they say, 'How do you actually insure water?'. You can get access to the water that is sitting on your property, but the simple fact is that it is not something that you can insure, because it is such a transitory thing.

In discussions I had with the Insurance Council of Australia it said that insurance for water loss was possible, but it said it did not have an example that it could provide of someone who had actually made a claim for water. The words in the second-reading speech might be correct, but they have created a great deal of concern in regional Victoria. The issue has been picked up by both the Liberal Party and The Nationals. I have read a number of statements made by the member for Benalla and the Leader of The Nationals, and I have had discussions with the Leader of the Opposition in this house, who has made statements about this, as well as the Leader of the Opposition in another place. They have been out in the community talking about this issue, and they have had a number of concerns raised with them as well.

The most important thing about this issue is that it was only as a result of these concerns being raised publicly that the minister indirectly made a comment. The only article I have seen where this comment has been

reported publicly is an article that appeared in the *Weekly Times*. While the direct comments of the Leader of The Nationals were reported in that paper, only the comments of a person speaking on behalf of the minister, not the minister himself, were reported, indicating that the government would continue with the replenishment of critical water for landowners who had water taken by the Country Fire Authority or the Metropolitan Fire Brigade for the purposes of fighting a fire.

This issue has not been driven by people jumping at ghosts; this has been driven by a slightly anomalous comment made by the minister in his second-reading speech. I have seen letters from the VFF (Victorian Farmers Federation) to the Leader of the Opposition expressing its grave concerns. It seems to me that rather than depending on the government's good graces in adhering to a practice in relation to which the horses have been spooked, it should be put in legislation. As I read this reasoned amendment, I see that that is clearly what it is saying, because it proposes that this bill be withdrawn and redrafted to provide legislative grounds or some mechanism that people can rely upon whereby this critical water will be replaced.

This is a critical issue in regional and rural Victoria, and as I said it is regional and rural Victoria that we are seeking to protect. I am not aware of one relevant example in metropolitan Melbourne. Although I am sure there has been one, I am not aware of one personally, and nobody has raised this issue with me in my constituency or elsewhere in metropolitan Melbourne. However, in regional and rural Victoria it is really something that is causing a great deal of angst in a time of drought — in other words, at a time of acute shortages of water — and when we are leading up to a bushfire season.

As we know, we spent two and a half months last year fighting a significant bushfire; in 2002–03 it was a little bit shorter, but there was still a long period of firefighting in regional and rural Victoria. It is at this time of year that people are spooked by this. It is a matter the government should put to rest. The government should say this is an obligation and not a matter of its generosity or ex gratia payments. It should be a legislative requirement that the government compensate those landowners by way of providing water directly or funds for replenishment. It should provide for this compensation through the existing regime, enabling it to be made reasonably expeditiously and without the bureaucratic mess that would be occasioned by a claim being made on an insurance company. That would be unacceptable for those who are insured and for those who are uninsured.

This is simply something the government should do. It should not be the Country Fire Authority doing it; it should be the responsibility of the government, which professes to govern on behalf of all Victorians. This is a critical issue. The Liberal Party will certainly be supporting the reasoned amendment. In the event that the reasoned amendment is lost, and because this is an issue of high principle, we will regrettably have to oppose the bill.

Sitting suspended 6.31 p.m. until 8.02 p.m.

Ms GREEN (Yan Yean) — It is with great pleasure that I join the debate on the Emergency Services Legislation Amendment Bill. I put on record my commitment to our hardworking emergency services, particularly our emergency service volunteers, who every day perform a herculean effort for our community. I must say I am absolutely disgusted at the lack of support that I have heard from previous speakers on this bill.

I will be supporting the bill introduced by the minister, and I will definitely be opposing the so-called reasoned amendment proposed by the member for Benalla and supported by the Liberal Party. They are saying they are supporting it, but by their reasoned amendment, which says ‘to withdraw the bill’, they are saying that they do not want our emergency service workers to have the additional protections that this bill offers in the forthcoming fire season.

The fire season has not yet started, but we have had the boys crying wolf out there in rural and regional Victoria, trying to scare the life out of already stressed rural communities. These people will say they care about these already stressed rural communities, but what are they trying to do? It is the same old boys crying wolf. It is The Nationals again — the same old boys of the bush who hung on to the tails of government in the Kennett era and did nothing for volunteers. Volunteers did not even have boots until 1998. We had completely underresourced emergency services, but they did not give a ‘rat’s’ about what actually happened with emergency services under their tenure. They have only discovered it now. Our rural communities are under stress, and they have been under stress for 10 years — 10 years of drought caused by climate change.

What is the response from this lot on other side, the climate change naysayers? Are they saying to their counterparts in Canberra, ‘We need to address this. We need to sign up to Kyoto. We need to sign up to decent emissions targets. Do we need to look at why this climate change is happening?’. No. Instead they are

saying, ‘We are going to get around and lie to the community about water’.

Dr Sykes — On a point of order, Acting Speaker, I would like to ask that the speaker be brought back to the subject; climate change has got nothing to do with this debate.

Ms GREEN — On the point of order, Acting Speaker, in response to a point of order raised by someone on this side of the house when the member for Benalla was on his feet earlier in the day, you said that lead speakers have a bit of latitude in introducing a bill, and that is certainly what I am doing.

The ACTING SPEAKER (Mr Ingram) — Order! The honourable member for Yan Yean is not a lead speaker on this bill. The member should confine her remarks to the subject matter of the bill.

Ms GREEN — In the bill we have a simple clarification of sections in the Country Fire Authority Act and the Metropolitan Fire Brigades Act. The bill refers to the ability of the chief officers of the CFA (Country Fire Authority) and the Metropolitan Fire Brigade to have access to water for firefighting purposes. I have a copy of the Fire Brigades Act 1915 which has almost an identical provision. Section 56 of the Fire Brigades Act 1915, and I have an actual copy of it right here, states:

Any damage to property caused by the Chief Officer or the deputy or assistant Chief Officer or any member of any brigade or by any brigade in the lawful execution of any power conferred by this Act shall be deemed to be damage by fire within the meaning of any policy of insurance against fire covering the property so damaged notwithstanding any clause or condition to the contrary in any such policy.

Minor changes have been made to those words over almost 100 years but any sensible person reading what is in the acts and what is in this bill would understand that it is largely the same. What The Nationals really mean when they oppose this is that they do not want the CFA to have access to any water to fight fires. When that fire comes over the hill in the member for Benalla’s electorate he will be saying, ‘You cannot have my water to fight that fire. My property is all right, but if the fire is bearing down on yours, you cannot have the water’. That is not what we are about. This bill is not making changes. Members of The Nationals stand condemned for going out and attempting to scare the life out of rural Victorians to suit their own political agenda by again misusing the issue of water. It is a lie, it is not true.

The spokesperson for The Nationals was told in briefings by the department and by the minister that he

was wrong, but he is not listening because it does not suit his argument. He wants to go out and scare rural Victorians at the beginning of a fire season. What he should know, and I know because I was fighting fires in his electorate in December, is that because of climate change and 10 years of drought there is very little static water available to anyone. If, like me, the member for Benalla was — —

Dr Sykes interjected.

The ACTING SPEAKER (Mr Ingram) — Order! The honourable member for Benalla has had his chance on this bill and should stop interjecting.

Ms GREEN — If he had actually been out there on the fire ground at night, like I was in Tolmie, he would know that there was very little water there. The water that was used for firefighting came out of a tanker. It was provided to firefighters for quick turnaround to protect those properties. There is now very little water in dams to fight fires anywhere. One of the silly proposals in the member for Benalla's contribution was to build firefighting dams. That might be well and good if it rained but it does not rain anymore. What a ridiculous proposal!

Anyone who knows anything about firefighting knows that water is only one of the tools used for fighting fires. Many of the tools used for fighting fires are manual — using rake hoes and getting out and doing the hard yards — but that is not what members of The Nationals are prepared to do; they would rather just go out and scare people. Their fellow travellers in the Liberal Party have sought to join them in this folly. The other thing the member for Benalla got wrong in this is what he said about the provision in the bill relating to property owners having access if they have a pecuniary interest. There is absolutely no change to the CFA policy of stay and defend or leave early. This bill makes no change to this policy.

The member for Benalla was trying to say ridiculous things like, 'You should be able to let members of the public who are wearing their own firefighting slip-ons into fire areas'. We are not going to do that. We are not going to endanger people's lives by changing the successful policy of the CFA of 'Stay and defend or leave early'. Currently people cannot re-enter a closed road, and the pecuniary interest exemption does not change that. However, there is a very sad matter before the Coroners Court at the moment. If as a result the coroner makes some recommendations, we will look at them in a mature fashion. If there need to be changes, we will bring those changes to Parliament. But there is

no proposal in the bill to give the power to remove or to change the policy of 'Stay and defend or leave early'.

In conclusion, given the time I have been allowed, I suggest that The Nationals and the Liberals change their position on this bill. The Nationals should withdraw their reasoned amendment and support this bill. The bill is absolutely necessary for the carrying out of firefighting, the protection of volunteers and improved support for any overseas firefighters who fight fires in Victoria. The bill also clarifies the powers of the emergency services commissioner. We have introduced this bill before the fire season because it is necessary.

We will not be supporting the withdrawal of this bill. If the bill is defeated, it will be on the heads of The Nationals and the Liberal Party. They should stand condemned because they are not protecting regional Victoria. However, we will. I commend the bill to the house, and I urge everyone to support it.

Debate adjourned on motion of Mr TILLEY (Benambra).

Debate adjourned until later this day.

GRAFFITI PREVENTION BILL

Second reading

Debate resumed from earlier this day; motion of Mr CAMERON (Minister for Police and Emergency Services).

Mr HODGETT (Kilsyth) — It is a pleasure to rise to speak on the Graffiti Prevention Bill 2007. I support the general focus and direction of this bill, because it has been lifted directly from Liberal Party policy. For the past six or seven years it has been Liberal Party policy to ban the sale of aerosol paint cans to minors. So we are grateful that the government has chosen to take another one of our policies, but we are not grateful for the unacceptable delay in this government getting off its backside and finally taking some action in this area. It is beyond belief that it has taken so long for the government to deliver any outcomes when graffiti is such a big problem everywhere in our community. The community has had enough; it has had a gutful of graffiti. Similarly it has had an absolute gutful of the government's inaction in this area to date.

Residents across Victoria are frustrated by unsightly and ugly graffiti. We see it everywhere: we see it in rail tunnels, and we see it on public and private property throughout all our electorates. People are appalled by

the huge cost that taxpayers, ratepayers and private residents have to pay for the removal and clean-up of graffiti. I support the bill, but it falls short in a number of areas. There is no program to make graffiti artists clean up their work, and there is no additional funding for local councils to quickly clean up graffiti. There is no plan to clean up Melbourne's train lines.

As stated by previous speakers, the purpose of the bill is to create a number of new offences. It also increases police search-and-seizure powers, along with the power of local councils to remove graffiti that can be seen by the public. In the time I have available I will raise a number of points. One area where the bill should be improved is in clause 7, which makes it an offence for a person to possess a prescribed graffiti implement without lawful excuse on the property of a transport company or in an adjacent public place or a place where a person is trespassing. They must show cause, if you like, so that if they are caught with a graffiti spray can they must have a lawful excuse. I support the amendment that has been put forward by the member for Kew in relation to clause 7. Clause 7, as I said, deals with possessing a prescribed graffiti implement. I quote:

- (1) A person must not, without lawful excuse, possess a prescribed implement —
 - (a) on property of a transport company; or
 - (b) in an adjacent public place; or
 - (c) in a place where the person is trespassing or has entered without invitation.

There is no mention in clause 7 of public areas. So if you are on a train, a bus or a tram or in an adjoining area or on private property without permission, then you have to show cause. But if you are 2 or 3 metres either side of those areas or away from a train station, tram stop or bus terminal, then that is okay. I support the argument of the member for Kew that we must amend clause 7 to include all public places. 'Public places' already has a definition in the Summary Offences Act, so it would be simple to support that amendment. If the government were fair dinkum about tackling graffiti, then we would be looking at all areas and not just specific ones. We have been told that public places have not been included because such an amendment would draw on police resources and that it would directly affect art students. Firstly, if the government were fair dinkum about tackling graffiti, public places should be included. Secondly, if the art students are using public transport, they will be subject to clause 7 anyway and have to show cause why they are in possession of a spray can.

The City of Casey for some time has had a model to tackle graffiti that has worked extremely well. As a previous speaker has stated, there has been a 70 per cent reduction in the occurrence of graffiti since that model has been implemented. There are a number of sound principles in that model. They include the initial clean-up. We already have a graffiti problem across Melbourne and throughout Victoria so we need to support local councils with resources and dollars to clean up the graffiti. Another important principle is to support the council through adequate resources to have a uniform response to graffiti clean-up.

As it stands, if we are relying on different property owners to clean up graffiti, then if my house has a green fence and it is sprayed and I just go out and paint over it, it might get rid of the graffiti problem, but the next house might do something different to treat its removal or fix it. So there is a range of responses to graffiti, but if local government is responsible for the clean-up, there would be a uniform, across-the-board approach from one municipality to another. I believe that would be a better approach.

Another important principle in the Casey model is that you do not penalise the victim with removal costs. Graffiti goes on; taggers go out there and if their tag comes off, they go back out there and look for highly visible places throughout the community because they get the recognition of having their tag seen. So you do not want to be continually putting the burden and cost of removal on the victim. If you support local councils with dollars to clean up, then you do not penalise the victims when their property is continually graffitied.

An important principle is partnering and funding councils with resources. The City of Casey also has a 1800 number. If you are driving to work in the morning and you see graffiti on a property, whether it be public or private land or along a train line, you can ring a 1800 number, and in the City of Casey the chances are that by the end of the day that graffiti will have been removed. It is uniform across the whole of the city, and it works extremely well there.

Another measure the City of Casey has implemented is the recording and capturing of tags. In that way it can record who is continually creating graffiti within the area, and it is a coordinated strategic approach to capturing those people and making them responsible for the clean-up. The only thing the City of Casey has not been able to do to date to support the policy is making it an offence and bringing in a number of other initiatives. One important one involves the lock-up laws. It seems extraordinary that the bill does not specifically state that spray cans should be locked up in

cabinets. In areas where this has been effective in reducing the level of graffiti the police have been around to the traders and shopkeepers to give them a kit and worked with them to lock up graffiti cans so that they are not readily available to be pinched or sold. There is an extra step to be gone through in the purchasing process so it is harder for people to purchase those spray cans from shops and go and do whatever they wish with them.

I support the bill, but I think there are a number of flaws in it that could be dealt with if the member for Kew's amendment were supported and clause 7 were strengthened, and if the government were fair dinkum and looked at all public spaces rather than just the rail passages and private land. In conclusion, I am pleased to see the government finally taking action to tackle the graffiti problem. I urge members of this house to strengthen the bill by supporting the member for Kew's amendment.

Mr HUDSON (Bentleigh) — It is a great pleasure to speak on the Graffiti Prevention Bill. Like most members in the house, I recognise that graffiti is a blight on the community. It is something that makes people in the community feel worse about their environment. It makes them feel less safe than they would otherwise feel, and it is something that this government has recognised needs to be tackled.

In the seat of Bentleigh there are particular problems with graffiti in and around the railway line and also around and at the rear of the shopping centre. It is quite a vibrant shopping centre, which has improved dramatically in recent years, but, unfortunately, the rear of that shopping centre and the gateway to the shopping centre are blighted by graffiti.

Some people in the community see graffiti as a form of artistic expression, and I know there are many young people who see a particular type of graffiti as a form of artistic expression. I can understand that. But there is no doubt that what has happened in recent years is that the proliferation of tags and the number of young people who seek to leave their marks on buildings, whether at railway stations or on private property, has grown exponentially, and that has left the community with quite an ugly blight.

It is one of those things about which I receive an enormous number of complaints at my electorate office. It is something that I have sought to tackle in a number of ways. One of the things that we did at the McKinnon railway station was to get the students from the McKinnon Secondary College to paint, with the assistance of Connex — I want to note the support

Connex has given to this project — a mural in a modern artistic form along the length of the fence of the Connex car park, which is quite long. It is a very attractive mural that depicts travelling from Flinders Street down to Frankston along the Frankston line, with the McKinnon railway station in the middle. As I said, it is a very attractive mural. It has been very effective in reducing the level of tagging that occurs around that railway station. That mural has actually stood the test of time.

Likewise, on the corner of Jasper and McKinnon roads there is quite a large brick wall associated with the local service station and car servicing centre, which was also blighted with graffiti. A student from McKinnon Secondary College painted a mural on the wall around the theme of cars and automotive repairs, and that has had a big impact on tagging in the local community.

It is disappointing that when we sought to get a mural painted on the shops that provide a gateway to the Bentleigh shopping centre coming out of the Bentleigh railway station and up Centre Road with a grant provided by the state government through the Glen Eira City Council, the council refused to provide the grant. It did that on the grounds, it claimed, that murals do not reduce the incidence of tagging. The two murals in the city of Glen Eira that I have been involved with comprehensively showed that murals do in fact reduce tagging. Of course there are other things you can do — you can plant shrubbery, improve lighting and so on — but the fact of the matter is that the council needs to be much more proactive in assisting shopkeepers and the community to remove graffiti.

I believe the bill will have a significant impact on the problem, because for the first time we are recognising that graffiti is a specific criminal offence. There are new offences for marking graffiti, marking graffiti with offensive content, possessing a marking implement with the intent to mark graffiti and possessing a prescribed graffiti implement, such as a spray can.

What the government has done is in many ways quite tough. The biggest problem with graffiti and tagging is in and around railway infrastructure, forming quite an ugly highway of tagging and graffiti along our rail lines. We have said that there is in effect a reverse onus. If you are caught within the vicinity of railway infrastructure with a graffiti marking implement, you are liable to be found guilty of an offence unless you can prove that you were not there with the intent of marking graffiti. The purpose of this provision is to deal with the reality that it is incredibly difficult to catch young people in the act of tagging. They do it in the dead of night when there is usually no-one else around.

If they are caught down by the railway line and are not actually in the process of painting a wall, then it is very difficult to nail them with an offence. This is a tough provision, but it is probably necessary in order to crack down on this problem.

In addition, the government has made it an offence to advertise a prescribed graffiti implement or to sell a spray paint can to a minor other than for his or her employment. We have been trying for some time to get retailers to develop a code of conduct whereby they do not sell spray cans to minors. With the large retailers, like Bunnings Warehouse and Mitre 10, that has been successful. They have largely been responsible in removing cans from open display and not selling them to people under the age of 18, who are the ones who are most likely to use those spray cans to tag premises.

It is the \$2 shops that are not complying with the code. There are a number of those shops on Centre Road, Bentleigh. When I have gone to the shopping strip and have gone into the shops to see if they are complying with the code, I have found that they are not. They have the spray cans — which are very cheap, a couple of bucks — on open display, and they are quite happy to sell to under-18s. This provision will make sure that those cans cannot be on display and cannot be sold to young people under the age of 18.

There is also a provision in here which allows the police to search young people when they have a reasonable suspicion that they might have a graffiti-marking implement upon them. This provision, again, is quite tough but it is also something that we need to treat with some caution, because we need to make sure through the police standing orders that the police, in carrying out this new power, do it with some discretion, that there are safeguards built in so that, for example, pat-down searches of females are only done by female officers and that the police are exercising that power with due care and not in an indiscriminate way. We do not want to create a sense among young people that they are even more victimised or harassed by police than some of them feel at the moment. However, I believe it is necessary to have the capacity to deal with this problem up-front, because it is so difficult for us to actually catch these young people in the act of marking graffiti.

I am hoping that councils will get behind this initiative from the government and seize the opportunity provided by this legislation to crack down on the use of graffiti-marking implements and that councils will undertake more active campaigns to clean up graffiti not only in shopping centres but also on private property.

Ms ASHER (Brighton) — Graffiti is a significant problem in the electorate of Brighton. Not a week goes by without a representation from my constituents expressing their disgust over a range of graffiti on both public and private property.

Mr Andrews interjected.

Ms ASHER — I am more than happy for members of the Labor Party to mock the electorate of Brighton, as they do frequently. I note the upper house candidate at the last election was the last one elected for that upper house region. I would encourage members of the Labor Party to continue with their classist comments, and I would be more than happy to disseminate them around the electorate of Brighton, which will have an impact on the party's upper house vote.

The bill creates some new offences, marking graffiti and offensive graffiti, with penalties of up to two years jail and fines of over \$26 000. The bill delivers stronger search powers for police; it allows warrants to search premises where there is a reasonable suspicion they have been used to commit an offence, and there are increased search powers for police for people aged over 14 years who are suspected of having a graffiti implement. The bill bans the sale of aerosol paint cans to minors unless they need it for their employment or some other reasonable cause; it bans advertising of products advertised for graffiti, and gives councils powers to remove graffiti — for example, the right to enter private property after due notice is given.

The bill is an improvement on the current circumstances. However, it is particularly late, and many elements of the bill have been advanced in the past by the Liberal Party. We have circulated amendments, which I strongly support. The amendments proposed by the member for Kew would allow for clause 7 to be extended to include all graffiti and the possession of graffiti implements in a public place. I urge the government to accept the amendment, because this will make the bill more effective.

Currently people must show cause if they have a graffiti implement on public transport, on adjoining public land or on private property, and this amendment makes that much broader to include a public place.

I want to make a couple of comments in general about the bill. Firstly, graffiti is of course a significant eyesore in my electorate, mainly along the Sandringham railway line. There is an appalling amount of graffiti on the Middle Brighton station; there is an appalling amount of graffiti plastered over fencing, often private fencing; and there is a significant amount of graffiti all along the railway line, including viaducts and the like.

There is also a significant amount of unsightly and unwarranted graffiti along the beach area on the strip going up from Brighton Beach towards the northern areas of that beach. There is also graffiti, unfortunately, in other public places in the electorate. As I indicated earlier, this is a source of constant correspondence with me. My constituents want the government to do something and have been most critical of the government for not doing something until now.

I want to now turn to the issue of the banning of spray cans — the graffiti implements — and I note this is yet another example of the Labor Party adopting Liberal Party policy. There are many areas in which this has happened — for example, allowing older people to water their gardens at more convenient times, the desalination plant and the dumping of the toxic waste dump. There is a raft of Liberal policies which the Labor government has introduced, and I guess we should accord it credit for reading and absorbing our policy.

I want to refer to Liberal Party policy at the last election. On page 10 of *A Liberal Government Plan for Safe Homes and Safe Streets* we said we would introduce zero tolerance anti-graffiti and vandalism initiatives. I think it is important I read out the Liberal Party policy for members of the house so they understand that the Labor Party is actually able to adopt Liberal Party policy when it has finally come to the conclusion that it is a good idea. Our policy, at page 11 of that document, reads:

A Liberal government will adopt a zero tolerance approach to graffiti, encompassing a program of graffiti removal, and encourage community action and local preventive programs, including:

a ban on the sale of spray paint cans to minors ...

It was very interesting because on other occasions in this place I recall very clearly members of the Labor Party saying this would not work. That is what members of the Labor Party said previously, but that has been our policy for some years. We then went on for a much broader policy than that which has been brought before the house tonight, and I would urge the Labor Party to consider the remaining elements of our policy. I am sure they will take it up because they have taken up about 30 of our policies so far. I will move on to the remainder of this policy:

full implementation of a program to make graffitiists clean vandalised surfaces;

introduction of a statewide hotline for reporting graffiti and other non-emergency matters;

provide additional funding to target graffiti hotspots for local councils to have new graffiti cleaned up within 24 hours;

a targeted assault on graffiti along metropolitan train lines to eradicate the existing uninterrupted stream of graffiti on some lines —

including the Sandringham line —

place a higher priority on improving recreational, sporting and cultural facilities to provide more positive outlets for young people.

Again, the Liberal Party policy at the last state election provided funding for that. So I am pleased that the Labor Party has now adopted a policy put forward by my party, which it previously ridiculed.

I also want to make brief mention, as I often do when speaking on bills, of the Labor Party's Charter of Human Rights and Responsibilities and statement of compatibility on this bill.

Mr Andrews interjected.

Ms ASHER — An environmentalist would have a few problems with this.

The ACTING SPEAKER (Mr Ingram) — Order! The Minister for Health should stop interjecting.

Ms ASHER — The second-reading speech on the bill is three pages. The statement of compatibility on the Charter of Human Rights and Responsibilities is 12 pages. I note also that this now seems to be quite consistent. What happens is the minister analyses various clauses in a bill. I understand that in the Labor Party many of these clauses, particularly in relation to police search powers, would be contentious. There is a very detailed analysis of where the bill's clauses transgress human rights and then always, or nearly always, the minister's conclusion is as follows:

I consider that —

insert whatever bill, in this case 'the Graffiti Prevention Bill' —

is compatible with the Charter of Human Rights and Responsibilities because even though it does limit human rights those limitations are reasonable and proportionate.

Again, if you look at the Scrutiny of Acts and Regulations Committee report on the bill before the house you will see its analysis was reasonably damning. This is a committee with a predominance of government members with a reasonably damning analysis of this particular bill. As many on this side of the house have done previously, I ask what is the point of having a Charter of Human Rights and

Responsibilities when on almost every occasion the minister providing the statement to the Parliament will go through the areas where the bill transgresses human rights and then conclude that the human rights transgression is reasonable under the circumstances? I do not think the government has achieved anything by introducing that particular bill.

In conclusion, I am very pleased that the Labor Party has adopted the Liberal Party policy to ban the sale of spray paint cans to minors unless they have a reasonable cause to carry them. It is one of almost 30 ideas that the Labor Party has adopted, and that is good. I urge the Labor Party to adopt more ideas in order to combat the ongoing graffiti problem in my electorate of Brighton.

Dr HARKNESS (Frankston) — It gives me a great deal of pleasure to rise to speak on the Graffiti Prevention Bill. Frankston is not immune from the problem of graffiti which is a very antisocial issue confronting communities right around the state. However, at the outset of my contribution I should say that not all graffiti is as ugly as the graffiti that we see presented today. There have been some celebrated examples of some quite humorous and thought-provoking items of graffiti, such as some of the political graffiti on the Berlin Wall. I also remember the 2000 Sydney Olympics when the word 'Eternity' was used and lit up in fireworks. It had originally been an item of graffiti.

However, the graffiti that we see around our streets, particularly around our railway stations, shopping districts, on people's private property and throughout our community, is an absolute curse. It causes an enormous amount of pain, suffering and cost to so many, and particularly to private individuals. As was indicated by the members for Brighton and Bentleigh, who spoke before me, large numbers of residents contact members of Parliament complaining about graffiti. On a weekly basis I am contacted by constituents complaining about the graffiti they have found daubed over their front fence or over their private property, and also throughout the Frankston community. That means a lot more needs to be done.

In fact the government has been doing a large amount of work on tackling the graffiti problem. Some of the key initiatives the state government has recently been involved in include offenders on community based orders being sent to state and local agencies throughout Victoria to clean graffiti from public and private property, and the provision of community grants to support local projects to remove and prevent the reappearance of graffiti on community assets.

The member for Bentleigh described a mural at the McKinnon railway station which was painted by students from the McKinnon Secondary College. Similarly, in Frankston there is a small laneway, called Gallery Lane, which is not that far from the railway station in the Frankston central business district. It must be many years ago now that a previous government or a local council actually engaged some young people to paint a mural, and that mural along Gallery Lane still stands today. Some of these innovative ways of engaging people rather than having them going off and causing wanton vandalism are a very good thing. Providing some assistance to people to harness their energies and efforts is certainly a good thing.

The government, in conjunction with Connex and the Keep Australia Beautiful association, has also been involved in identifying a number of graffiti management programs and projects along the Connex rail corridor. Those programs and projects which have been implemented along the Frankston rail line are paying dividends now. The government, with Victoria Police, has also established an anti-graffiti task force to specifically target graffiti offenders, and it has been making great improvements to graffiti intelligence approaches through the development of a graffiti tag database.

The bill has three key elements in the graffiti prevention and removal strategy: prevent, remove and enforce. Each of the programs in the strategy will relate to at least one of those three elements. The 'prevent' element is about implementing initiatives to prevent graffiti, which include a communications strategy to raise awareness about the graffiti prevention and removal programs that the government is offering, working also with retailers and local councils throughout the community. It is also about providing dedicated graffiti pages on the Department of Justice internet portal.

When I was doing some research for this not so long ago, I noticed that if you type the word 'graffiti' into Google it comes up with a lot of chat sites. Graffiti has now become a term for people expressing their views electronically, rather than through the use of paint or textas on public property. That element includes providing funding for Crime Stoppers to support the reporting of graffiti offenders and to support Victoria Police programs to prevent graffiti in certain local areas.

The 'remove' part of the program involves initiatives to remove graffiti and will include continuing and expanding what has been a very successful community correctional services graffiti removal program, which involves offenders who are subject to a range of

court-imposed orders undertaking graffiti removal and continuing the work of removing graffiti from state assets, as well as a grants program that will further support local councils and communities in tackling graffiti removal. Lastly, 'enforce' is about supporting members of Victoria Police in their detection and apprehension of graffiti offenders through the application of technology-based offences.

This is a particularly good bill that will have a positive effect. It comes on top of a broad suite of initiatives, policies and programs which have already been implemented. I know the bill will be popularly received in Frankston, certainly by council and by traders throughout the Frankston community and residents alike. I have no hesitation in supporting the bill. I commend it to the house.

Dr NAPHTHINE (South-West Coast) — I rise to speak on the Graffiti Prevention Bill. Graffiti is an ugly blight on our urban and rural landscapes. I wish to bring to the attention of the house the fact that graffiti is not just confined to railway stations and urban brick walls but is also a blight on rural landscapes. At times it has been disappointing to visit areas in my electorate or other parts of the state — even areas as pristine as national parks — and see graffiti on trees or rock formations, which seem to be particularly popular sites for graffiti artists. It is an absolute disgrace, it is vandalism and it is irresponsible, wilful damage — and it should not be described as anything else. Anybody who tries to describe graffiti as something that is acceptable art or witty is just encouraging this form of irresponsible vandalism. Graffiti is not art; it is vandalism. It is irresponsible and illegal damage to public and private property, and it is offensive to the community.

We should do everything we can to discourage and prevent graffiti, and we need to make sure that when graffiti does occur the local authorities clean it up as quickly as possible to discourage the graffiti vandals. In that context it is worth pointing out that graffiti is a huge financial impost upon the community. Many millions of dollars are spent each year by individuals, by business owners, by local councils and by government agencies on cleaning up unsightly graffiti. Therefore, I support and my community supports any action that will reduce graffiti and will impose tough penalties on graffiti vandals.

I wish to particularly refer to clause 10, which makes it illegal to sell aerosol paint containers to a person under the age of 18 unless there is a lawful excuse for the sale. I welcome the Labor government's belated adoption of

Liberal Party policy. It has been Liberal Party policy for over five years — —

Mr Nardella interjected.

The ACTING SPEAKER (Mr Ingram) — Order! The member for Melton has been warned before.

Dr NAPHTHINE — to ban the sale of aerosol paint cans to people under the age of 18, for two reasons: one is to reduce the risk of graffiti damage, and the second is to reduce the risk of chroming.

I wish to refer to the government's position on this. I refer to a debate in the house in March 2006. The member for South-West Coast made a contribution to that debate. He said:

I urge the government to give serious consideration to banning the sale of aerosol spray paint cans to people under the age of 18 and to immediately bring in legislation to do so.

It has taken a while, but the government finally has done that. It is illuminating to read in *Hansard* what was said by some of the Labor members who made contributions to that debate on 28 March 2006. The Minister for Health, who was then simply the member for Mulgrave, said:

Banning their sale —

referring to aerosol paint cans —

to minors would be an unworkable thing for us to do, and on that basis we will not be doing it. It is far preferable in our view to educate retailers about ... the risks involved.

That is what the member for Mulgrave said in March 2006.

Mr Andrews — On what bill? On the chroming bill.

Dr NAPHTHINE — What did the member for Mount Waverley say? The member said:

... the comments made by the member for South-West Coast about the banning of the sale of aerosol products, I agree with the member for Mulgrave: it is not really feasible.

And she has been promoted to be a minister. What did the member for Richmond say in the same debate? I picked out the members who have been promoted to the ministry. There are a lot of others I could have quoted, but these are three luminaries of the Labor Party.

What did they say? The member for Richmond said in that same debate:

To suggest that the restriction of the sale of spray cans that are widely available in hardware stores and so forth will solve the problem is a complete nonsense.

A complete nonsense! The Labor Party has had a massive conversion. All these members who 18 months ago voted against the proposal and amendments put forward by the Liberal Party to ban the sale of aerosol cans to minors have now put forward their views and will vote for legislation to ban the sale of aerosol cans. They said it would not work for chroming; they said it would not work for graffiti.

Labor members said for years that it would not work, and now they have listened to the community and they have responded to the leadership of the Liberal Party on this issue. The Liberal Party has led on this issue, led the community debate, and put forward this positive proposal. I am pleased that the Brumby Labor government has finally come on board, despite the objections of the Minister for Local Government, the Minister for Health and the Minister for Children and Early Childhood Development, who all obviously opposed this provision in cabinet — they all obviously voted against it in cabinet — but they were obviously rolled on this issue. Their words are in *Hansard*. They said it would not work, it was not feasible and it was a nonsense. Now they will be putting their hands up to vote for Liberal policy.

Let the people of Victoria know and understand that it is the Liberal Party that has brought forward this policy. The Liberal Party is the one that has led the way on preventing graffiti and taking affirmative action to deal with graffiti in this state, and the Labor Party has belatedly come on board. But it still has not gone far enough. I urge members of the Labor Party to support the very sensible amendments of the member for Kew. Again, the Labor Party has not gone far enough. It says it will be illegal to carry these implements on or near a railway yard or on private property, but not in other public places. It is a nonsense. The member for Kew has put forward a very sensible amendment, and I urge government members to give it serious consideration.

Finally, I wish to talk about the fact that the bill proposes increased penalties. That is all very well and good, and we support that, but those increased penalties must be backed up by the courts. We have a situation where, as reported in the *Herald Sun* of 5 October:

A graffiti vandal who caused \$50 000 damage has walked free after serving less than half his sentence.

...

Shoan, who defaced dozens of trains and properties across Melbourne between 2001 and 2006, served just 41 days of a three-month sentence imposed by the County Court ...

An article in the *Herald Sun* of 20 June talked about graffiti vandals from New South Wales and Queensland who:

walked free from court after receiving 30-day suspended sentences after pleading guilty to scrawling graffiti on two Melbourne trains.

What we have to have is preventive measures like banning the sale of aerosol cans. We have to have tougher sentences, and we have to have courts that actually administer those tougher sentences. I urge that if that combination is put in place and perhaps the Labor Party could read the rest of the Liberal Party policy on graffiti and adopt that, then we might be taking steps towards reducing the amount of ugly, defacing, costly graffiti in our community.

Ms NEVILLE (Minister for Mental Health) — I am pleased to make a contribution this evening in support of the Graffiti Prevention Bill. As other members have mentioned, the objectives of this bill are to reduce the financial and social costs of graffiti in our community, provide some strong deterrents to those who want to perpetrate graffiti in our community, and also ensure increased accountability and reduce the incidence of graffiti across Victoria as a whole.

As other members have said, graffiti does cost the Victorian community millions of dollars each year. It contributes to community perceptions about our community not being safe and also undermines the beautiful urban environment that we have in Victoria. I think it is true to say the community has an expectation that we take some strong action in this regard right across the state. This bill will result ultimately in cleaner urban environments and a safer place for our community. It will assist Victorian police and also local councils in doing their jobs against graffiti by the creation of new offences and penalties and the provision of new powers for police to take action against graffiti vandals.

It is appropriate that action is directed not only at the reduction of graffiti, which of course is a positive step forward in the bill but also a reactive move, but also to restrict the supply of spray cans to young people who commonly paint graffiti. Reducing the supply is absolutely essential to this strategy, but of course the provision of substantial penalties will also act as a deterrent. While there are many legitimate purposes for the use of spray paints within the community, it is an unfortunate fact that some people use spray paint to destroy property as well as using it as a drug, and I will come back to that shortly.

Unfortunately we have had an ongoing debate about whether graffiti is an art form or not. In some situations providing young people with opportunities in their local communities to paint and express themselves is absolutely legitimate, but the reality is that graffiti or painting on train seats is not an art form. Painting on the back of someone's fence is also not an art form. We need to be very clear that this is property destruction, and we must act to reduce its incidence in our community.

One of the side benefits of banning the sale of spray cans to people under the age of 18 is its assistance in reducing the incidence of chroming in our community, which is more prevalent among young people. I would like to make a point in response to the member for South-West Coast, who talked about this. As I recall he was the Minister for Youth and Community Services for a number of years, and in that time I do not remember a piece of legislation that dealt with the issue of chroming in any substantial way. It is this government, through the Drugs, Poisons and Controlled Substances Act, that has set the framework for responding to this particular issue. The difference with this particular bill is that it puts in place a criminal response, whereas the Drugs, Poisons and Controlled Substances Act is all about a health and welfare response to young people who chrome.

Dr Napthine interjected.

Ms NEVILLE — I will not take up the interjection by the member for South-West Coast, because it is disorderly.

One of the challenges and one of the priorities for the Brumby government has been reducing red tape for businesses in our community, and it is appropriate as a community to enable businesses to put in place self-regulatory schemes where that is possible. That is what we have done here. We have worked with local businesses on the sale of spray cans in order to restrict their access to people who might use them for graffiti or for chroming. Unfortunately that measure has not been as successful as we had hoped, but we are taking action to ban them.

I would have thought that the opposition would have supported the government in its efforts to minimise red tape and bureaucracy for small businesses in this state. Small businesses were concerned about the impact of imposing a ban of this nature. However, because of the nature and the extent of graffiti in our community, because of community concerns and because of the side benefit of dealing with the issue of chroming, it is appropriate that this government now take steps to ban

the sale of spray cans, except for legitimate reasons, to people under the age of 18.

As I said, another benefit produced by the reduction in the availability of spray cans is that it will also assist in reducing chroming in our community, and as the Minister for Community Services I have a particular interest in that regard. To touch briefly on this subject, according to the most recent comprehensive estimates obtained through the Australian national drug household survey, about 2.4 per cent of Australians aged between 14 and 19 and 5.4 per cent of those aged between 20 and 29 reported having used inhalants in their lifetime. This bill takes strong preventive action by prohibiting the sale of spray paint to persons who are under 18, unless they need it for their employment. Clearly this ban is primarily intended to limit the availability of spray cans for use in graffitiing, but as I said, it has the very positive side benefit of reducing the access to spray cans of young people who are at risk of using them for chroming.

The opposition has circulated amendments that refer to provisions contained in the Drugs, Poisons and Controlled Substances Act. I again remind members opposite that the provisions in that act have very different purposes. They set up a health and welfare framework for dealing with this, whereas the provisions in this legislation are about providing a criminal response to those who are basically destroying property.

One of the other concerns that people may have — and it has been raised with me by some community groups — is the issue of whether graffiti has a negative impact on children and young people. I think this bill is a very balanced response to what is an enormous community concern — that is, the issue of property destruction. Although some will have concerns about children and young people, I think the bill has put in place a number of protections in relation to children and young people, including, firstly, taking a major step forward by limiting the sale of cans of spray paint to young people, which is a preventive measure to reduce the incidence of graffiti. Secondly, the bill also puts in place limitations on search provisions so that they cannot apply to children who are under 14 years of age. Thirdly, the bill provides that in searching a person who is aged between 14 and 18 years police officers will be restricted to pat-down searches.

This legislation also seeks to protect vulnerable children by reducing the availability of spray cans in a clear effort to reduce the incidence of chroming. The bill will assist in making Victoria a safer place. It will certainly assist us in providing a deterrent to young people who

might seek to destroy public and private property in this state. I commend the bill to the house.

Mrs POWELL (Shepparton) — I am pleased to speak on the Graffiti Prevention Bill 2007. As the lead speaker for The Nationals, the member for Benalla, said, The Nationals will not be opposing this legislation. We understand the bill was introduced in an effort to reduce the incidence of graffiti in Victoria, and hopefully to reduce the significant financial and social cost of graffiti to Victorian communities. There is an horrendous cost. Whether the graffiti that people see is on trains or fences, obviously the cost of removing that graffiti has to be borne by somebody. Whether the cost is paid by the person who is told to remove the graffiti or by the council of the area in which the graffiti has appeared, the removal of graffiti is still a huge cost to our community.

This bill also provides a strong deterrent to those who take part in graffiti marking by increasing the penalties for doing so, and those penalties include increased costs. There is a substantial financial burden for people who are caught putting graffiti on other people's property. The penalties can include sentences of up to two years imprisonment, which I think provides a very strong deterrent, because at the moment the penalties do not seem to be serious enough to stop people from spraying graffiti. It has almost become a copycat crime. It is usually the same people who do the graffiti, and they have tags or names. You can almost identify a person's graffiti by their mode of spray painting. It seems to be that the more flowery the graffiti is, the more likely it is to be copied.

As a community we have to say that enough is enough and that we do not believe the spray painting — vandalism — of other people's property should be allowed. It is about time we put our foot down and said that it is about time these laws came in, which is why The Nationals do not oppose this legislation.

The bill provides for a number of activities to become offences under the act. I will not go through all of them, but there are a couple of offences I would like to talk about. One of them is that it will be an offence for a person to mark graffiti on a property that is visible from a public place without the property owner's consent. It will also be an offence to mark graffiti that is visible from a public place if the graffiti would offend a reasonable person and provides an exception for graffiti that is reasonable political comment. It will also be an offence for a person to possess a prescribed graffiti implement without lawful excuse while on the property of a transport company, in an adjacent public place or

in a place where a person has trespassed or entered without invitation.

Many of us have travelled on trains throughout Victoria. I travel from Shepparton to Melbourne quite often. As you travel through some of the stations you see that there is a lot of graffiti on some of the fences. Some of those areas are public housing areas, where somebody has got off the train and caused havoc along those fences. Again we have to say enough is enough. The community should not have to pay to remove that graffiti, as many of them have done over the years.

It is also an offence to advertise a graffiti implement if the advertising or images are likely to incite or promote unlawful graffiti. An example might be an advertisement where a person is graffitiing a train station or a public place as part of an ad for rollerblades, for instance. That may give the impression that graffiti marking is appropriate and okay, because it is on television. Even the advertising has to be considered, and there have to be some penalties to make sure that we do not have advertising that actually says to people it is okay to mark graffiti on public areas.

It is an offence to sell a can of spray paint to a person who is under 18 years of age unless that person can demonstrate that they need the spray paint for employment purposes. That may be hard to qualify, but I guess it puts the burden of onus of proof on the person who has that spray can. If a person is pulled up with a spray can on their person and they say they need it for employment reasons, they then have to justify that, and obviously the police can speak to their employer and make sure it is a reasonable excuse. It is also an offence for an employer to fail to take reasonable precautions to prevent an employee from contravening the primary offence. There are a number of aspects in the bill which will cause other people to have to make justifiable excuses of why they have a spray can.

As a female, there is one aspect of the legislation that concerns me. If it is done properly, it will not cause me concern; but if it is done improperly, it will. It is clause 13, which allows a police officer in certain circumstances to search a person without a search warrant and to seize a prescribed graffiti implement. There are going to be regulations which we have not seen yet, so obviously those implements will be prescribed in regulations, and we will be able to see what constitutes a graffiti implement.

An officer may search a person if the officer suspects on reasonable grounds that the person has a prescribed graffiti implement on their person or their property. The bill deals with how a search can be conducted. It says

that a person between 14 and 17 years of age can be subjected to a pat-down. No search can take place on a person under 14 years. To me a pat-down also means a frisk. I know police officers have to give a reason why they are going to pat down that person. They have to have reasonable grounds to say they believe this person has a spray can or implement on their person, but we need to be careful that this method is not used unwisely, or that police can use this for other reasons.

I am not saying they would, but my concern is that there may be instances where young people are going to be put to the test of having a frisk. Hopefully, it will not be done in public places, and some sensitivity will be given with this frisking or this 'pat-down', as it is called in the bill. I say the search must be done in a manner that affords reasonable privacy, and the search must be done as quickly as possible.

Clause 14 of the bill states:

- (1) A person who is or appears to be under 14 years of age must not be searched under this Act.
- (2) A member of the police force who conducts a search under this Part of a person who is or appears to be 14 years of age or more and under 18 years of age must do so in one or more of the following ways —
 - (a) the member may run his or her hands over the person's outer clothing;
 - (b) the member may request the person to remove his or her outer clothing and gloves, shoes and headgear so that the member may —
 - (i) run the member's hands over the person's clothing that was immediately under his or her outer clothing; or
 - (ii) search the person's outer clothing and gloves, shoes and headgear.

I wonder what will happen when we have somebody like a Muslim woman whom a police officer may think, in all rightful ways, has a graffiti implement on their person. How will the police deal with this if they have to ask such a person to take away their headgear? It is actually very insensitive to ask a Muslim woman not to wear headgear, and I think some of those issues need to be dealt with, perhaps even in the regulations.

The bill also deals with the removal of graffiti from private property. It states that the council can take action to remove or obliterate graffiti on private property if it is visible from a public place. Again that is a burden on the council and the ratepayers who have to pay for an officer to remove the paint and perhaps restore the surface, whether it be a fence or a wall of a public building. The council may even have to repaint

the whole side of a building, and this would be a huge cost for the council.

As I said earlier, the community is sick to death of seeing this type of vandalism on our trains, on our bus shelters, on our public buildings, on our schools and even on our public housing. What we need to be doing is making sure that this bill deals with that sort of defacement and vandalism and hopefully sends a very strong message to people in the community who do graffiti that it is not an art form, that it is actually defacement and that it will be dealt with through the courts, hopefully resulting in a financial charge to them or a jail sentence.

Mr LANGDON (Ivanhoe) — It is a great pleasure to add my contribution to debate on the Graffiti Prevention Bill. The purpose of this bill is obviously to prevent graffiti from getting out of hand, which is what has been happening at enormous social cost to the community. I have listened to quite a few speakers on the bill, and a lot of them criticise graffiti in general. I just want to comment on that aspect of it.

My office is a very long office with a very large brick wall, and for many years it was an open canvas for graffiti artists. I will define what I mean by that. I do not define people who tag as graffiti artists of any form or fashion. They are basically bored individuals — criminals — who just get a spray can of paint or whatever and make up a signature for themselves. I think that what graffiti artists do is art.

I did not have constant attacks on my wall, but to prevent attacks I got some graffiti artists to put a large mural on that wall. I am pleased to advise the house that apart from one or two little incidents of, say, 10-years-olds putting little pictures of men's anatomy on various features of the wall, which had to be rubbed off, nobody has vandalised that wall at all since then. That is a proactive way of handling graffiti, and I think we can be a bit more proactive. We certainly need this bill as something of a stick against those who do mindless tagging and what have you.

I also recall an occasion when I went to a newsagent because I wanted to draw up some rather large signs — they were probably for some political reason, but I cannot remember what — so I wanted to get some very large textas.

Mr O'Brien interjected.

Mr LANGDON — I am not sure about that. However, I was told by the newsagent that unfortunately all the large textas had been sold recently to teenagers — for school projects, no doubt!

Clearly there are people out there who will use those implements — spray cans or whatever you need for graffiti art or tagging — but there are many proactive ways you can prevent graffiti artists from damaging property. I used one method, and I know many other members have used other methods to protect property — and it is all about property. All of us, if we had paid money to put up a front fence that was constantly being tagged and vandalised, would be incensed. This bill goes about protecting people in that situation by making it difficult for those who should not have spray cans to travel the streets with such items in their possession.

I am aware that a large number of people want to speak on this bill, but I just wanted to share my thoughts on what I define as graffiti art and what I define as mindless tagging. There are some very sensible people out there who do graffiti art, but there are also those mindless people out there who tag endlessly, and they are the ones we all want to stop.

Mrs FYFFE (Evelyn) — I am pleased to rise to speak on the Graffiti Prevention Bill. Graffiti has a damaging effect on the community. It is unsafe and makes people feel threatened. In Mount Evelyn we have one street where there are some delightful retired people. One lady in her late 80s takes great pride in her garden; pride in keeping it neat. But continually there is mindless graffiti vandalism on her front fence and occasionally vandals have got as close as her front door. She gets terribly upset by this; she really feels frightened. It devalues homes. When a house is being auctioned and there has been graffiti vandalism over the preceding two or three days it certainly brings down the value of a home. Graffiti is not an art form, it is a crime.

In Mooroolbark the perception is that we have a lot of lawlessness. Yes, there is some crime, but the perception is that there is far more crime committed because of the ugly graffiti on the station, on the shops, on the businesses, and on wooden fences leading down into Mooroolbark. In fact, they do it everywhere. Graffiti vandalism has been growing in the last seven years. It is not new; it has been around, but it has been increasing. Anyone who travels around Melbourne, particularly on the public transport system, notices how the amount of graffiti has grown in the last seven years, and this government has just sat on its hands. There have been calls from the public to do something about it. The government is now picking up the Liberal's policy of banning the sale of spray paint cans to minors, and much has been said about that before. It is estimated that 50 per cent of graffiti crime is committed by vandals under the age of 18 years.

Hopefully, one side effect of this bill will be, as the Minister for Mental Health said, a reduction in the number of chroming cases. Sadly, at the moment we seem to have a wave of young people between the ages of 10 and 13 years who are chroming behind the supermarkets in Lilydale. It is very evident what they are doing; you see them wandering about with paint around their mouths. With this legislation perhaps we will be able to cut that down.

I support the thrust of the bill, and I hope the government accepts the member for Kew's amendments to extend the provisions to all public places. I was appalled to hear from the shadow Minister for Police and Emergency Services that it is alleged that a large chain of stores — Kmart — could possibly be going to sell a toy promoting and encouraging graffiti. The thought is that this could possibly encourage young people to act in relation to graffiti. I have no idea about the details of the toy, but if it is true — and that is what was alleged in the newspapers over the weekend — I hope the company withdraws the toy from sale or, if it does not, that the government through Consumer Affairs Victoria takes action and insists that it be withdrawn.

The bill now makes graffiti vandalism a specific offence, and it carries a penalty, if a person is convicted, of up to two years in jail. There has been concern in the community for some time about the ineffectiveness of the sentencing for graffiti vandals. On 20 February in the *Leader* newspaper in Lilydale there was an article headed 'Call for harsher penalties' in which police, retailers and councillors were calling for tougher penalties. It refers to the case of a 29-year-old man who had been found guilty of 20 out of 34 counts of graffiti-related damage after his arrest at the Ringwood train stabling yards. The police estimate that he caused damage in excess of \$36 000, but he was only sentenced to 250 hours of supervised community service cleaning. The article goes on to quote the proprietor of one of the stores in Mooroolbark, who says:

If he had have stolen from a shop there would have been harsher penalties ...

At that age he should know better.

The article goes on:

A Yarra Ranges councillor and serving police officer Terry Avery said jailing adult culprits, heavier fines or ensuring they were put to work in the community would deter other vandals.

An article in the *Yarra Ranges Journal* had the headline 'Call to "shoot" graffiti louts'. I think some people

might feel that would be a good idea, but the word 'shoot' actually refers to cameras. The Mooroolbark Traders and Community Group has been lobbying for closed circuit television cameras to be linked back to the police station in an attempt to cut down graffiti vandalism. I am pleased to say that the federal member for Casey, the Honourable Tony Smith, has secured federal funding for cameras to be installed in Mooroolbark. The member for Casey is an excellent member who supports his electorate and listens to the community. He listens to what it wants.

The Shire of Yarra Ranges has also been very proactive in handling graffiti. It has initiated an online reporting system, it encourages residents to remove graffiti quickly, it provides graffiti removal kits free of charge to residents and at cost price to businesses. It also supplies paint vouchers, to be used at 10 local stores, free to residents. The mayor, Tim Heenan, says the council's experience shows that immediate removal of graffiti reduces the chances of it reappearing or multiplying. The Yarra Ranges council alone spent \$125 000 in the last financial year on graffiti removal.

I have not had a person anywhere speak against this bill, so why has it taken seven months since the appearance on 14 March of the *Age* article in which the government announced it was looking at bringing in this legislation? Why has it taken so long when the community is not against it and when the opposition is not against it? These were seven months of more vandalism and more graffiti. Graffiti is not art, it is vandalism. It causes unrest, causes fear and devalues property. I support the bill and wish it a speedy passage.

Mr STENSHOLT (Burwood) — Let me not mince any words here: graffiti is criminal damage. In my local area I have been campaigning on this for many years. We have been working — —

Mr Nardella — How many?

Mr STENSHOLT — At least seven or eight years now — ever since the last member disappeared off the streets of Burwood! We very much support this bill because, as I said, graffiti is criminal damage. We want to make sure that the new offences are brought in and that people who are out there doing criminal damage, marking graffiti with offensive content and possessing graffiti implements have to pay the price and that the police pick them up.

Over the last few years we have been helping the local council and local traders get involved in anti-graffiti campaigns. I appreciate the work of councils like Boroondara and Whitehorse, which have been quite

active in this regard. We started doing work on this issue with the local traders in my area — in Ashburton — at least four or five years ago. I commend Ken Buckley, who was head of the traders organisation of Canterbury, and Dick Menting, the local councillor. They instituted in the Maling Road precinct in Canterbury the exact sort of process I have referred to. You clean it up: as soon as it appears you get rid of it. That is the way you discourage these criminals — and I call them criminals, because that is what they are when they mark graffiti.

This is a process you need to be active on. I commend those traders and the traders in the Burwood village, where my office is. I know it is not easy to clean up graffiti and be active. I commend the local council, which is just putting in a \$100 000 process aimed at cleaning up all the graffiti in all the local shopping areas right throughout Boroondara. We have been going along to the traders meetings and talking about this and making sure that everyone is involved and is cleaning up. Interestingly enough, the process the traders have had in this regard is not an opt-in process; traders actually had to opt out. Every bit of graffiti in the various shopping centres is being cleaned up at the moment and will be in coming months.

This bill provides for stronger relevant powers, and I commend the government for putting in \$4.5 million to assist with the clean-up of graffiti. The bill also provides additional powers to councils so that they will be able to act on cleaning up graffiti on private property, which is a good move. This needs to be a whole-community concern. We also need to empower police, empower the community and empower councils, the government generally and organisations in terms of graffiti clean-up in our community. Graffiti is something that no-one appreciates, as other members have said. No-one likes graffiti in their community.

I guess we are fortunate that we do not have too much serious crime and that crime has gone down in our community by at least 23 per cent over the last six or seven years. We can start looking at areas such as graffiti because there has been such a drop in the crime rate in our community. As we know, graffiti costs Victoria millions of dollars a year, and a concerted community effort backed up by this bill, with its increased powers and new offences, new investigative powers for the police and new procedures for graffiti removal, will help to fight this scourge.

It is already being tackled. I commend, for example, the Boroondara police, who have run a campaign over the last few years. They caught one bloke with 40 cans of paint in his car and have been very successful in

catching a number of people. They are not just people who are under 18. As has already been mentioned, at least 50 per cent of graffiti is done by people who are over 18. Some are professionals who come down from Sydney and other parts of Australia, but there are also a lot of locals involved in graffiti. It becomes a bit of a cat-and-mouse game with the police, and I am glad that our local police have caught quite a few offenders in the last 12 months. I know the local community is very appreciative of the fact that Victoria Police has been very active. It has tag databases and is also taking other action.

This is a bill which I welcome and which I strongly supported in terms of asking ministers to bring it in. I am glad it is being brought in for the protection of our community.

Mr WAKELING (Ferntree Gully) — It gives me pleasure to rise to speak on the Graffiti Prevention Bill 2007. What a tragedy it is that this government has been in power for eight years, and only after eight years has it finally decided to do something about this issue. As the member for Melton rightly pointed out, the government has been consulting. I can tell you one thing, Acting Speaker, you do not need eight years to consult. The people of Victoria have expressed their view loudly and clearly on this issue. They expect this government to act on this important issue, and they expected it to do so years ago.

This bill will create a number of new offences as well as increase police search and seizure powers, along with powers for local councils to remove graffiti in the public view. It will create new offences with respect to marking graffiti, marking offensive graffiti, possessing a prescribed graffiti implement, advertising for sale a prescribed graffiti implement and the sale of aerosol paint cans to minors. I would like to deal with these issues more specifically. In the city of Knox and within my electorate graffiti is a major issue, and that was borne out during the last state election campaign. It is a major issue for my office on a regular basis. One thing my community is greatly concerned about is the lack of effort by this government to do anything about the removal and prevention of graffiti.

I would like to take this time to congratulate the City of Knox on the efforts it has put into removing graffiti within our municipality. But is it not a tragedy that the state government has not pulled its weight and done something similar? Residents in my electorate are reminded every day of this government's commitment to graffiti removal. Every resident who gets on a train at Ferntree Gully railway station and travels into the city on the Belgrave line is reminded of the graffiti at

railway stations, in underpasses and on private property. They are reminded of this government's lack of commitment to removing graffiti.

One need only look, for example, at clause 18, which provides powers for the removal of graffiti. The bill deals with the removal of graffiti in private areas, but more importantly it empowers councils to conduct the removal. Straight off it is putting the pressure on local government and on local ratepayers to have to fix the problem. There is no effort or initiative by this government to come out and say, 'We will remove graffiti'. The only time I have seen this government take any action on this issue was during the Commonwealth Games, because it did not want tourists to be looking at graffiti. It is okay for tourists not to look at graffiti, but the government does not care about the people who live in this state and have to put up with graffiti every day. That is the commitment this government has shown over eight years to this very important issue.

We commend the government for picking up Liberal Party policy. We also commend the government for finally after five years recognising that the Liberal Party was right. We should not be allowing minors to purchase spray cans. For years this government sought to give a whole range of reasons as to why it would not agree with Liberal Party policy, but finally it recognised one thing, and that is the community supports our policy on this very important issue. That is why we are now seeing the government implement Liberal Party policy.

One thing which the member for Kew should be commended for is picking up on the point that this bill does not deal with the ability to show cause for having a spray can on your person in a public space. If a person with a spray can gets off a train at Ferntree Gully railway station, this bill will cover that person. But if the person walks off the platform, through the car park, across the road and into a public park and is standing beside a sporting club, this bill will have no power. It is just ridiculous. I do not know who was behind it. I assume that the minister is well aware of the issue now, if he was not before. I am assuming that the minister will recognise the problem with the bill and will readily agree to the plausible reasoned amendment that has been put forward by the member for Kew.

Vandalism is a very important issue in my electorate. People in my community see graffiti as a ringing endorsement of crime, because this government is doing nothing to remove it. I call upon the government to do more. I call upon the government to do everything

in its power to ensure that the graffiti in my electorate, in Melbourne and across Victoria is removed.

Mr NARDELLA (Melton) — Graffiti is criminal damage, and this bill is about dealing with that criminal damage. I fully support the measures contained in this bill that give greater powers to the police to deal with graffiti vandalism, and it gives those powers in a very measured way.

The honourable member for Brighton, who has just left the chamber, said that the Liberal Party had had 30 ideas in eight years. If you work it out, that means that every 97 days the Liberals come up with an idea. Gee, are they bright! They are really going hell for leather. That is the totality of their contribution to ideas in this state.

The honourable member for Kilsyth said erroneously that local councils needed help to clean up graffiti and that we were not doing anything. He does not know what he is talking about and does not understand, because in actual fact we will put in \$4.5 million over the next three years to assist local councils with both the prevention and the removal of graffiti within this state. The Liberals have no idea. They do not do any research; they have no idea what research is. They cannot read budget papers. Their contributions are full of rhetoric. I need to say all that in this house to make it clear.

I was involved with the member for Bass when he was the chair of the Crime Prevention Committee and we reported on graffiti vandalism on public transport. If they care enough to have a look at it that report is available to honourable members through the papers office. We saw the vandalism that was occurring on the public transport system. That is where most of these people do their damage. It is because it has high visibility, and it is because it is where they want their tags to be seen. They want their tags to go from one end of the state to the other. It is important to understand that.

The honourable member for Kew's circulated amendment to this provision is wrong. The honourable member for Shepparton was concerned about the effect on young people of being frisked willy-nilly and in a harsh way. If we adopted the honourable member for Kew's position, young people could be frisked anywhere, not necessarily close to railway stations or close to where they do this type of vandalism — they could be frisked anywhere. That is what members of the opposition want to do.

I want to put some barriers around graffiti, because this is not a new thing in this society or this community. If you go to Egypt and you go to Aswan, you can see graffiti along the River Nile. In this Parliament there is graffiti in the parliamentary library that was put there by the workers. That graffiti is now heritage listed — we have heritage-listed graffiti in this place.

I want to finish by saying that the Shire of Melton, through the great leadership of Neville Smith and Justin Mammarella, takes graffiti seriously. This bill will assist them in their good work and their strong and effective action to get rid of graffiti. I support the bill before the house, and I want it through as quickly as possible.

Mr DELAHUNTY (Lowan) — I am pleased to be able to rise on behalf of the Lowan electorate to speak on this very important bill called the Graffiti Prevention Bill 2007. That is what it should be all about. I have heard many people speak about this issue in this chamber tonight. I am a strong supporter of removing graffiti, which is really vandalism, if you want to look at it in that context. It is an eyesore. If you look at countries like Singapore, where there is none of it, you realise that places look so much better without graffiti. It does not matter where you go in Australia, along railway lines and roadways we see graffiti everywhere. It really is vandalism, and it should be treated like that.

The purpose of this bill is to reduce the incidence of graffiti by creating graffiti-related offences. I hope the government follows through on this. I hope the lawyers — the magistrates and the like — follow through on this. The bill also provides search and seizure powers for members of the police force. I heard the member for Melton reflect on the speech made by the member for Shepparton. The member for Shepparton raised some concerns about frisking, particularly of women. She has had it happen to her when she has been through airports. She said if it is not done properly, and she read out the part of the legislation that covers it, and by the appropriate person, it can be very offensive. She spoke about something that is very important to her as the member for Shepparton, and that is the Muslim community in Shepparton. Let us not take it out of the context of that point of view.

The other purpose of this bill is to allow councils to enter private property for the purpose of removing graffiti. I have heard debates about this and the costs involved. Are those costs going to be borne by councils? Will they be borne by the private property owners or by someone else, and if so, by whom? That is another thing that needs to be clarified in relation to

this bill. I have been involved with local government and have seen cost transfers from the state and federal governments, and here is another one. It will be the responsibility of local government to remove graffiti from private property, but will there be enough support to do that?

As I said, this bill focuses on graffiti and other forms of defacement, but it is not only about that. Objectionable signs on private property are covered by the Crimes Act and the Summary Offences Act. Clause 6 provides for an offence if the graffiti would offend a reasonable person. I looked for the definition of 'a reasonable person'. However, the bill also allows reasonable political comment, which, if you look at it, could also be offensive. I am interested to know about that. I looked at the definitions and I tried to find the definition of 'reasonable political comment'. There is no definition, and it will be interesting to see how the Magistrates Court looks at that.

The only one which I found interesting was the definition of 'prescribed graffiti implement' in clause 3. It is an aerosol paint container. I must tell my wife when she comes home with an aerosol paint container and tells me to do some work that she could be charged if she is not doing the right thing. Clause 3 of the bill then says that a prescribed graffiti implement is also:

... a graffiti implement, or an implement belonging to a class of graffiti implement, that is prescribed by the regulations ...

So we are all waiting to see what issues will arise from the regulations.

In the last couple of minutes I have to speak on this bill I will address clause 7, which will make it illegal for a person to possess a prescribed graffiti implement without lawful excuse. During a consultation with my colleague the member for Benalla, he contacted the Law Institute of Victoria. It raised some concerns about the reverse onus of proof; this violates the presumption of innocence that we take for granted in this state. Therefore I am wondering — I did not have time to look through the issue — how consistent that is with the Charter of Human Rights and Responsibilities. This government rolled that legislation into this house. If the charter has done anything, it has knocked over a few trees because of the amount of paperwork it has created, that is for sure.

In the end I am very keen to support this legislation, as my colleagues will. The Nationals will not be opposing this bill, because we need to make sure that there are stronger and tougher penalties. We hope the Magistrates Court implements them in an appropriate way. At the end of the day we want to remove the

graffiti on buildings, transport facilities and the like, because vandalism is an eyesore and is something we need to deal with.

Mr SCOTT (Preston) — I too rise to support this bill. I believe it is an important piece of legislation that will help prevent the marking of graffiti. Because other speakers have very ably covered the main aspects of the bill, I would like to turn to the issue of the regulation of those who seek to profit from graffiti.

Clause 9 of the bill says:

- (1) A person must not advertise for sale a prescribed graffiti implement if the advertisement is likely to incite or promote unlawful graffiti and the person intends the advertisement to incite or promote unlawful graffiti.

That will be an offence. This is an important clause in the bill, as it attacks a culture where people seek to profit and sell goods based around a graffitiing and law-breaking culture which is essentially a selfish culture where personal and public property are not respected. This bill systematically addresses that issue by seeking to put limits on those who seek to profit from graffiti and the destruction of other people's private and public property.

Like other speakers I believe graffiti is not, by and large, art; it is vandalism. Even when graffiti is an artistic expression, it fundamentally violates other people's property and public property and is essentially a selfish act, because those who are creating the graffiti are imposing their will, values and artistic expression — often their not particularly successful artistic expression — on the rest of the community while never considering or thinking about the people onto whom they are forcing their wants and needs.

I will keep my comments brief, because I understand there will be another speaker. I will wind up my contribution. I support the bill, and I commend it to the house.

Mrs SHARDEY (Caulfield) — I too rise to support this piece of legislation. Obviously it is one that is strongly supported by both sides of the house, although on this side of the house we are saying, 'About jolly time'. We would have liked to have seen this piece of legislation being introduced a whole lot earlier, because on this side of the house we have supported this legislation for many years. Our policies going to the last two elections have strongly supported the banning of graffiti and the creation of other offences established by this legislation.

The bill creates five new offences. The marking of graffiti is now covered by a term of imprisonment. The other offences are marking offensive graffiti, possessing a prescribed graffiti implement, advertising a prescribed graffiti implement and selling aerosol cans to minors. This bill also allows police to apply for a warrant to search premises of those whom they suspect have an object that is being used to commit a graffiti offence. The bill grants police powers to search anyone over the age of 14 who is suspected of having in their possession a prescribed graffiti implement. While the bill does not impose a duty on councils to remove graffiti, it certainly encourages them to do so.

At this point I would like to congratulate the Casey City Council for the amazing work it has done over many years in implementing good anti-graffiti programs.

This policy that has been finally introduced by the government is pretty much a direct lift from Liberal Party policy, which, as I said, we have supported over the last two elections. However, it falls short of Liberal Party policy in that there is no program to make a graffitist clean up something. There is no additional funding to local councils to clean up graffiti quickly and no plan to clean up Melbourne's trains and trams.

In my own area I have consulted police on this issue who have told me that they recognise which groups are doing the damage with graffiti. They recognise the tags, but in the past there has been a problem in being able to arrest these groups because they have not actually caught them in the act.

Finally, this piece of legislation will give them the opportunity to arrest young people who are participating in graffiti if they actually possess implements. I think that is a very good piece of legislation. I will support the member for Kew's amendment which covers the carrying of implements in a public place as distinct from just the property on transport stations et cetera.

My own very strong view about all this is based on the need to ban the sale of spray cans to minors not just for the prevention of graffiti but in particular to limit chroming by young Victorians. I have spoken about this on a number of occasions. I note that when I last spoke about this issue in relation to the Drugs, Poisons and Controlled Substances Bill 2006, the Labor Party, and in particular the now Minister for Health, the member for Mulgrave, opposed an amendment I proposed to that bill. I quote him, as one of my colleagues has quoted him in a previous speech. He is reported to have said:

I turn to the amendment circulated by the member for Caulfield and just say that it is the government's view that banning the sale of aerosol products to minors is not a feasible or practical option ... Banning their sale to minors would be an unworkable thing for us to do, and on that basis we will not be doing it. It is far preferable in our view to educate retailers about some of the risks involved.

I believe the bill finally does something that this Labor government has failed to do in the past. It is not actually doing it for the reasons I would have done it. I personally would have banned the sale of spray cans to protect the health of young people who chrome in our society and who literally fry their brains in the process of doing just that. With those few words I strongly support this bill and indicate I will support the member for Kew's amendments.

Mr LIM (Clayton) — I support this bill with much enthusiasm. Graffiti is a scourge on our suburbs. Much of it is not art but rather vandalism which costs local authorities, businesses and householders considerable expense to remove. The *Oxford English Dictionary* gives the definition of graffiti as 'unauthorised writing or drawing on a surface in a public place'. And that is the whole point of graffiti. It is unauthorised and it is illegal. Graffiti artists themselves say that if a public location is set aside for artists to paint, then it is not graffiti. The artists themselves are quite clear in their own minds and know what they do is illegal.

I believe the response of the Victorian government, by proposing in this bill new offences, new investigative powers and new procedures for graffiti removal, is reasonable and moderate. This can be contrasted with Singapore where they flog graffiti artists. There was an incident in 1993 with a young American man who was defacing a car. He got flogged. That is an example of an extreme way of dealing with graffiti.

A different but harsh approach is taken to graffiti in the Australian Capital Territory where the Liberal Party opposes even legal graffiti. Liberal MLA Steve Pratt, who is Deputy Speaker and shadow Minister for Urban Services, made a great show to the media in April when he spent 4 hours painting over what he claimed was graffiti on a cemetery wall. It turned out that the supposed graffiti was officially commissioned artwork paid for by a local sporting club and that Pratt had been told so in advance.

In the New South Parliament the Greens did not want to see graffiti treated as a law and order issue, and while not having the guts to vote against a bill similar to this one, they certainly expressed their disquiet. Cr Fraser Brindley, the Greens councillor at the Melbourne City Council, has opposed zero tolerance to graffiti. I will be

waiting with interest to hear what the Greens have to say in our Parliament. I am sure they will not like the bill much as they are natural Trotskyites and anti-business.

In Singapore they flog graffitists. In the Australian Capital Territory the Liberal Party has zero tolerance even for legal graffiti, which is really public art. And the Greens do not like criminal sanctions for graffiti. It makes our position look very reasonable and sensible, which is why all sensible members should support this bill. I commend the bill to the house.

Mr R. SMITH (Warrandyte) — This government is introducing the Graffiti Prevention Bill 2007 today after years of pressure from the community and years of pressure arising from not actually dealing with the issue. The enforcement of the current legislation has been shown to be hopelessly inadequate. A recent example of that is the case of the 21-year-old Prahran man who was charged with graffiti offences in July of this year. He pleaded guilty to 78 charges, 52 of which were for criminal damage, yet he was sentenced to only 125 hours of community service under a community-based order.

The Brumby state government has so far proven that it is a reactionary government, because the Premier is usually unwilling to tackle a problem unless there is an opportunity for the issue to become a sort of media feast. This legislation is a case in point. It is interesting that current legislation — namely, the various clauses in the Crimes Act 1958, the Summary Offences Act 1966 and the Transport Act 1983 — already address a large proportion of the issues raised in this shiny new Graffiti Prevention Bill. One would have thought that with some considered amendments to these existing acts the government could have achieved much the same outcome as it will by introducing this particular bill. But, of course, it may not have generated the same amount of media attention, so I am sure we in this house can see why the government chose the path it did.

It is worthwhile taking a look at the Labor Party's former stance on the issue as it lends some weight to the argument that this government is slow to react. In 2002 the Labor Party had a platform on graffiti — only a small one; it talked about tackling crime such as graffiti. In contrast the Liberal Party platform of 2002 talked about zero tolerance, a ban on the sale of spray cans to minors, tougher penalties and the reporting and removal of graffiti within 24 hours as well as the removal of existing graffiti along train lines. In 2006 the Labor Party platform committed \$4.5 million over

two years and promised tougher anti-graffiti laws, which we are now seeing.

In contrast, the Liberal Party platform again talked about zero tolerance and again talked about banning the sale of spray cans to minors. It also talked about the implementation of a program to make vandals clean up graffiti, establishing a statewide hotline to report graffiti offences and a number of other measures.

It is also worth noting that in 2002 the Liberal Party tried to make the possession of spray cans by minors an offence, albeit under the guise of substance abuse, when Neil Lucas, a former member for Eumemmerring Province in the upper house, attempted to introduce a private member's bill. That move was supported in the upper house but was left to languish on the notice paper for the rest of that year until the dissolution of Parliament.

In 2002, given the absence of state legislation, the City of Casey, in an unprecedented move by a local government authority, made a local by-law to tackle graffiti. It introduced the community graffiti prevention and control of aerosol spray cans local law 3, which makes it an offence to deface property, makes it an offence for a person under the age of 18 to possess an aerosol spray paint can on private property without the consent of the owner, makes it an offence to sell aerosol spray paint to persons under the age of 18 and bans sellers from allowing public access to aerosol spray paint. It is worth noting at this point that the legislation we are debating tonight does absolutely nothing to tackle existing graffiti.

More funding than what will be provided under this legislation is needed for councils to be able to implement the kinds of strategies necessary to tackle this problem at the grassroots. To successfully tackle graffiti, councils need more funds to establish a toll-free line.

Business interrupted pursuant to standing orders.

ADJOURNMENT

The ACTING SPEAKER (Mr Nardella) — Order! The question is:

That the house do now adjourn.

Drouin Recreation Reserve: facilities

Mr BLACKWOOD (Narracan) — I call on the Minister for Sport, Recreation and Youth Affairs to take action and approve the application by the Baw

Baw Shire Council requesting funding for the construction of a new major facilities building at the Drouin Recreation Reserve. Plans have been developed by the Baw Baw shire and a steering committee of the recreation reserve for a new building that would include football, cricket and netball change rooms, umpires rooms, a timekeeping area, public toilets, a canteen and a gymnasium. The current facilities were built in the early 1950s. They are absolutely archaic. In fact when I was only five years of age I accompanied my father as he got changed in those change rooms before a football match between Warragul and Drouin. That was 1956, a hell of a long time ago.

An honourable member — A better footballer than you?

Mr BLACKWOOD — No way. The Minister for Sport, Recreation and Youth Affairs visited Drouin on 7 August this year. He witnessed firsthand the age and condition of these facilities and met with representatives of the committee of management and sporting clubs — namely, Peter Jupp, Michael Derrick, Rod McLeish and Leonie Blackwell. This dedicated, very hardworking group of people and the members of sporting bodies they represent have had to suffer the difficulties and embarrassment of hosting visiting sporting clubs in these substandard facilities for many years. I remind the minister that if metropolitan Melbourne sporting clubs were using facilities of similar condition they would be black-banned by their opposing clubs or respective associations.

The Drouin Recreation Reserve has a terrific oval with an excellent playing surface, meticulously maintained by the committee of management and the Baw Baw shire. The reserve also has a very modern social room complex, which I am sure the minister viewed on the day he visited. It was built by the Drouin Football Club and the community. This facility is used by many community groups as well as sporting clubs. It is an absolute disgrace that the condition and age of the change rooms and associated facilities drag the reputation of the overall complex down to a substandard level. The population of Drouin is predicted to double over the next 10 years. It is a great place to live and raise a family. If this government is serious about governing for all Victorians, then the Drouin community is entitled to expect enthusiastic support for this project. The application was submitted by the Baw Baw Shire Council last week, and I call on the minister to take action and commit state government funding support to this project in the next round.

Cycling: Macleod pathway

Mr BROOKS (Bundoora) — I wish to raise a matter for the attention of the Minister for Roads and Ports, who I note is in the chamber tonight. The specific action I seek from the minister is for him to fund a pedestrian and cycling link between La Trobe University's Bundoora campus and Macleod railway station. La Trobe University's Bundoora campus is a very large and well-respected educational facility. It is set on some 330 hectares in Bundoora, and there are around 19 000 students and staff at that campus. I know that my colleague the member for Ivanhoe supports the initiative that has been put forward by the Darebin City Council to create a better link for pedestrians and cyclists between the Bundoora campus and Macleod railway station. At the moment the link is just a network of local backstreets, and it is blocked by the forensic science centre in Macleod — there is no clear pathway from the station. The member for Ivanhoe and I have been working hard to improve transport in and around the Macleod area, which we share as the boundary to our electorates.

As the minister would be aware, on the other side of La Trobe University we have had the rollout of seven new elevated tram stops, which I know people in the area appreciate. They provide safer access to pedestrians crossing the road and getting on trams. Extra rail services have also been provided on the Hurstbridge rail line, including an extra service in the peak p.m. period, which is appreciated by people in the Macleod area. La Trobe University is a great university to have in one's electorate. It is keen to build links with the local community, whether they be links with the Victorian government through the biosciences centre that the government committed funding to in the last budget or the very important work that the university is doing with the education department and local schools at the maths and science centre of excellence, which will be based at the La Trobe Secondary College site in Macleod. They also do some great work with the local wildlife reserves — the Melbourne Wildlife Sanctuary and the Gresswell Reserve, which are in that area.

As I said, the proposal that has been put forward by Darebin City Council, which has been consulting with Banyule City Council to create a better link for cyclists and pedestrians, mostly for students and staff, to use the train system and then be able to easily walk or cycle up to the university is one that I do not think this government should miss. Today I have had my staff try to determine the exact status of funding for this proposal, and I thought I would take this opportunity to ask the minister if he could clarify that.

Victorian Environmental Assessment Council: river red gum forests report

Mr JASPER (Murray Valley) — I raise an issue for the attention of the Minister for Environment and Climate Change in another place, and I trust that the Minister for Sport, Recreation and Youth Affairs, who is at the table, will take this up with him accordingly.

I seek cooperation from the minister for an extension of time for responses to be provided to the river red gum forests investigation by the Victorian Environmental Assessment Council (VEAC), and indeed for consideration of scrapping the report. I seek that cooperation from the Minister for Sport, Recreation and Youth Affairs in presenting this information to the minister in the other place because of the enormous number of representations that I have received across my electorate of Murray Valley and across northern Victoria against this report. It is a totally flawed report. It provides for changes in the Murray River extending from Mildura right through to almost the upper reaches of the Murray, but it includes areas of the Ovens River and other tributaries running into the Murray River.

It is quite clear that there has been an absolute lack of earlier consultation in the production of the report. The information that has come to me from people who have now investigated the report indicate that it is totally flawed in what it is seeking to do and totally against the interests of people living along the Murray River. I believe the report should be trashed because of the flawed information it contains.

One needs to look at the information contained in the report and some of the responses that have been received through the media and material provided to me in letters and correspondence. One landowner branded the proposals by VEAC as ridiculous, a disgrace and a shambles. What it proposes, of course, is the development of a number of additional national parks along the Murray River, and it intends to remove Crown land rights from a number of people who operate those Crown land properties along the Murray and Ovens rivers and other tributaries, which could make many of those properties unviable with the removal of that land.

It is worthwhile noting some of the other comments that have been made. At a public meeting held in Wangaratta the speakers were infuriated by the lack of consultation. One person who was on the VEAC investigating reference group indicated that most of them, at least two-thirds of the people on that community reference group, were totally opposed to the report prepared by the Victorian Environmental

Assessment Council. It needs to be reviewed immediately, because the implications of the report are totally against the interests of the people living in north-east Victoria.

Whitehorse: TravelSmart program

Mr STENSHOLT (Burwood) — I refer this adjournment issue to the Minister for Roads and Ports, and the action I seek is for him to support an application by Whitehorse City Council for a new TravelSmart program. I am familiar with the TravelSmart program, because the initial pilot was successful in another part of my electorate, in Alamein along the Alamein line.

For members who may not be familiar with the TravelSmart program, it encourages people to get out and walk, to ride their bikes, to take public transport and to reduce the number of trips by car. It has a rather large number of benefits: those who get out and walk and ride get fitter; and by taking public transport we reduce the number of cars on the road, reduce greenhouse gas and other types of emissions and reduce congestion in our local streets. So they are very commendable sorts of programs that we are looking at here. The one in Alamein, from memory, was very successful. I think there was an increase of well over 40 per cent in patronage of public transport and also an uptake in people using the Anniversary Trail and other walking tracks as well as riding tracks in the local area.

Whitehorse council has also done a fair bit of work on TravelSmart as well because in the last six months or more it has had a TravelSmart program which has been very successful in Box Hill. Around \$100 000 was put into this project, jointly funded — and this is the commendable part of it — by the state government, which put in \$50 000; the council, which put in \$20 000, and Box Hill Institute and the Box Hill Hospital, which put in respectively \$20 000 and \$10 000. They produced a TravelSmart map and were very successful in encouraging other means of getting around — whether walking, riding or using public transport.

We would like the minister to support a proposal from Whitehorse council to implement new travel plans along Burwood Highway, tram route 75, to encourage people to take the bus, particularly the SmartBus, which has been a roaring success — there has been an over 50 per cent increase in patronage on the SmartBuses; we want to continue to increase that as well — and getting businesses and the Deakin University to make greater use of travel plans and join up with the TravelSmart program. I urge the minister to take this

into serious consideration and approve a new program along route 75 of the bus route for TravelSmart — —

The ACTING SPEAKER (Mr Nardella) — Order! The honourable member's time has expired.

Kelletts Road, Rowville: bicycle path

Mr WAKELING (Ferntree Gully) — The issue I rise to speak on is the construction of the bicycle path along the northern side of Kelletts Road, which is currently being duplicated, and the action that I seek is for the Minister for Roads and Ports to construct an appropriate off-road path facility to replace the off-road bicycle path that existed prior to the construction works that commenced on the road duplication project.

Residents in Rowville and Lysterfield have for many years called for the duplication of Kelletts Road. Whilst the announcement was welcomed by the local community, residents within my electorate have been dismayed by the manner in which the Brumby government has handled this important project. The government and VicRoads have failed to consult with either the local community or the Knox City Council about the construction of this important project. The government attempted to impose a 5-metre-high road behind a number of houses without any consultation. After sustained community pressure it was forced to back down.

Unfortunately it would appear that the government has again failed to adequately consult with affected residents on the important issue of pedestrian access along this busy section of road. As part of the duplication project, the pre-existing off-road path was removed. It was the understanding of the local community that this path would be reinstated in the form that existed prior to the project's commencement. The actions taken by this government, however, would demonstrate that the government is proposing to construct something completely different. The Brumby government is constructing a footpath along the northern shoulder of Kelletts Road. Furthermore, the width of this path is significantly reduced compared to the previous path.

A significant concern with respect to the installation of an appropriate off-road path is the construction of a swale drain adjacent to the road project. The drain's location is actually the ideal location for the construction of an off-road path. Constructing a barrel drain along this section of reserve would certainly enable the construction of an appropriate off-road path. This path provides an important transport link for both pedestrians and bicycle users alike. The path also

provides pedestrian access for residents at Waterford Valley Retirement Village, particularly given its ability to afford residents safe access to the Rowville Lakes shopping centre. I have also been contacted by concerned parents of young children who have demanded that a safe and reliable pedestrian thoroughfare be re-established along this road.

I have worked closely with the federal member for Aston, the Honourable Chris Pearce, and would like to commend him for his efforts on this issue. Furthermore, I have worked closely with representatives from both Waterford Valley Retirement Village and Knox City Council to ensure that the community is consulted. Residents within my electorate have lost significant faith in the government's handling of the road duplication project. Many residents do not believe this government will deliver the pedestrian facility which operated prior to the construction works.

I call upon the Minister for Roads and Ports to take action and ensure that the pre-existing off-road bicycle path is reinstated along Kelletts Road and that this is done in a timely manner.

Regional and rural Victoria: sports funding

Mr CRUTCHFIELD (South Barwon) — My adjournment matter is for the attention of the Minister for Sport, Recreation and Youth Affairs. I ask that the minister take action to change the VicTalent program and the country action grants scheme so that they open twice a year.

The VicTalent program provides \$500 worth of travel assistance grants to community sport and recreation organisations in rural and regional Victoria to assist athletes, coaches, officials and teams with the travel costs involved in engaging in training and competition, whether it be in our state, interstate or overseas. The country action grants scheme provides up to \$5000 to increase the capacity of community sport and recreation organisations in rural and regional Victoria. Both these schemes apply only — and I want to emphasise 'only' — to rural and regional Victorian athletes or clubs.

I raise this issue because I have a particular constituent who would be familiar to the member for Geelong — one Paul Couch, who wore no. 7. It is very appropriate that I mention Paul Couch in the Year of the Cat. He has a very talented daughter called Jessie Couch, and Jessie has the foot speed not of Paul but of her mother, which is very fast. She is a Maguire of 'Goose' Maguire fame from the St Kilda Football Club. Her cousin, Evie, won a silver medal in the 400 metres

hurdles at the under-20 championships in February this year. This matter applies equally to her cousin Evie as it does to Jessie. Jessie was the *Geelong Advertiser* junior sports star in 2006 and went to the world championships this year. Unfortunately she had an injury problem with her knee, which troubled her at that event.

The issue is that she applied for a VicTalent program grant, but unfortunately it was after the program had closed. It needs to be open twice a year. It would alleviate the problems of people who can apply only at a certain time of the year and who miss out if they do not meet that deadline. People like Paul Couch's daughter — and there are many other athletes who would have accessed this program — —

Mr Trezise interjected.

Mr CRUTCHFIELD — The program, as the member for Geelong just articulated, has been very well received in regional and rural Victoria, and I urge the minister to change the programs so they open twice a year.

Wodonga South Primary School: relocation

Mr TILLEY (Benambra) — I raise an issue for the attention and action of the Minister for Education. The action I ask for is that the minister advance this government's promise to provide sufficient funding for the construction of a new home for the 490 students of the Wodonga South Primary School. This issue has been raised in at least two debates on the appropriation bills, in May 2005 and June 2006, by the previous member for Benambra. But it has a much longer history.

The relocation of the Wodonga South Primary School has been ongoing for at least eight years. All this time the Wodonga South Primary School community has been negotiating a move to a suitable location to start a new campus with an entirely new philosophy. The existing school has critical and well-documented structural and occupational health and safety issues, and any further delays in proceeding with the construction of the new school would not be acceptable to its community. Inadequate maintenance through a lack of funding to keep the school together only exacerbates the issue. One of the many issues for the current school is that it has diesel-fuelled heating. Its old diesel tank has a 3000-litre capacity, and Shell has recently stated that it will not deliver diesel to anything less than 5000-litre tanks, so the school will have to be fitted with a new diesel tank just when it should be moving to a totally new complex.

The school is in a state of degradation, disrepair and danger, having amongst other things asbestos in its buildings. Parents are not enrolling their children in the school because of these issues and because there is no decision and no time line on when construction of the new school building at the new location will begin. Construction was promised to start in 2008, and enrolments in the new school are supposed to begin in 2009. There has been absolutely no progress on this building. There was nothing budgeted for the school in the 2006–07 budget, and there is no allocation in the 2007–08 budget. The school community has been planning and working tirelessly towards this for so many years, but it is becoming a farce. The land is now available, and the developers have been frustrated by the lack of progress and the lack of commitment from this government.

Any school in similar disrepair in metropolitan Melbourne would be an embarrassment to this government because Melburnians would drum up a hue and cry in the media until a solution was found. Wodonga is far enough away from the seat of Parliament for members of this city-centric Labor government to simply thumb their noses at it.

There is a documented public promise from the Minister for Education made approximately eight and a half years ago that this relocation would take place. I ask the minister to progress the completion of the land acquisition and, subsequently, the construction of the new Wodonga South Primary School at the earliest opportunity.

Multifaith Multicultural Youth Forum: government assistance

Mr CARLI (Brunswick) — I wish to raise a matter for the attention of the Minister Assisting the Premier on Multicultural Affairs. I am seeking support for a Multifaith Multicultural Youth Forum this year to follow a very successful forum that was held last year and had as its themes leadership, participation and opportunities for ongoing multifaith and intercultural dialogue. I have had terrific feedback about the forum, which was attended by 150 young people from many backgrounds — that is, from different cultures and religions. Essentially it was about maintaining an intercultural dialogue. The project was supported by the Victorian Multicultural Commission, the then Department for Victorian Communities, the Australian Multicultural Foundation, the Centre for Multicultural Youth Issues and the Human Rights and Equal Opportunity Commission.

This dialogue between people of such diverse backgrounds and beliefs strengthened the sense of leadership and participation amongst young people. Many of the issues that arose in the forum were common to young people. Work, housing, education and transport — all issues that confront young people — were discussed. This was done around the specific theme of a multifaith and multicultural community.

The forum was so successful that a number of recommendations were made by those in attendance and what followed was the establishment of the Multifaith Multicultural Youth Network. A number of young people applied to become members of the network and a series of young people between the ages of 17 and 25 years have been appointed to it for 12 months. Through the assistance of the Victorian Multicultural Commission and the Office for Youth those young people have been providing their views on important issues that confront young people in our multicultural community and giving very good feedback to the government. When you look at the membership of the network you see that it represents a diversity of faiths, cultural backgrounds, gender, age, ethnicity, geography around the state, education and life experience. Again, it draws together that diversity but comes together on the common issues that confront young people.

I seek financial support from the minister, so that another forum can be held and another 150-plus young people can experience that event, to build a sense of leadership and participation, really empower young people in this community and also ensure that there is a strong multifaith and multicultural dialogue among young people.

Police: Heathcote station

Mr WELLER (Rodney) — I wish to raise for the attention of the Minister for Police and Emergency Services a matter regarding the Heathcote police station. The action I request is for the minister to investigate the possibility of upgrading this outdated facility by incorporating the old residence, which is no longer used, into the existing station to increase the building's size.

It is no secret that the Heathcote police station is in desperate need of an upgrade. The station no longer adequately caters for the number of police officers at the site and is in urgent need of renovation and refurbishment. I have personally visited the station on a number of occasions to inspect the deficiencies and I have been surprised by the antiquated facilities,

particularly for the custody and management of offenders and suspects. A number of occupational health and safety issues also require immediate attention at the station, including in the foyer and reception area, which is a tiny area and has to accommodate an inward-opening door and a fire extinguisher. In addition, the front counter has a perspex screen, making it extremely difficult to converse with members of the public who attend the station. There is excellent scope to incorporate the old vacant residence into the existing station building to increase the facility's size.

I would like to see this opportunity investigated as a matter of urgency. This matter has been highlighted to police command. However, action has been slow to eventuate. I received correspondence from the minister last month — incidentally, five months after I wrote to him on the matter — advising that the Heathcote police station is not included on the current schedule for replacement or refurbishment. The minister further advised that a review of the station would be carried out to ensure the facility meets occupational health and safety and community needs.

I urge the minister to ensure that the review includes a thorough investigation of the issues I have raised so the facilities can be upgraded as a matter of urgency.

Youth Foundations Victoria: West Heidelberg program

Mr LANGDON (Ivanhoe) — I wish to bring a matter to the attention of the Minister for Sport, Recreation and Youth Affairs. The action I seek from the minister is that he establish a Youth Foundations Victoria program in the West Heidelberg area. I am aware that earlier this year the minister established the Youth Foundations Victoria initiative, and I commend him on that initiative.

West Heidelberg is very much a large, working-class and lower socioeconomic area. It is now part of a neighbourhood renewal program and is also part of an education review. A lot of things are happening in West Heidelberg, many of which are focusing on education and neighbourhood renewal. But there needs to be a greater emphasis on the youth of the area.

Unfortunately in many areas our youth seem to be the last group considered in the big picture of things. I believe an initiative such as that announced by the minister would skill young people in management and in getting involved in creating what they need for the area. That sort of involvement is very empowering for

young people, and I believe it is an appropriate thing for them to do.

West Heidelberg is an area that has struggled over the years. It is an area with a very strong sense of community. The schools work well together, community health centres work well together, and the area has some high social values. Youth matters have been slightly overlooked, but they are not without some consideration. This sort of initiative will empower those young people to do what they want to do and allow them to invest in what they want to invest in to get the skills needed to work and to raise funds to assist with what they find important — and not what the chair of the neighbourhood renewal project finds important. It would be fair to say that the average age group of people involved in that project is not young, and I am certainly not a typical young person.

I would encourage young people to be part of that subcommittee and to get involved and participate in the project. If the minister could see his way forward to grant funding for that sort of youth project in the West Heidelberg area, which is in the Ivanhoe electorate, I believe it would have enormous benefit for everyone involved — the neighbourhood renewal project, the schools, the education review and, more importantly, the young people of the Ivanhoe electorate.

Responses

Mr MERLINO (Minister for Sport, Recreation and Youth Affairs) — The member for Narracan raised a matter regarding an application by the Baw Baw Shire Council to the Community Facilities Fund for a major redevelopment of the Drouin Recreation Reserve. As the member said, I indeed met with representatives of the local club and the recreation reserve, who took me through the proposal. I must say that I did so on the invitation of Christine Maxfield, who is the federal Labor candidate for McMillan and a strong local supporter of supporting clubs in her region.

This is a major project, and importantly it will deliver benefits across a number of sporting codes and for other community uses. When I met with the group I made the point that applications are helped where a project covers a whole range of sporting codes and will have community use.

Mr Jasper — Multi use.

Mr MERLINO — Multi use, as the member for Murray Valley said.

The social rooms, as the member mentioned, are quite impressive and are an indication of the ability of the

clubs and the community to deliver magnificent results. I can assure the member for Narracan that I will certainly consider the application, which I expect in the current round of the Community Facilities Fund program. It has been an incredibly successful program to date. This government has invested around \$146 million over 1650 community sporting projects across the state.

The member for Ivanhoe raised the possibility of a Youth Foundations Victoria program being placed in his electorate. The member has taken this action because he knows how beneficial the youth foundation program is to Victoria's young people. For those in the house unfamiliar with Youth Foundations Victoria, it is an exciting new Brumby government initiative which brings together the government, the Bendigo Bank and local communities to help young people make a real difference in their local communities.

The Brumby government has provided \$4.5 million over four years to establish Youth Foundations Victoria in 15 disadvantaged communities across the state, and the program has been successfully kicked off in three communities — Laverton, Upper Yarra and Geelong. The Bendigo Bank and its community partners will also provide support through matching financial and in-kind contributions over the next four years. In each community young people from different backgrounds will look at the needs of their community and carry out fundraising and grant-making applications to fund other young people and other project activities to benefit that community.

Youth Foundations Victoria is a terrific investment in our future leaders, and I appreciate that it would be a fantastic asset to young people within the member for Ivanhoe's electorate, and I can assure him I will seriously consider his request.

The member for Brunswick raised with me his desire to see the Brumby government hold another Multifaith Multicultural Youth Forum, following the success of the inaugural forum last year. The member for Brunswick is an avid promoter and supporter of multiculturalism, and he is right when he says last year's forum was an overwhelming success. Not only did 150 young people from a diverse array of faiths and cultures attend, but many community leaders also attended both to listen and to pass on some of their wisdom.

As I have mentioned to the house before, one of the direct results of this forum was the birth of the Multifaith Multicultural Youth Network. This network brought together a group of 20 young people of various

faiths and cultures to advise the Brumby government on issues of concern to young Victorians of diverse backgrounds. It was with great pleasure that the Premier and I recently attended the inaugural meeting of the Multicultural Multifaith Youth Network, and we both came out of it most impressed by the talent, enthusiasm and dedication of those young people.

I wholeheartedly agree with the member for Brunswick's request, and I can assure him that I will work with both the Office for Youth and the Victorian Multicultural Commission to make sure a second Multifaith Multicultural Youth Forum is held in the near future.

Finally, the member for South Barwon raised the prospect of changing the guidelines of the very successful VicTalent and country action grants scheme (CAGS) program so that there are two funding rounds every year, rather than the current situation where there is only one. I appreciate that the member for South Barwon has lobbied me on several occasions for funding from these programs, and there are many sports clubs and athletes in his electorate that have benefited from the work he has done in making representations both to me and to the former Minister for Sport and Recreation.

Both programs are yet another demonstration of the Brumby government's outstanding and indeed historic levels of support for country sport. No government in Victorian history has delivered more dollars to grassroots sport in the bush, and it is something I am very proud of, particularly when I get out to tour regional Victoria and get to meet firsthand the people our investment is helping.

While the VicTalent and CAGS grants are individually small, they are making a huge difference to the ability of country athletes to have the same chances as those that live in metropolitan Melbourne. They reaffirm the fact that the Brumby government understands that every elite athlete begins their career at their local sporting club — clubs that need investment so we can continue to foster such talent. I understand the member for South Barwon's concerns. I can assure him I will be taking into consideration those views when I review the guidelines and when they are released for the next funding round, which I hope to announce very soon.

Finally, I would also like to convey to Jessie Couch and her cousin Evie Macguire my best wishes for their budding athletic careers.

Mr PALLAS (Minister for Roads and Ports) — Now that we have been able to ascertain the

whereabouts of the member for Ferntree Gully, perhaps I should start with him. The member for Ferntree Gully raised the issue of off-road bicycle paths on Kelletts Road.

Interestingly the series of questions that have been raised in the adjournment debate that directly affect me relate to areas associated with means of transport other than conventional means, and of course these are cycling and walking. Increasingly these are important aspects of an integrated system of public transport, not just because they improve modal options for people but because of the lifestyle benefits that flow from them. It is a fact that about 40 per cent of the trips made by car in this state are less than 2 kilometres in length. Two-thirds of them — 66 per cent — are under 5 kilometres in length. If we provide increasingly improved means of transport in the form of alternative options, including cycling, then the community benefits not only in terms of community amenity but also in terms of the capacity of people to improve their general wellbeing.

The Kelletts Road project is a very important project that involves an investment of about \$13.6 million by the state. It demonstrates that this government is continuing to make commitments to outer metropolitan arterial road development. Since being in government over the last seven years we have committed \$980 million to 37 outer metropolitan arterial road projects, and the Kelletts Road project is one of them. In addition there are 26 outer metropolitan arterial roads that we are committed to building going forward, and that involves about \$537 million. Kelletts Road is a critical piece of infrastructure for this state.

In respect of the location of the bicycle paths, I know that the Kelletts Road project has been an issue of concern for the local community. To the best of my ability, subject always to the need to maintain safety around the configuration of that road construction, I have sought to ensure that community members' concerns about the location of the road and its capacity to meet their needs have been met. At the request of the member for Ferntree Gully I will instruct VicRoads to have discussions with the local community and with the local member about the appropriate location of the off-road bicycle path. I will respond in due course to the member, but I will make the observation that increasingly and importantly what we are seeing in this state is a movement towards the development of substantial road construction that provides for cycling to be an important element of it.

What we have seen since this government came to power is a commitment of about \$4.2 million per

annum to provide for cycling paths. Going forward over the next 10 years this government has committed another \$72 million for cycling facilities. Hopefully that means we will see an increasing movement towards people having real options in terms of how they choose to move about, and those options will be supported by a sympathetic system that the Brumby government is committed to providing — not just a road system but a transport system that is integrated.

In respect of that integrated transport system I will now deal collectively with the issues raised by the member for Burwood and the member for Bundoora. In responding to both of these members I advise them that on 4 October I announced funding of \$1.5 million in TravelSmart and local area access grants.

Firstly, I am pleased to advise the member for Burwood that the City of Whitehorse has been awarded \$150 000 by the Brumby government to implement travel plans and improve sustainable transport options along the Burwood Highway. This funding will help to make public transport around the Burwood Highway more accessible. It will also improve the environment and make individuals healthier and fitter.

In particular the route 75 project will recruit large employers and Deakin University to implement travel plans and promote public transport in the area. This project also seeks to trial bike storage facilities at the SmartBus terminals and some of the route 75 disability-compliant tram stops. Secondly, I can advise the member for Bundoora that Darebin City Council has been awarded \$280 000 by the Brumby government to improve access between Macleod station and La Trobe University. The funding will help to make La Trobe University more accessible, improve the environment and make individuals fitter and healthier.

In particular, the La Trobe University to Macleod station cycling link project will improve paths and signage between the station and the university to allow ease of access for students and staff of the university. The funding is part of the \$1.5 million TravelSmart and local area access grants that have been announced throughout October and will help the City of Whitehorse to complete small-scale infrastructure projects and develop innovative travel plans.

As I have indicated previously, 40 per cent of car trips are less than 2 kilometres in length, and two-thirds of car trips are less than 5 kilometres in length, so there is room to increase the number of people using public transport and indeed walking, and looking at serious and viable alternative options to move around the city. I

say this not in the sense that they are being required to do it, but on the basis that the government is providing communities with real options.

The funding is provided through TravelSmart and local area access programs, which seek to address attitudinal, physical and institutional barriers, both to walking and to cycling. The Brumby government is pleased to be able to provide funding to improve and promote walking options during Walktober. Walktober, which is coordinated by Connect Australia, features walking events throughout Victoria, including, importantly: Walk to Work Day, which was held on Friday, 5 October; Walk to School Day, which is Wednesday, 24 October; and the World's Greatest Pram Stroll, an event that should not be missed, which is on Sunday, 28 October, and is for those of us who like to push the pram a lot. The benefits of walking are far reaching. Beyond being good for your health, walking helps to reduce greenhouse emissions and traffic congestion, as well as saving money spent on petrol. With the weather getting warmer the Brumby government is working to make our suburbs more walkable. It is a perfect time to leave the car at home and put on your walking shoes.

The ACTING SPEAKER (Mr Nardella) — The Minister for Sport, Recreation and Youth Affairs, to respond to the members for Murray Valley, Benambra and Rodney.

Mr MERLINO (Minister for Sport, Recreation and Youth Affairs) — I will raise those matters with the relevant ministers for their response.

The ACTING SPEAKER (Mr Nardella) — Order! The house is now adjourned.

House adjourned 10.43 p.m.