PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-SIXTH PARLIAMENT

FIRST SESSION

Wednesday, 11 November 2009

(Extract from book 14)

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By authority of the Victorian Government Printer

The Governor

Professor DAVID de KRETSER, AC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

The ministry

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Deputy Premier, Attorney-General and Minister for Racing	The Hon. R. J. Hulls, MP
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Minister for Environment and Climate Change and Minister for Innovation	The Hon. G. W. Jennings, MLC
Minister for Public Transport and Minister for the Arts	The Hon. L. J. Kosky, MP
Minister for Planning	The Hon. J. M. Madden, MLC
Minister for Sport, Recreation and Youth Affairs, and Minister Assisting the Premier on Multicultural Affairs	The Hon. J. A. Merlino, MP
Minister for Children and Early Childhood Development and Minister for Women's Affairs	The Hon. M. V. Morand, MP
Minister for Mental Health, Minister for Community Services and Minister for Senior Victorians	The Hon. L. M. Neville, MP
Minister for Industry and Trade, and Minister for Industrial Relations	The Hon. M. P. Pakula, MLC
Minister for Roads and Ports, and Minister for Major Projects	The Hon. T. H. Pallas, MP
Minister for Education	The Hon. B. J. Pike, MP
Minister for Gaming, Minister for Consumer Affairs and Minister Assisting the Premier on Veterans' Affairs	The Hon. A. G. Robinson, MP
Minister for Housing, Minister for Local Government and Minister for Aboriginal Affairs	The Hon. R. W. Wynne, MP
Cabinet Secretary	Mr A. G. Lupton, MP

Legislative Assembly committees

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

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

Joint committees

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Dr S. O'Kane

MEMBERS OF THE LEGISLATIVE ASSEMBLY

FIFTY-SIXTH PARLIAMENT — FIRST SESSION

Speaker: The Hon. JENNY LINDELL

Deputy Speaker: Ms A. P. BARKER

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

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

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

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

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

Leader of The Nationals:
Mr P. J. RYAN

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

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

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

CONTENTS

WEDNESDAY, 11 NOVEMBER 2009

CONTENTS

Wednesday, 11 November 2009

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

The SPEAKER — Order! I advise the house that we will adjourn from 10.45 a.m. until 11.15 a.m. today so that members can attend Remembrance Day services.

BUSINESS OF THE HOUSE

Notices of motion: removal

The SPEAKER — Order! I advise the house that under standing order 144 notices of motion 61, 62, 134 to 138, 181 to 188 and 234 to 245 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:

Insurance: fire services levy

To the Legislative Assembly of Victoria:

The petition of residents of Victoria draws to the attention of the house the inequitable nature of the current fire services levy (FSL) on house, property and business insurance and points out to the house that everyone who benefits from fire services should contribute to its funding not just those who take out insurance whose premiums are effectively doubled by the FSL and associated taxes.

The petitioners therefore request that the Legislative Assembly of Victoria investigate and implement a fairer model of funding fire services.

By Dr SYKES (Benalla) (77 signatures).

Liquor: licences

To the Legislative Assembly of Victoria:

The petition of residents of Victoria draws to the attention of the house the need to urgently reconsider the proposed massive increases in liquor licence fees in view of the enormous adverse impact such across-the-board increases will have on many highly reputable liquor outlets, and most particularly those in country areas.

Such huge blanket increases in licence fees will impact on employment, community sponsorships, even business survival in some cases. Risk-based fees should actually address the problems which have arisen in 'hot spot' areas, distinguish activities increasing risk of antisocial behaviour, and be imposed selectively, to address those issues.

The petitioners therefore request that the Victorian government recognises the damage such across-the-board increases will cause, particularly in many country communities and review the legislation as a matter of urgency.

By Dr SYKES (Benalla) (453 signatures), Mr NORTHE (Morwell) (340 signatures) and Mr JASPER (Murray Valley) (486 signatures).

Housing: Ferntree Gully

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

The petition of the community of the city of Knox draws the attention of the house to the lack of community consultation undertaken by the Victorian government in relation to the proposed social housing development at the former Ferntree Gully Primary School site.

The petitioners therefore request that the Legislative Assembly postpone the commencement of the development pending a thorough consultation period with the community, with the continuation of the development to be dependent on the wishes of that community.

By Mr WAKELING (Ferntree Gully) (121 signatures).

Planning: Lara development

To the Legislative Assembly of Victoria:

The petition of the residents of Lara and other persons draws to the attention of the Legislative Assembly applications to amend the Lara structure plan.

We, the undersigned petitioners, therefore request that the Legislative Assembly of Victoria do not allow the parcels of land adjacent to Serendip Sanctuary to be rezoned from rural living to residential 1, referred to as the Caddy's Road development — C73, an area of approximately 38 hectares and bounded by Windermere Road, Flinders Avenue, Serendip Creek and the existing urban area to the south.

By Mr EREN (Lara) (2406 signatures).

Rail: Mildura line

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

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

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

1. the many undelivered promises;

2. the urgent need to promote public transport in a global warming context;

3. the pressing need to connect remote Mildura to both Melbourne and the national rail network; and

4. the geographic distance now requiring a rapid service (very fast train) to be competitive.

By Mr CRISP (Mildura) (27 signatures).

Rail: Mildura line

To the Legislative Assembly of Victoria:

This petition of residents of Victoria draws to the attention of the house for the reinstatement of the Mildura–Melbourne passenger train.

The petitioners register their request that the passenger service be suitable for the long-distance needs of the aged and disabled who need to travel for medical treatment, for whom travelling by coach or car is not a comfort option, and for whom flying is financially and logistically prohibitive.

The petitioners therefore request that the Legislative Assembly of Victoria reinstate the passenger train to service the needs of residents in the state's far north who are disadvantaged by distance.

By Mr CRISP (Mildura) (29 signatures).

Students: youth allowance

To the Legislative Assembly of Victoria:

This petition of residents of Victoria draws to the attention of the house the proposal to change the independence test for youth allowance by the federal government.

The petitioners register their opposition to the changes on the basis that the youth allowance changes proposed in the federal budget place another barrier to university participation for students in regional areas; unfairly discriminate against students currently undertaking a 'gap' year; and contradict other efforts to increase university participation by students from rural and regional Australia.

The petitioners therefore request that the Legislative Assembly of Victoria reject the proposal and calls on the state government to vigorously lobby the federal government to ensure that a tertiary education is accessible to regional students.

By Mr CRISP (Mildura) (28 signatures).

Rail: Traralgon line

To the Legislative Assembly of Victoria:

The petition of the residents of Gippsland draws to the attention of the house the intention of the Brumby government to terminate some of the existing Traralgon V/Line services at Flinders Street station.

The petitioners therefore request that the Legislative Assembly of Victoria retain all current Traralgon V/Line services to Southern Cross station.

By Mr NORTHE (Morwell) (42 signatures).

Ambulance services: mobile intensive care units

To the Legislative Assembly of Victoria:

We the undersigned bring to the attention of the Minister for Health our dismay and concern at the proposed loss of the MICA service from 9 September 2009 when Victoria's MICA paramedics resign.

The petitioners therefore request that the Minister for Health address the MICA paramedics' concerns as a matter of urgency to prevent jeopardising Victorians lives.

By Mr DIXON (Nepean) (17 signatures).

Rosebud: aquatic centre

To the Legislative Assembly of Victoria:

The petition of the residents of Victoria points out to the house that the Department of Sustainability and Environment appears to be delaying the planning and construction of the proposed southern peninsula aquatic centre on the Rosebud foreshore.

The petitioners therefore request that the Legislative Assembly of Victoria instruct the Department of Sustainability and Environment to immediately grant 'coastal consent' to allow the planning and construction process to proceed.

By Mr DIXON (Nepean) (10 signatures).

Schools: mergers

To the Legislative Assembly of Victoria:

The petition of the communities in northern metropolitan Melbourne draws to the attention of the house that they object to the mergers between Lakeside Secondary College, Ruthern Primary School, Merrilands College and are outraged by the lack of support by the state government of Victoria for small schools in the area and the lack of adequate funding committed to the maintenance/prosperity of the school facilities and widening of VCE subject offerings.

The petitioners therefore request that the Legislative Assembly of Victoria request the Minister for Education to review criteria for mergers and provide support for local schools to prevent the necessity to merge due to neglect and starvation of state funding.

By Mr DIXON (Nepean) (108 signatures).

Insurance: fire services levy

To the Legislative Assembly of Victoria:

The petition of residents of Victoria draws to the attention of the house the inequitable nature of the current fire services levy (FSL) on house, property and business insurance and

points out to the house that everyone who benefits from fire services should contribute to its funding not just those who take out insurance whose premiums are effectively doubled by the FSL and associated taxes.

The petitioners therefore request that the Legislative Assembly of Victoria investigate and implement a fairer model of funding fire services as is the case in other states of Australia.

By Mrs POWELL (Shepparton) (207 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 Shepparton be considered next day on motion of Mrs POWELL (Shepparton).

Ordered that petition presented by honourable member for Ferntree Gully be considered next day on motion of Mr WAKELING (Ferntree Gully).

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

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

Ordered that petition presented by honourable member for Murray Valley be considered next day on motion of Mr JASPER (Murray Valley).

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

PARTNERSHIPS VICTORIA

Biosciences Research Centre

Mr PALLAS (Minister for Major Projects), by leave, presented project summary report.

Tabled.

DOCUMENTS

Tabled by Clerk:

Auditor-General:

Local Government: Results of the 2008–09 Audits — Ordered to be printed

Management of the Community Support Fund — Ordered to be printed

Public Hospitals: Results of the 2008–09 Audits — Ordered to be printed

Responding to Mental Health Crises in the Community — Ordered to be printed

Towards a 'smart grid' — the roll-out of Advanced Metering Infrastructure — Ordered to be printed

Financial Management Act 1994 — 2009–10 Quarterly Financial Report for the State of Victoria for the period ended 30 September 2009

Major Sporting Events Act 2009 — Major sporting event order under s 22

National Parks Act 1975:

Advice under s 11

Report on the Cobboboonee National Park under s 17 (two documents)

Planning and Environment Act 1987 — Urban Growth Boundary — Victoria Planning Provision Amendment VC55.

MEMBERS STATEMENTS

Liquor: Warrnambool event licence

Dr NAPTHINE (South-West Coast) — To the great credit of the Warrnambool branch of the Sporting Shooters Association of Australia, the very prestigious internationally recognised 31st Federation Internationale de Tir aux Armes Sportives de Chasse world sporting clay shooting championships will be held next week at the Laang Range near Warrnambool. It will bring 672 of the very best competitors from 26 countries to participate in this world-renowned event.

But the local event organisers need urgent help from the state government to ensure that they have a temporary limited liquor licence for this international event. Since February the Victorian and Warrnambool branches of the Sporting Shooters Association of Australia have been trying in vain to obtain an event licence to cater for the international and local visitors to what will be a world event. However, they keep being held up by administrative delays, technicalities, red tape and a shifting of the goal posts.

This is a major world sporting event, which was last held in Australia 15 years ago. It will bring large numbers of international and interstate competitors and visitors to Warrnambool, and Australia. It will bring millions of dollars to our Victorian and south-west economies. It would be a major blunder and a huge

embarrassment for Victoria and Australia if these international visitors were not able to have a beer after a day's competition or a local wine at the on-site game dinner on Saturday night.

I call on the Premier and the Minister for Consumer Affairs to fix this problem before the world championships start next week in Warrnambool. The Laang Range is 35 kilometres from Warrnambool. The people being catered for are world competitors and spectators.

Judy Falla

Mr WYNNE (Minister for Housing) — I rise to pay tribute to the life of Judy Falla. I was alerted to Judy's passing by a great local justice advocate, Mary Natoli. Judy, aged 80, sadly died suddenly last week in her home in North Balwyn. Judy had been a kindergarten teacher for many years, working at places like the Allambie Children's Home and Camp Pell in Royal Park with children from largely socially disadvantaged backgrounds, and thus started a lifetime of caring for young children. Judy was passionate that every child had the right to quality child-care and kindergarten programs and so was on the committee of the Uniting Church Rupert Street Child Care Centre and Kindergarten for many years.

For years Judy would walk the streets of Collingwood collecting seconds and samples from the local clothing factories, take them home, repair them and sell them annually at markets like the City of Yarra Festival to raise money for the Rupert Street centre in order to keep it financially viable. Many times Rupert Street was at risk of closure because local families were unable to pay their fees. In so many ways Judy Falla kept the Rupert Street Child Care Centre and Kindergarten in Collingwood ticking over. What was most outstanding was her love for and ability to relate so warmly to the children and parents of diverse backgrounds who attended the centre. Judy Falla's death is a great loss to our community. I pay my respects to her family at this very sad time.

Sea Lake and District Health Service: future

Mr WALSH (Swan Hill) — I want to raise with the house the plight of the Sea Lake and District Health Service, which is one of the last old bush nursing hospitals in Victoria to still provide bed-based services. It has 37 aged-care beds, 4 acute beds and an accident and emergency service, it works with a local doctor to have a doctor service, it runs community health in the town, it assists with the neighbourhood house and its kitchen provides the meals for the Meals on Wheels service.

Unless there is government support to reconfigure the service so that it can become part of a larger local health service to help spread the administrative costs, it will be forced to close its doors by Christmas. It is a not-for-profit health organisation and the directors are personally liable if the health service runs out of money. The acute beds cannot be staffed unless there is an aged-care service in town to help spread the cost of the staff across that service. At the public meeting on Monday night the local doctor stated that without a health service it will be very difficult to get a doctor for the service when he retires. The pharmacy would also be at risk.

People in the town have voted to come to Melbourne en masse on the Tuesday of the next sitting week, to raise the issue with the Premier. One local resident was forced to say, 'Let's take up a town collection so we can buy lunch with the Premier so he can actually listen to our concerns' — because, as everyone knows, you have to pay to have lunch with the Premier to get him to listen to the issues facing Victorians.

Mount Waverley Primary School: facilities

Ms MORAND (Minister for Children and Early Childhood Development) — I was very pleased that two weeks ago the Premier was able to officially open the new school buildings at Mount Waverley Primary School. This fantastic rebuilding project has resulted in modern, new $5.5 million buildings that include 16 new classrooms, a library, and staff and administration facilities.

This great school has been providing fantastic education for the Waverley community for more than 100 years. In 2006 the school celebrated its centenary. It was fantastic to see many generations of families who have had an involvement with the school being able to participate in the celebration. Many of the students attending the school today are the children or grandchildren of people who have attended that school over the last generations.

It is a great school. It has a fantastic principal, Trevor Saunders, and staff. It has a really strong and supportive school community. I am sure with these new buildings the school will be able to continue to provide an outstanding education for the Waverley community for many generations to come.

Essex Heights Primary School: Premier's reading challenge

Ms MORAND — On Monday I was also able to visit Essex Heights Primary School to present the Premier's reading challenge certificates. One hundred and ninety students from Essex Heights read a total of 8674 books, which is a great achievement. There was a great achievement in Waverley overall, with over 2000 students successfully completing the challenge this year. They read 78 000 books, which is more than twice the number of books that were read last year. The assembly was very ably run by school captains Philip Chen and Susannah Meale.

Australian Synchrotron: director

Mr KOTSIRAS (Bulleen) — I have raised concerns about the Australian Synchrotron since the Victorian government decided to build this important infrastructure without having thought through the process and requirements that would ensure its viability. What was meant to be a cash cow for Victoria, bringing investment, ideas, discoveries, funds and innovation to the state, has turned out to be a white elephant, lying idle and costing Victorian taxpayers millions of dollars. The reality is the public sector wants to use the synchrotron but does not wish to pay for the service, so the government has to heavily subsidise this infrastructure. I will be surprised if the government receives 10 per cent of its recurrent costs for the synchrotron from the private sector.

The Victorian Labor government can manipulate the numbers all it wants, but the truth is that it has failed to deliver. Having turned a cash cow into a white elephant, this government has now found a scapegoat in an attempt to hide its failure and incompetence by sending a lamb to the slaughter. Professor Lamb has been sacked because this government, simply to score a few political points, rushed into a project without the partnership and cooperation of other states or the commonwealth. Victorians are now paying for this government's arrogance and failure to deliver. This important scientific infrastructure is in danger of gathering dust because of the lack of vision and direction from this government and from this incompetent minister.

The Auditor-General's report next year will hopefully shed some light as to the level of this government's incompetence and failure. I call upon this government, this minister and this Premier to come out and tell us why Professor Lamb was sacked by this government.

St Albans Lunar New Year Festival: fundraising dinner

Ms KAIROUZ (Kororoit) — The year 2010 marks the Year of the Tiger in the lunar calendar, and once again I had the pleasure of attending the St Albans Business Group's fundraising dinner on Monday, 26 October in preparation for the 12th St Albans Lunar New Year Festival. This successful St Albans event is attended by approximately 80 000 people from all over the state and country and is regarded as one of the community's most successful festivals. It is run by local traders led by Sam Agricola, president of the St Albans Business Group, by committee members and by volunteers from the local community. I congratulate members of the St Albans Business Group for their dedication and commitment and wish them another successful festival in January 2010.

Main Road, St Albans: pedestrian crossing

Ms KAIROUZ — On another matter, works have started on the $200 000 pedestrian signals to be installed on Main Road, St Albans, just west of Stradbroke Drive, replacing the existing school crossing. This project is part of the Brumby government's $112.7 million Keeping Melbourne Moving congestion plan, which involves a range of measures to tackle congestion and encourage walking and cycling. Main Road provides access to three local schools in St Albans. These signals will make it easier and safer for pedestrians and cyclists crossing Main Road, especially schoolchildren. I congratulate the Brumby government for taking action on road safety and understanding how important it is to the local community. I would also like to thank the local community, including the council and others, for providing support for this project, which is scheduled to be completed by the end of the year.

Schools: portable classrooms

Mr DIXON (Nepean) — Since Parliament last sat the opposition has released freedom of information figures on the numbers and age of portable classrooms in Victorian schools. Of the more than 8100 portable classrooms in use, 70 per cent are more than 20 years old, approximately 35 per cent are more than 30 years old and nearly 500 are over 40 years old. The oldest portable classrooms in Victoria are more than 48 years old, and dozens of schools have classrooms that are more than 45 years of age. It is conceivable that three generations of one family could have been educated in the same temporary classroom. Portable classrooms that are 30 or 40 years old are not suitable for modern education. They are too small for use as modern

classrooms, with no room for IT, group work or withdrawal areas.

The Brumby government has abrogated its responsibility for providing Victorian schools with reasonably modern, practical portable classrooms to cover population fluctuations, building programs and emergencies. No wonder many Victorian principals spoke out last week about the state of portable classrooms in their schools. The Brumby government cannot use its tired old line of blaming the former government. Labor has been power for 20 of the past 27 years. It has had the opportunity to do something, yet has done nothing. The government must take the opportunity provided by the Rudd government's multibillion-dollar school building bailout to divert part of its capital expenditure to rid Victoria of 30-year old and 40-year old portable classrooms.

Narre community learning centre

Ms GRALEY (Narre Warren South) — The Narre community learning centre is a special place in the Narre Warren South electorate for people to learn, find support and often get help to start over. The Narre community learning centre was established in 1982. It had 35 enrolled students at one campus site and a budget of $2000. Today it has approximately 2200 enrolments across three sites and an operational budget in excess of $1.2 million.

It has grown to become Victoria's largest provider of community education services and has received national recognition for best practice in service delivery and management leadership. Every year this wonderful centre holds the Adult Learners Week awards ceremony. It is an opportunity to celebrate, promote and highlight the value of all forms of adult learning in the community.

The award recipients included tutor of the year, Steve Every; June Thompson memorial mature age learner, Sara Bernini; literacy award, Sara Bernini; learner of the year, Paul Marshall; Courtney Park memorial youth of the year, Emily Kilpatrick; class/group of the year, the Wednesday aged care class — Judy Augustus, Shelly Decker, Julie Gray, Deiana Marcovici and Chandima Weeratung; and the Marie Dunning memorial volunteer of the year, John White.

This centre, like all community centres, cannot survive without the tireless hard work of volunteers. I would like to thank all those who volunteer their time to such centres. Congratulations also to the chief executive officer, Wayne Hewitt, whose dedication to service and tireless leadership makes the Narre community learning centre such a great place for our community. I know that the support of his personal assistant, Sue Brenton, is integral to his good work and the efficient running of the centre. Thank you and well done to Wayne and Sue.

Federation of Ethnic Communities Councils of Australia: Shepparton conference

Mrs POWELL (Shepparton) — As well as being a great place to live, the Shepparton district is able to attract major events because of its great facilities and its wonderful people. On 29 October I attended a dinner for the Federation of Ethnic Communities Councils of Australia. The dinner was part of a two-day national multicultural conference in Shepparton and attracted about 500 delegates — an unprecedented number of delegates at a FECCA conference.

The chair of FECCA, Voula Messimiri, said the reason for the success is that Shepparton has been a wonderful model for decades in settling migrants positively into the community. This is true. Shepparton has a large, diverse multicultural community and a generous, inclusive local community which welcomes people from other countries who are looking for a better life and wanting to contribute to our community. Congratulations to the Ethnic Council of Shepparton district, its president Attilio Borzillo and also its manager, Cr Chris Hazelman, for assisting with the conference and supporting migrants and refugees.

Soccer: Shepparton match

Mrs POWELL — On Saturday, 7 November, I attended a national women's soccer match at Deakin Reserve, Shepparton between Melbourne Victory and Sydney FC. About 500 spectators watched a very exciting game. Melbourne Victory was winning until the final moments of the game when Sydney FC scored a goal. The result was a 1-1 draw.

I congratulate the organisers of the game and the Deakin Reserve committee of management for making sure the grounds continue to be in great condition and be able to attract major sporting events; I hope they will in the future.

Men's health

Dr HARKNESS (Frankston) — One of the biggest but least talked about problems facing Victorians is men's health. There is a range of devastating illnesses and diseases affecting Victoria's men, and these can have tragic effects on Victorian families. Cancer in particular remains a major health challenge. Prostate cancer is the most commonly diagnosed cancer in

Victorian men and is the second most deadly. What makes prostate cancer particularly dangerous is that many men do not go to the doctor until it is too late.

Early detection of any cancer is absolutely crucial. With every day that it goes undiagnosed, the chance of survival decreases. Despite this, many men are uncomfortable speaking about prostate cancer and are reluctant to consult their doctor for annual checkups. This has to change and families need to encourage their men, especially those who are middle-aged, to go for a annual health check with their local general practitioner. It is also important for charities and governments to have targeted public education campaigns to better inform people about health risks. I hope that the *Men's Health Update*, which I am sending to men in Frankston, can contribute to this.

I would also like to make special mention of the Relay for Life fundraiser run by the Cancer Council of Australia. I am delighted to be the patron of this event in Frankston and encourage all members to participate or volunteer for a relay in their areas.

Life expectancy in Australia continues to rise and with it the incidence of cancer. The best way to minimise the impact of cancer on a person's life is to ensure it is detected early. The sooner the cancer is detected and treated, the better the survival chances are. The Brumby Labor government is investing in innovative prevention and treatment programs through its cancer action plan, but there are many things men can do to measure their risk of cancer and find out how they can ensure its early detection and treatment. The easiest and most effective way is for men to consult their doctor.

National Solar Schools program: future

Mr O'BRIEN (Malvern) — At 3.00 p.m. on 15 October this year the Rudd Labor government quietly announced that with immediate effect it was shelving the National Solar Schools program for the rest of this financial year. This program provided grants of up to $50 000 to enable schools to install solar and other renewable power systems, solar hot water systems, rainwater tanks and a range of energy efficiency measures. These would be worthy measures to promote energy and environmental conservation in our schools, but only if the money is there to actually fund them.

A number of schools in my electorate and across the city of Stonnington had undertaken considerable work in preparation for lodging their funding applications under the program. I understand that Malvern Central School and Lloyd Street Primary School are two such schools. However, these schools, like schools across the country, were treated appallingly by the Rudd government in closing down the scheme more than eight months early and without warning.

Federal Minister for Environment, Heritage and the Arts, Peter Garrett — that pale imitation of the environmental firebrand of yore — did not even put out a press release announcing the closure. While the Rudd government pontificates loudly about renewable energy, it is happy to kill off a practical scheme that was delivering real results at more than 1800 schools across Australia. The equally hypocritical Brumby Labor government has stood by and said nothing while Victorian schools have been ripped off thanks to federal Labor's fiscal incompetence.

I call on the Victorian government to stand up for Victorian schools and demand their federal Labor counterparts recommence the National Solar Schools program without further delay.

Tourism: growth

Mr LIM (Clayton) — Melbourne has now become Australia's hottest destination. For the first time more Australians are visiting Victoria for a holiday than Queensland. Therefore I take this opportunity to congratulation the Minister for Tourism and Major Events for a job well done, because it has been under his watch that we have achieved this success.

Data released by Tourism Research Australia shows that New South Wales is still ahead of us, having had 7.2 million domestic visitors in 2008–09, but Victoria had 5.4 million visitors and is ahead of Queensland, which had only 5.1 million. It is clear that during tough economic times Australians' tastes have shifted toward short breaks to experience Victoria's cultural activities and away from Queensland's physical attractions. Apparently the offer of big events, cultural events, retail, food and wine is considered more attractive than theme parks, Big Pineapples and gee-whiz types of stuff.

It is obvious that the minister's marketing campaign promoting Victoria's big events, such as the Spring Racing Carnival and its shops, wineries and culture, have paid off. Marketing has positioned Victoria as the place for the short-stay holiday — the place for a dirty weekend, putting it another way. It is a romantic, cultural and exciting place to visit for a short stay.

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

Bushfires: preparedness

Dr SYKES (Benalla) — Victoria is dangerously unprepared for the forthcoming bushfire season. How can that be when the Premier has repeatedly assured us that he is doing everything possible to be prepared? Therein lies the problem: the Premier is spin without substance.

The Country Fire Authority volunteers mockingly refer to him as their new chief. But the CFA volunteers have no respect for the Premier, because he is calling on a massive input from volunteers, still trying to put their lives back together after the February 2009 fires, into preparation for this year's fire season. He is asking them to give and give, but he is not providing adequate additional resources.

The CFA volunteers do not respect the Premier, because they and CFA staff have had to take the bullets at the bushfire royal commission whilst the Premier has declared himself unavailable. There are many parallels between this situation and that at the battle on the Kokoda Track in 1942. Blamey and MacArthur, sitting back in Brisbane, ordered the boys of the 39th, 2/14th and 2/16th battalions to give and give to meet unrealistic expectations. But Blamey and MacArthur failed to adequately resource the front line. They were just about maximising their own political advantage. When the troops did not live up to Blamey and MacArthur's expectations, it was outstanding field leaders like Brigadier Potts who were expected to shoulder the blame.

I call on the Premier to show true leadership and to adequately resource and prepare the front line of the CFA and Department of Sustainability and Environment firefighters and local communities and support agencies. Until this is done, Victoria will remain dangerously unprepared.

Water: Ballarat supply

Mr HOWARD (Ballarat East) — Ballarat and district water users have at last seen an easing in water restrictions. On 1 November Central Highlands Water users in Ballarat and district were at last in a position to water valued garden beds and trees for 2 hours per week. Councils and community groups are now also able to apply for water from the 500-megalitre allocation for shared public assets, such as parks, sports fields and bowling greens.

Why has this easing in water restrictions been possible? It is partly because Ballarat and district residents have responded to calls to reduce water consumption, to become among the lowest water users in the state. It is also because the levels of water storage have risen from a low of something like 7 per cent to over 20 per cent, or over 16 000 megalitres, which is now in supply.

This is mainly due to the construction of the goldfields super-pipe. This has helped to secure Ballarat's water future for some time to come. The super-pipe was an initiative developed by this government, supported by initial funding from this government and then later was further funded by the Rudd federal government. Fortunately we did not accept the views of the Liberal Party or The Nationals, which opposed the pipeline. If the policies put forward by the opposition ahead of the last election had prevailed, Ballarat would now be without water.

Nina Bassat

Mrs SHARDEY (Caulfield) — In March 2003 in this house it was my great pleasure to give recognition and to congratulate Nina Bassat, AO, for inclusion on the Victorian Honour Roll of Women. Today I offer my further congratulations to Nina for the honour she received on Monday night at an awards evening held by the Jewish Community Council of Victoria. For her outstanding service to the Jewish community, Nina Bassat received this year's Sir John Monash award.

This exceptional, intelligent and charming woman came to Australia with her mother as a refugee from post-war Poland in 1949. She has combined her career as a lawyer with raising a family with her husband, Bob, and making a significant and now suitably recognised contribution as a volunteer to the Jewish community, holding leadership roles as president of the Jewish Community Council of Victoria and the Executive Council of Australian Jewry, and vice-president of the National Council Of Jewish Women of Australia. In the *Australian Jewish News* she is said to be:

> … a tireless campaigner and facilitator for Holocaust restitution, for resettling Jews from the former Soviet Union, and for dealing with the aftermath of the Maccabiah bridge disaster.

Nina's continuing involvements are many and include her role as the Melbourne deputy chair of the Parliament of the World's Religions.

In 2003 I spoke of Nina Bassat's other role as a loving mother and grandmother and a humble person who is immensely proud of her heritage. She is also a standout Jewish woman and a standout Australian. Mazel tov Nina!

Frankston North: public internet access program

Mr PERERA (Cranbourne) — Recently I had the pleasure in representing the Minister for Community Development in announcing a $15 000 Brumby Labor government supported public internet access program.

Strong families need strong communities, and that is why we are taking action to help more people access employment, education and social opportunities available online through the public internet access program. The Brumby government program will help give the residents of Frankston North, particularly senior residents, free internet access to help them get online at the Mahogany neighbourhood centre and Kings Close community centre. The grant has been used to buy three computers and internet access at each centre as well as a printer for the Mahogany neighbourhood centre. Volunteers have received training in using the computers and internet and are now keen to help others learn to get online too.

It is estimated that 40 per cent of households in Frankston North have no internet connection. Local people can now access it for free for 20 hours each week for two years. People use the internet for homework, work, banking and paying bills, looking for jobs and study opportunities and keeping up with world events. Many people use the internet to stay in touch with friends and family and to connect with other people. This is part of the Frankston North community renewal program that is being rolled out in the local area. Since its inception approximately three years ago, the Brumby Labor government has invested over a million dollars through its community renewal program.

Insurance: fire services levy

Mr WELLER (Rodney) — Today I rise to question the true intentions of the Brumby government in reviewing the Victorian fire services levy. Like my colleagues in the coalition, I am a strong supporter of the concept of a review, but I am concerned that this review is driven more by the government's desire to quieten community unrest than any real intent to achieve meaningful change.

The time line of the review permits the government to delay any decision on the fire services levy until after the November 2010 election. Submissions on the green paper will not even be accepted until June next year. It seems clear the government's review is the review that you have when you are not actually having a review.

The coalition is committed to making sure this review is not used by the government to simply put the issue on the backburner. It is important that the process be carried out in an independent and transparent manner and is not simply used as a way to justify the existing system. The current fire services levy on general insurance policies is grossly inequitable in that two-thirds of people who insure pay levies of up to 84 per cent, whilst one-third of people who do not insure make no direct contribution to the fire services.

On top of that, the people who insure pay 10 per cent stamp duty and 10 per cent GST as well. The Victorian Liberals and The Nationals in coalition government will implement a fairer system that provides adequate funding for the state fire services.

Bob Miller

Mr CRUTCHFIELD (South Barwon) — It is with great regret and sadness that I inform the house of the recent passing of a dear friend and life member of the ALP, Torquay's Bob Miller, aged 81. Bob is survived by his loving wife of 59 years, Valda, daughter Lynette, son-in-law Brian and grandson Ryan. My deepest thoughts and sympathies are with the family.

Bob was a dear and straight-talking friend to all within the ALP. I remember with great fondness some of Bob's contributions at Belmont branch meetings. He certainly was not afraid to speak his mind, and many friends would no doubt agree that he strongly argued his case, no matter what the discussion.

A former president of the Federated Engine Drivers and Firemen's Association of Australasia and a former Heidelberg councillor, Bob was known as a fit character often seen walking around his home town of Torquay and playing a game or two of bowls with his beloved wife, Valda. I often ran into Bob at the Torquay Bowling Club, where he was a very popular member, and he never failed to come up to me to warmly greet me and give me his cheeky grin.

Bob shared a passion for the ALP and was a lifetime member of the Australian Labor Party and longstanding member of the Belmont branch. He will be remembered by Labor Party members as a man of great passion who was a party faithful, a man of great respect who had a commitment to social justice issues.

Once again I convey my deepest sympathies and the sympathies of all ALP members to Valda and Bob's family. Rest in peace Bob Miller!

Wellington–Lysterfield roads, Lysterfield: traffic lights

Mr WAKELING (Ferntree Gully) — It is with great disappointment that I highlight to this house the failure of the Brumby Labor government and the incompetent Minister for Roads and Ports to construct a set of traffic lights at the intersection of Wellington and Lysterfield roads. In fact it has now been three years since the then Minister for Transport promised to fix this hair-raising intersection.

The government has tried to blame the Yarra Ranges council. However, it is now clear that it is simply either the incompetence or laziness of the minister that has delayed this project. After taking almost three years to gain the necessary permits for the works, the government continues to stall on this project, with no construction evident to date. I am outraged that my community's safety is put at risk, thanks to the laziness of this government.

Rail: Ferntree Gully station

Mr WAKELING — I wish to also highlight to this house the works currently being undertaken at Ferntree Gully railway station. I lobbied the Labor government for a number of years to have the station upgraded to premium status to increase the safety and comfort of users of this station. After a number of years the government finally agreed to upgrade the station. With premium status, the Ferntree Gully station will provide a safer and more comfortable environment for commuters. This safety would be increased under a Baillieu government, which would ensure that protective services officers would be located at the station.

A number of months ago I requested a tour of the facility as the local member of Parliament so I could then inform the community of the progress of the works. However, I was denied this opportunity. It seems that the Brumby Labor government has no interest in informing the community about what it is doing, nor is it interested in being transparent in the works it is undertaking.

Myrniong Primary School: 150th anniversary

Mr NARDELLA (Melton) — I want to congratulate the Myrniong Primary School, which has celebrated 150 years of great and fantastic service to the Myrniong community and district. Both Catherine King, the federal member for Ballarat, and I attended Myrniong Primary School last Saturday to celebrate the 150th anniversary. We were joined by current and past students, and mums and dads in celebrating this milestone.

The school council president, Mark Powell, and the principal, Allan Peach, were there. The leadership within that school is just fantastic, and that leadership was evident through the activities during the day and the pride of the students when they were taking community members into their classrooms and guiding them through the 150-year history of the school.

It was a terrific day. It meant that everybody celebrated 150 years of community service that the school has given to the district and to the local families and others. I absolutely congratulate Allan Peach, Mark Powell and the team, and all the teachers and students for putting on a very good celebration.

MATTER OF PUBLIC IMPORTANCE

Public transport: passenger safety

The DEPUTY SPEAKER — Order! The Speaker has accepted a statement from the member for Gippsland South proposing the following matter of public importance for discussion:

> That this house congratulates the Liberal-Nationals coalition for its policy initiative that in government it will provide more than 900 protective services officers and 100 extra transit police to improve public safety on the public transport network and condemns the government for the fact that there are on average five acts of violence a day committed on the network, an increase of over 40 per cent since the election of the current government, which has taken no effective action to stem this escalating problem thereby leaving those who use the public transport system in Victoria dangerously exposed to acts of violence.

Mr RYAN (Leader of The Nationals) — I am pleased, indeed proud, to talk about this matter of public importance this morning. It is a matter that is crucial to the people of Victoria and in particular to those who travel on our transport system, not only in metropolitan Melbourne and the major regional centres but also across the system at large, because this makes a statement as to the intentions of the coalition in the event that we are successful at the election, which is now 381 sleeps away — not that anyone is counting!

This is a great policy. It was announced on Sunday by the Leader of the Opposition, Ted Baillieu, and I want to go briefly to the essence of what it says. It will provide for Victoria Police protective services officers (PSOs) to be at every metropolitan station after 6.00 p.m., 365 days of the year. There are 215 of those stations; they will all be the beneficiaries of this initiative. In addition to that, the protective services

officers will be on the platforms of the major regional stations — and there are 13 of those throughout Bendigo, Ballarat, Geelong and the Latrobe Valley. Once again, those PSOs, if I may so term them, will be there from 6 o'clock of an evening through until the last train, 365 days a year.

In addition, another 100 Victoria Police officers will join the transit system. They will patrol the train, tram and bus networks on the basis that they will be in uniform, travelling the system and available for the purposes of policing it. Therefore there will be approximately 1000 extra officers on the public transport system. There will be a zero tolerance approach to crime on the public transport system. This is a very carefully costed $200 million program that will roll out over four years. The coalition believes this will be absolutely integral to the future of Victorians and, as I said, particularly those who travel the system.

We have great respect on this side of the house for the protective services officers. They do a terrific job. They look after the parliamentary precincts — —

Mr Nardella interjected.

Mr RYAN — I must say that the bloke now speaking to the Parliament has won his last 6 fights by 10 back fences, therefore I am always delighted to see PSOs on duty around the precincts of Parliament. They also provide protection at the courts and over at the Premier's office. One would have thought, therefore, that universally we would have a great regard for the PSOs and the wonderful work they do in ensuring the security of all of us who are the beneficiaries of their great work. Therefore I thought it, shall we say, unfortunate that the Premier made some disparaging observations on the weekend about the capacity of the PSOs to do this work. I do not think it was called for, and I think that if we are going to pay due regard to the great work they do, the Premier needs to have careful regard to that when he is making observations in the nature of those he made on the weekend.

Those comments, and the government's response thus far to our proposal, are all the more extraordinary when you think that government members themselves know this is needed. They knew it on 6 November 2006 when there were conversations between the then Premier and Police Association Victoria; they knew it all right, because there was a letter which was signed by the then Minister for Police and Emergency Services, who is the current Minister for Finance, WorkCover and the Transport Accident Commission, and the then Premier, Mr Bracks, on behalf of the association, which dealt with a number of issues regarding arrangements that were struck — in secret, I might say — between the association and the government. Let it be said that we have all moved on, but there is a particular element of that letter that is of great relevance to today's discussion. I will read from page 5 of the letter. Under the heading 'Expanded role for existing and new protective services officers' it says:

> The ALP and the TPA —

in other words, the Police Association —

> agree to the deployment of existing and future protective services officers (PSO) at city loop railway stations. This will be in addition to their current deployment at courts and around other sensitive buildings.
>
> PSOs will provide a visible presence and enhance community safety around city loop railway stations. The ALP and the TPA agree that the PSOs are not a substitute for police and there will be no change to resources or function of the transit safety division as a result of this change.
>
> Standard operating procedures will be introduced by Victoria Police in consultation with the Police Association that will reinforce that PSOs shall be confined to the stations and public areas outside the stations.

The irony is not only that the government knows the merits of this wonderful policy but also that it said this in a letter to the Police Association that was co-signed by the then Premier and the then Minister for Police and Emergency Services. It did that with the intention of doing, in part at least, what we are now proposing to do properly.

For the government to react as it has is yet another one of those instances of the government on the one hand promising things, as it did in that letter of 6 November, and on the other hand being unable, unwilling or failing to deliver on what it promised. Many Victorians might say this has a familiar ring about it. The simple fact is that we will deliver on this, and we will do it properly. Members of the Labor government were wimps — they shirked it — but we will do it properly.

The reaction to our proposal has been universally wonderful across Victoria. People welcome this proposal, because they know it is much needed. Like it or not, violence on trains and railway stations is a reality, and increasingly people are worried about it. On Monday morning I was at Sunshine railway station in the company of the Leader of the Opposition, the shadow Minister for Public Transport and the member for Kew. We were handing out material basically about this announcement and talking to people who were using the public transport system. People were universally thrilled about it. They talked to me about the fear they have as local residents using the station. The staff do a great job there; all those involved in the

operation of the system as it is at the moment do their very best with what is available to them. However, these people told me of the difficulties they have encountered and the fear they have in relation to the use of the system.

The Sunshine area is very multicultural. There were many people from many different backgrounds with whom I had the pleasure of having great conversations. Les Twentyman came to the platform to catch a train, and it was great to have the opportunity for a discussion with this great man.

Mr Nardella interjected.

Mr RYAN — I hear the member for Melton disparaging Les Twentyman, but we know the Labor Party is good at that. This fellow, Les Twentyman, made it very clear that he thinks this is a terrific proposal. Locals love it; train passengers love it; people are thrilled. There has been a lot of commentary on it from a lot of groups. The Police Association itself, the Victorian Employers Chamber of Commerce and Industry and a raft of other organisations quite properly greeted this proposal positively.

The sad thing is that this problem has been years in the making. Labor has shirked it; Victorians have been left dangerously exposed to violence on the transport system. There is a mountain of publicity about this problem, and the statistics tell the story as well. You can search for and find any amount of information you choose.

To demonstrate the longevity of this issue — even in the sense of the last 12 months — I picked out of the pile a *Sunday Herald Sun* article of 14 September 2008, a year ago, headed 'Violence on the tracks' and subheaded 'Train travellers are riding in fear — secret log shows passengers assaulted and harassed each day on our rail lines'. It goes on to say:

> A secret internal log has revealed gangs of violent youths, drunks, glue sniffers and sexual predators are rampant across Melbourne's public transport network.
>
> A three-year diary of public transport assaults — obtained under freedom of information — has exposed the extent of the violence.
>
> The revelations in the dossier have prompted calls for immediate action, only days after it was claimed Melbourne's train network was more dangerous than London, New York and Sydney.
>
> As passenger trips across the network soar by tens of thousands each year, the Public Transport Safety Victoria log shows violence and antisocial behaviour happen daily.

Time precludes me reading out all of the article, but I will mention a couple of other parts. It is interesting that the city loop was the most dangerous place to catch a train, followed by the Frankston, Pakenham, Werribee and Cranbourne lines. The significance of the city loop being mentioned is that the government has known about it for years, which is why the city loop was specifically included in that letter of 6 November co-signed by the then Premier, Steve Bracks, the then Minister for Police and Emergency Services, Tim Holding, and the Police Association.

The city loop is the one area that gets a specific mention because the government has known for years that this area has been a focus of problems, and it has done nothing about it — it has shirked it. We are going to fix it.

There are many other elements of that article that are of a similar vein and bear consideration when one is discussing this. The article goes on to talk about the assaults that have happened across the country sector — 59 of them between 1 January 2005 and 31 December 2007. Across the whole system in that time 1293 incidents have been recorded in the log to which the article refers. Is it any wonder that people are so terribly concerned about their safety on the transport system?

The fact is that when you look at the figures which have been taken from the police statistics, the situation has got worse. I pause to say that I know there has been some discussion about the efficacy of those statistics, and I have with me the Ombudsman's report on crime statistics and police numbers. Again, time is against me in terms of going through it, but the bottom line of that report — if anything can justifiably be taken out of it — is that these figures, if anything, are understated.

The figures, even as we have them, tell a terribly worrisome story. These are comparisons between 2005–06 and 2008–09. I will just talk in terms of the percentages, as opposed to particular figures, but they are all there; they are on the web; they are available for anyone who might want them. Total sex offences in this time increased 24.7 per cent; robberies increased 74.5 per cent; assaults increased 30.2 per cent; total crime against the person increased 36.1 per cent; property damage increased 49.9 per cent; theft, amongst other categories, increased 24.3 per cent; crime against property was up 9.2 per cent; drug offences increased 44.3 per cent; weapons and explosives offences increased 59.1 per cent; behavioural offences increased 39.2 per cent; and total crime therefore has increased across the board by 8.1 per cent.

It is simply and utterly unacceptable for Victorians who use our transport system to be faced with this sort of conduct. For 10 years the Labor government, in possession of budgets of $300 billion over the course of that time, has done an absolutely miserable job in addressing this issue, as it has on so many other issues.

The undertakings which the government entered into with the Police Association in that letter of 6 November 2006 have not been met in so far as this issue is concerned. In the next little while we will deal with lifting the cap on the PSOs, because, as the house knows, we strongly support that element of the legislation. That has been our contribution in the course of the debate with regard to that bill. It was made perfectly clear that it is an issue that we strongly support. It is a non-issue in this whole debate, and we will address that.

The simple fact is that we will deliver this policy. In government we will make sure that we have an additional 1000 officers on our transport system, either on the stations or on the trains, to assist in securing the health, welfare and safety of both the country and metropolitan people of Victoria who use the system. The people of Victoria deserve no less.

The people of Victoria, quite rightly, think that there is something wrong in this state when a government which has been in office for 10 years and has had a budget of $300 billion available to it cannot do the most basic of things — that is, provide a transport system which is safe and secure for those who use it, be they young, be they old, be they male or female. Everybody should be able to use our system in safety. We as a coalition in government intend to ensure that that occurs.

Ms GREEN (Yan Yean) — How interesting! The opposition has had the opportunity to put up a matter of public importance to the community across the state, yet it puts forward a statement that pats itself on the back with self-congratulations of, 'Aren't we good; we thought of a policy; and it's only taken us three years in this term'. How long has it been since opposition members sat on this side of the house? They are saying through this statement, 'We are going to pat ourselves on the back; we thought of a policy — that was good'.

The Liberal Party council had its meeting last weekend. They probably thought, 'We had better have something to tell someone; we had better have something to say for a change'. The emperor has no clothes. I cannot believe the Leader of The Nationals has come in and proposed this matter of public importance with self-congratulations. He has taken on the new responsibilities of the shadow portfolio of police and emergency services.

I notice his predecessor is in the chamber at the moment. We know that he did very little, except talk down this state and frighten the cripes out of the community. He told lies and untruths about the level of safety and the crime rate in this state. Opposition members had the opportunity to give the police commissioner more powers to use the workforce at his disposal and increase the number of protective services officers. We support PSOs (protective services officers), which is why the government proposed to use the Police Regulation Amendment Bill, which members opposite voted down, to give the police commissioner additional powers to be able to utilise the workforce at his disposal, in particular the great work that PSOs do. That bill proposed to expand the range of tasks that they could do and also to take off the cap of 150 officers. Opposition members had the opportunity to support that.

Right at the end of his contribution the Leader of The Nationals said, 'We will deal with that; that is a furphy'. That was only a matter of weeks ago. For how many weeks did opposition members dither and thither in their shadow cabinet room about whether or not they would support the bill? When the opportunity came for the opposition to show their support for the police commissioner, Victoria Police and the PSOs, they voted it down. Why on earth a few short weeks later have they cobbled together this self-congratulatory policy about putting PSOs into the public transport system when only a month ago they voted to ensure that that could not occur?

The Victorian community does not have a short memory. It has not forgiven members opposite, because their record when they sat on the government benches was to promise additional police but in fact to cut police numbers. We all know what they did in public transport. There were enormous cuts, the closure of country rail lines, the reduction in services and the failed breaking up of the rail and tram networks that ended up costing Victorian taxpayers in excess of $600 million. Now the Victorian community is expected to believe them again after they failed at that first opportunity last month to support the police regulation legislation.

Clause 118B, which deals with the work that PSOs can do, states:

> The Chief Commissioner may, in accordance with the regulations, appoint and promote so many protective services officers as the Governor in Council thinks necessary for the purposes of providing services for the protection of persons

holding certain official or public offices and of certain places of public importance.

At present, as we know, PSOs are used in Parliament House, Government House and the courts. The government sought through the bill to extend this to allow the chief commissioner to deploy PSOs in other ways, including at train stations. We do not just talk, we deliver. We have a good record on the resourcing of police in this state. What we have seen with the increases in the budget and the number of the police on the street is that crime rates have gone down, despite what those opposite would say.

We have provided Victoria Police with record resources, with a budget of more than $1.89 million this year and an additional 1400 sworn police, and we are going to deliver another 470 during this term. We support Victoria Police, unlike those opposite. With a 25.5 per cent reduction in crime, that is a great credit to the men and women of Victoria Police, and it makes Victoria the safest state.

Those opposite would fiddle with the figures and raise fear in the community. They try to tell people that it is an unsafe system. The crime rate on public transport per million trips has actually fallen by 10.5 per cent in only the last year; the crime rate on or around public transport during 2008–09 was 18.2 crimes per million trips. Since 2000–01 the crime rate per million trips on public transport has declined by 43.6 per cent. That is a great result, and we congratulate our police and our public transport operators for their efforts.

Returning to this self-congratulatory policy of the opposition, I have followed some of the commentary; there has been a lot of interest in how this $200 million commitment will be funded. Only two days ago, on 9 November, the Leader of The Nationals appeared on the ABC *Statewide* program hosted by Kathy Bedford. He said, 'This announcement we have made is being funded out of the transport budget. It is not being funded out of the budget of police'. What are they going to cut?

Mr McIntosh — Nothing.

Ms GREEN — We have the pea-and-thimble trick; the member for Kew has said they are going to cut nothing. A $200 million commitment — if you do your maths, you realise it actually will mean that they are going to cut something. My community is excited about the massive project to extend the South Morang rail line. That project will cost $650 million and will include three grade separations to fix up the terrible spaghetti intersection at Cooper Street near St Monica's College and the Royal Melbourne Institute of Technology campus.

Not only will this project deliver more frequent and longer rail trips — 3.5 extra kilometres of rail — but it will also fix that spaghetti intersection. Would those opposite, with this $200 million commitment, cancel the rail extension to South Morang? Would they prevent grade separations being constructed? Would they allow dangerous level crossings to be part of that extension? Or would it mean cuts to metropolitan bus services, which have seen an enormous increase in patronage in my area and extensions into new estates in South Morang and regular services to Mernda and Doreen, connecting down to the trains at Greensborough and into the Epping line? Would it mean that they would cut those services? We know that when they were in government, that is exactly what they did. They also closed numerous country rail lines.

Would they be looking at cutting back on those wonderful new services and initiatives in my community? I notice the Minister for Agriculture is the minister at the table, and I know he is very committed to the return of rail services to Maryborough, which is one of the country areas that suffered on the watch of those opposite. It lost passenger rail services. That beautiful station at Maryborough will be used by passengers again; we will be putting it back, but if that lot get in, that project would be in jeopardy.

Would it mean that the Doncaster area rapid transit service along the Eastern Freeway to Doncaster would be a casualty of the $200 million that would have to be found within the transport budget according to the Leader of The Nationals? In this year's budget papers there are numerous other projects that could be at risk with this pea-and-thimble trick. The community should not be tricked into believing those opposite. The budget talks about an enhanced bus program for Geelong, and that might be something else that those opposite might contemplate cutting. The outer suburban roads and new train stations proposed in growth areas at Williams Landing, Lynbrook and Caroline Springs could also be in jeopardy, as well as the purchase of the new X'trapolis trains. All these things could be under threat if those opposite do not explain where this $200 million is going to come from.

Given that those opposite are so loose with the truth about what they would do, is the other alternative, bearing in mind that the member for Kew has said he would not cut anything, that the $200 million would come from a fare increase? That would amount to a 15 per cent increase in fares. That is something else the Victorian community would have to weigh up with this

dishonest opposition that is congratulating itself on this cobbled-together policy.

We, in government, are going to continue improving the public transport system, continue to support our police and continue to support protective services officers. We would have liked to expand the role of PSOs, who do a great job here. We definitely had a proposal before the Parliament that was going to expand the role of PSOs and give the police commissioner the powers he needs to deploy PSOs in a broader way, as well as lifting the cap of 150. It was a hasty end to the Leader of The Nationals' contribution: 'Trust us, we will deal with that'. The Victorian community must see that the coalition had the opportunity only a month ago when the Police Regulation Amendment Bill was before this Parliament, but what did it do? It wimped it and voted it down, and then a few short weeks later the Victorian community is supposed to believe the coalition has done a mea culpa and should now be believed when it says it will provide 900 additional protective services officers. It is not to be believed, and the Victorian community has a very long memory.

We know what the opposition did when in government. It is not just what you say, it is actually what you do that counts in public life, and we know what the opposition did when it was in government. It promised additional police, but it actually reduced the number of police. It gutted the public transport system. It closed regional rail lines and it cut and removed evening and weekend services on buses to Whittlesea, Humevale and Greensborough in my community, and the people in my community have not forgotten.

I am pleased that we have returned those services during our time in government. We will continue to improve the quality of and safety on public transport. We will also continue to support the police commissioner and the wonderful men and women of Victoria Police in the work they do. We will do that in Parliament, we will do it through the budget process and we will do it in the community. We will not do as those opposite do: give ourselves a little clap and a pat on the back when, after almost a decade in opposition, we finally come up with a policy. This is a ridiculous matter of public importance, and it should be voted down.

Mr McINTOSH (Kew) — It is a pleasure to follow the woolly logic of the member for Yan Yean. It demonstrates that the Labor government just does not get it — it just does not get the problem. We have a problem with violent crime around this state and particularly on our public transport system, but most importantly, it is not just me saying it or alleging it. The reality is that on Monday the Leader of the Opposition, the Leader of The Nationals, the shadow minister for transport, who is the member for Polwarth, and I had the opportunity of talking to residents of Sunshine out at their station. It was interesting because when we went out there — —

Ms Green interjected.

Mr Nardella interjected.

The DEPUTY SPEAKER — Order! The member for Yan Yean has had her opportunity, and the member for Melton will get the call; the member for Kew, to continue without interruption.

Mr McINTOSH — People were coming up to us and volunteering their views about just how unsafe our public transport system is and demonstrating to us that there is a significant problem with violence on our public transport system — person after person came up.

Yes, Darlene Reilly had been advised beforehand. She turned up and expressed her concerns about public transport and the lack of safety on our public transport system. She described this proposal by the coalition as being a fabulous idea that would certainly go a long way towards addressing her concerns about public transport. That is not the first time I have met Darlene Reilly. I attended a public meeting at Sunshine earlier this year which was also attended by a local member for Western Metropolitan Region in another place, Bernie Finn, and the member for Benambra, who is the shadow parliamentary secretary for police and emergency services.

The chairs for all the local members of state Parliament and the local federal member were empty. To his credit, at least, although he was late, the member for Keilor did front that public meeting. The meeting was not just about problems associated with crime and violence on our public transport system. Yes, that was an important issue, and the meeting was held next to the railway station — because that became an icon for the issue of public violence in the western suburbs. People were expressing their concerns about violence spilling out into the streets and elsewhere, but only one of the local Labor members turned up. The local Liberal member for Western Metropolitan Region in another place, Bernie Finn, did turn up at that meeting to hear residents. Some 200 to 300 people turned up, and time and time again they expressed their concerns about this significant problem.

Labor Party members just do not get it. We have a problem with violence in this state. Certainly it

manifests itself on our public transport service. As I have said, time and time again people have reiterated that to me right around this state, but most recently on Monday out at Sunshine. Les Twentyman was there and he indicated that there was a significant problem. He said he had been trying to get Labor Party members to focus on this as an issue in their heartland of the western suburbs.

As members know, Les Twentyman is often ridiculed by Labor Party members. He expressed his concerns and told me that recently he had emailed the federal member for Maribyrnong, highlighting this problem and saying, 'Could you do something to get this government to do something about the problem on our public transport system?'. He also said that he had attended that station in the company of the person he described as the local member — I do not know which member he was referring to specifically, but I believe it was the member for Derrimut — and they witnessed a stabbing on that railway station. It is a problem and there is a real divergence of ideas. Members of not just the Liberal and National parties but the whole Victorian community understand that we have a problem with violence.

The DEPUTY SPEAKER — Order! As per the agreement and acknowledging the importance of the time of 11.00 a.m. on Remembrance Day, the sitting will be suspended until 11.15 a.m. Members will be made aware of the resumption of the sitting when the bells are rung.

Sitting suspended 10.45 a.m. until 11.17 a.m.

Mr McINTOSH — As I was saying, the Labor Party does not get this problem. We have a significant problem of violent crime around the state but particularly on our public transport system, and the Labor Party has demonstrated over and again that it does not get the nature of the problem. Labor members are obviously not talking to their own constituents in their heartlands such as Sunshine and elsewhere around the state. I put on record the fact that when the Leader of The Nationals in his contribution was highlighting this significant problem the member for Melton interjected and described it as being rubbish. Indeed the member for Brunswick also described it as being scaremongering.

What we are debating here today is a positive contribution on this subject. It is certainly an indication of what we will do when we are in government, which is to improve public safety on our public transport system. The contribution from the Leader of The Nationals demonstrated the policy of the coalition, which is to add over 900 PSOs (protective services officers). A PSO is not just someone who is going to get on the phone and make a call to the police to solve a problem. They are trained. They guard the Parliament; they guard the Shrine; they guard our courts. The public transport network is another public space where the use of PSOs could easily be extended to enable them to protect ordinary Victorians. If that is good enough for the Premier and the rest of us in this place, it should certainly be good enough for ordinary Victorians.

The most important thing about this is — —

Honourable members interjecting.

The DEPUTY SPEAKER — Order! The member for Kew, to continue.

Mr McINTOSH — As I was saying, the Labor Party just does not get this problem, and because it does not get the problem, it is not going to provide any real solutions. The coalition, however, is demonstrably prepared to meet the aspirations of ordinary Victorians to travel safely and be protected on the public transport system, as this policy we have announced clearly demonstrates.

In relation to one point the member for Yan Yean made — and I understand she is the Parliamentary Secretary for Emergency Services and may not quite understand this — the bill that was introduced last year in relation to police regulations did a number of things. Part of it was urgent legislation to rectify the OPI act, and that was split away from the original bill and was passed through both houses of Parliament in a very short space of time. Our concern with the bill related to the regulation part — that is, the inherent unfairness of those regulations to ordinary police officers. On that basis we voted against the bill.

This government chose to include some things which also mattered to us and which we clearly supported from the outset. Firstly, we supported and said categorically that we supported the issues relating to vicarious liability. We also indicated that we were prepared to support anything that removed the cap on PSO numbers. After the passage of that bill the opposition made inquiries with the clerks of the Assembly and Mr Dalla-Riva spoke to the clerks in the upper house. The opposition tried to introduce its own private members bill to remove that cap. Unfortunately we were told that we could not do it, firstly, because it involves an appropriation and, secondly, because it could easily run awry of the same question rule.

Let us be very clear: the opposition would support and would expedite any piece of legislation to enable that

cap to be removed. We would give leave to the government so that it would not offend against the same-question rule, and to enable the government to suspend standing orders. We have made it perfectly clear that we would do that. It is a simple legislative change. It would only be three clauses, and we would be quite happy to support that.

The government chose to include something the opposition parties and indeed every party — including the Greens and the DLP — opposed as being inherently unfair. We were concerned with 99 per cent of that bill, and that is why we had to vote against it. It was because the government chose not to remove the cap and pass that through as a separate piece of legislation, as it did with the OPI amendments.

This is an important issue. The opposition is trying desperately to get this government to move on this issue and to understand that we have a problem in this state not only of violent crimes on our streets and in our homes but also on our public transport system. Person after person I have spoken to right around the state has identified this as a critical issue.

This is a fabulous policy that I am sure all Victorians would welcome. All the Victorians I spoke to in Sunshine on Monday indicated their support. They described it as being 'a great start' and a 'fabulous idea'. Not only Les Twentyman and Darlene Reilly, but ordinary citizens of Sunshine said that. The Police Association supports this proposal. The Public Transport Users Association supports this proposal. It is just that the government does not get this problem. On average about five serious assaults, rapes or sexual or weapons offences are committed on our public transport system every single day.

The government is in utter denial about this significant problem. All I can say is thank God we have a concrete proposal, which is to protect our public transport system for ordinary Victorians. I wish this government would just come to the table and say, 'We have a problem'.

Mr NARDELLA (Melton) — I rise to attack the policy fraud that is being placed before the people of Victoria today. It has taken 10 years for opposition members to put together this policy. It has taken them 10 long years in opposition to come up with a policy proposal that is a fraud upon public transport within Victoria. It is a fraud upon the people of Victoria because the premise, the words and the statistics used are wrong.

The safety statistics are wrong. The level of safety of the public transport system is greater today than it was in 1999. It is all about scaring people. The opposition believes you have to scare people so that then they will vote for you. You have to get people like Les Twentyman, one of the strongest Liberal Party supporters in Victoria, to come out with you to Sunshine station.

It would have been quite a journey for honourable members on the other side of the chamber to cross the Yarra River and travel out to Sunshine, where I was born and where I grew up, to get to the Sunshine railway station. I bet that was the first time, and it will most probably be the last time, the member for Kew has been to Sunshine station. Certainly it will be the last time the honourable member for Hawthorn, the Leader of the Opposition, will ever step foot in Sunshine other than for by-elections.

The Leader of the Opposition would have had to have taken his global positioning system (GPS) and he would have had to have taken his *Melway* street directory. They would all have piled into the same car because the driver would know how to get to Sunshine, but none of them would know how to get there. Did they use the train to get to Sunshine?

Mr Weller — They did.

Mr NARDELLA — They did, but they would never have got there in a white car. They would have driven off into the sunset using the GPS.

Currently there are a few shows about vampires on television. *Twilight*, for example, is one of them. Members of the Liberal Party and The Nationals are vampires, because when they were in office they sucked the lifeblood out of public transport in Victoria. They ripped the heart out of public transport year in, year out, day in, day out. As the blood was dripping down their lips, they kept on laughing whilst they were ripping out the heart and sucking the life out of public transport.

In their seven, long, dark years the opposition parties did the following things. On 4 January 1993 they sacked all the transit police officers, more than 170 of them. This is how committed they were and how they looked after the safety of public transport patrons in Victoria. Not only did they sack them but they also did it by sending out couriers after 12.00 midnight. Transit officers were woken by a knock on the door at 1 o'clock, 2 o'clock or 3 o'clock in the morning and given their pink slips. How disgraceful! What sort of commitment is that to public transport safety?

However, the former coalition government went further, and this is how it will pay for the 1040 people in its policy. The only way it could make public transport safer was to close it down. It closed six country rail lines, including Bairnsdale, Ararat and Mildura. That is how it made public transport safer, by closing the system down — and it will close down the systems that we have been reopening since then.

When in government the current opposition parties got rid of every single conductor on the tram system. Do members remember that time? That was a safety issue; people felt safe when conductors were on the tram system. Every single conductor was sacked. When 1993 rolled around, just after the opposition parties were elected to government, what else did they do as a safety measure on the public transport system? They sacked every single guard on the train system. Every single guard was sacked by the Kennett government and by the Leader of The Nationals in this place, who was there cheering the government on. He cheered it on when the Mildura line was closed; he cheered it on when the Ararat line was closed; and he cheered it on when the Bairnsdale line was closed. When all the guards were sacked by his government and its members, he cheered them on and he continues to cheer them on.

Here come those bloodsucking vampires in the opposition again to suck the lifeblood out of the public transport system. They are out in the sun now. They believe they have changed, that they can go out in the sun and it will change their spots. But they cannot, because their record speaks for itself.

What else did the former government and its members do? In 1993 they went out and sacked station staff; staff at station after station were sacked. That is what this opposition policy will mean. This policy will result in 1040 people within the transport sector losing their jobs, only to be replaced by protective services officers (PSOs) who will sit down at a station and get their afternoon shift allowance. They will be there from 6.00 p.m. until the last train. It is as if there will not be any crime committed before 6.00 p.m. There will be no conductors on V/Line trains, but the services will need to be cut and the fares will probably rise to pay for that.

However, 1040 people in the public transport system will lose their jobs to pay for the PSOs. Only a couple of weeks ago opposition members voted against an increase in PSO numbers. They do not support PSOs, and yet the honourable member for Kew came in here today and said, 'No, this is different. Although we really did not believe in that, if you bring it back, we will support it. We, the vampires of the opposition, have changed our spots and we can go back out into the sun'. In actual fact they cannot. These vampires, who have sucked the lifeblood out of public transport, cannot change their spots; they will go back and do the same thing again.

What else would they do? As the former transport minister, the Honourable Alan Brown, did in 1993, they will go out and reduce the timetable to a summer timetable and, again as they did in 1993, they will keep the summer timetable forever more. They kept it for seven, long years. That is the way to fix up public transport; that is the way to make it safer. You reduce the timetable to the summer timetable, you reduce the services, you reduce the staff and then you say, 'We are making the system better'. That is what the opposition does.

What will the opposition do? Let me say this very clearly: the opposition will sack the 210 V/Line conductors to pay for this fraud of a policy. It will go out to Traralgon, Bendigo, Ballarat, Geelong, Seymour and up to Albury and will take away the conductors to pay for this fraud of a policy.

What else will opposition members do? They will cut the 247 V/Line staff currently staffing the stations, because from 6.00 p.m. until the last train they have to have a PSO sitting on the platform and guarding it. It is not about guarding people; it is not about being on the trains; it is not about making the system safer. The PSOs have to be sitting down on a park bench at the railway station making sure that the railway station is protected. That is the fraud we have before us today.

Opposition members will close rail lines. We want to know which rail lines they are going to close. That is what they did when they were last in government. They will cut services to make sure that their policy is implemented.

Like with the reshuffle, on this policy their hearts are just not in it. They hate public transport; they cobbled this together for their Geelong state council meeting. They say it is not, but this is policy on the run. They had to announce something, and they made up this policy, which shows through this matter of public importance.

Mr TILLEY (Benambra) — I rise today to speak on this matter of public importance, which for too long has been ignored and denied by Labor — by the Premier, by the Minister for Police and Emergency Services, and by the government as a whole.

There is something very wrong in Victoria. Violent crime is out of control. Let us just think about that

statement. On first blush one could be accused of political sensationalism: saying something only for maximum effect and only going for the big headline. That is what this Labor government wants Victorians to believe. However, the sad truth for Victorians and the problem for Labor is that this is far from sensationalism.

It is not just the members of the Victorian coalition saying it: it is every large and small media outlet; it is every media commentator in this state; it is the underresourced front-line police who are pleading for the resources and the authority to take on crime; it is representatives of local government, who are pleading for someone to secure their towns; and now even more embarrassingly, it is the international media outlets which almost daily carry stories about foreign nationals being bashed on our streets.

The Brumby Labor government stands condemned, that after 10 long years in office there are people dying or being maimed on our streets because the government has underresourced our front-line police and taken its eye off the ball when it comes to law and order. Because of Labor's inaction, violent crime is something that Victorians have to face on a daily basis — and it is happening in our city, in our suburbs, and out in towns in regional Victoria, daily and frequently.

On the weekend the Leader of the Opposition said that Victorians were sick and tired of opening up their newspapers and turning on their news programs only to hear about another bashing that has left a fellow Victorian in hospital or, worse, that has caused their death. He is absolutely right. Victorians are sick and tired of it. They have had enough, and they are not going to take it anymore.

That is why I am proud to stand behind the Leader of the Opposition, Ted Baillieu, and the Liberal-Nationals coalition's $200 million, four-year Stopping Crime in its Tracks plan that will put more than 1000 new officers on Melbourne's public transport system to protect Victorians after dark. This policy is the first shot in a battle to restore respect and order on our streets and on our much-maligned public transport system. It is a zero tolerance approach to combat an epidemic of violence which has received zero attention from Labor.

Why is there a need for such a policy? What is the problem we are trying to solve? It is very simple. According to the latest Victoria Police statistics, there were in excess of 9400 incidents of crime on Victoria's public transport system just last year. Of the 9400 incidents of crime, there were over 1300 robbery and theft offences, over 1100 assaults and over 200 sex-related offences on the public transport system. According to documents that have been obtained by the opposition from Connex under freedom of information, between 2005 and 2008 there has been at least one serious violent crime committed on Melbourne's public transport system every day — and I emphasise: for the last four years. This is totally and completely unacceptable.

Under the coalition's plan there will be a force of 915 fully trained and armed Victoria Police protective services officers who will provide blanket coverage of all metropolitan and major regional train stations after 6.00 p.m. every day of the year. But this is just the first step; the coalition is not going to stop there. I have complete confidence in and I know that in its first term in office the Liberal-Nationals coalition will also recruit and deploy 100 additional Victoria Police officers to serve in the Transit Safety Division of Victoria Police, bringing to a total of 350 the number of officers patrolling the entire train, tram and bus network.

In all, under a coalition government there will be more than 1000 extra fully trained, fully equipped, fully funded officers patrolling Victoria's public transport system, to keep Victorians safe.

Ensuring safe and efficient public transport and the maintenance of law and order are two of the primary responsibilities of any state government. It is amazing that a group of year 8 students whom I recently spoke to could clearly understand this, yet from the record of Labor, that is a concept it simply cannot grasp.

Our public transport system is being overtaken, particularly at night — and I saw this firsthand when I recently travelled between Melbourne and Ormond — by people who behave as though there is absolutely no law. The abuse of passengers, the assaults, the vandalism of trains, trams and buses and the consumption of alcohol and drugs by public transport users is rampant on the system and is left unchecked by this government. Something needs to be done about it — and done about it now!

This coalition policy on public transport is a plan for the future. This is a plan for safety. This is a plan for restoring respect on our streets and our public transport system. And what was the response from Labor? As we have heard all morning, the same old, tired rhetoric it has been peddling for the last 10 years. The best the Premier could muster in defence of this abysmal record was, 'Their form is to cut and close things down'. We have heard the same message continually this morning.

I have one thing to say to members opposite. To those in the Labor Party, and to paraphrase from one leader who was talking about another Labor leader who had come to the end of their time: you can talk as much as you like about the past, but the more you talk about the past, the more you proclaim your guilt about the present and that you have nothing to say about the future. That pretty well sums up those opposite to a tee. The best response this government could muster in defence of its appalling record with law and order was to hark back to fighting yesterday's war.

There is something very wrong in Victoria. We need new solutions to meet new challenges. The simple fact is that Labor has run out of puff. It has run its race and offers absolutely no other solution for the future. For too long Labor has been pulling the wool over Victorians eyes.

I am a proud Victorian, and I remain completely unconvinced. Victorians are lifting the veil of spin and self-congratulatory advertising, and they see their state crumbling. Labor is so arrogant, so conceited, so out of touch that it does not understand the massive problems Victorians face with violent crime. Ted Baillieu does; he has a great team around him, he has great support and he openly receives advice.

The DEPUTY SPEAKER — Order! The member for Benambra should refer to members by their appropriate titles.

Mr TILLEY — All right: the Leader of the Opposition.

Mr K. Smith — The great Ted Baillieu.

Mr TILLEY — The great Ted Baillieu.

The DEPUTY SPEAKER — Order! I do not need any help from the member for Bass.

Mr TILLEY — The Leader of the Opposition and his team, the shadow cabinet and we as backbenchers, are all making a contribution leading to a strong future and addressing those challenges for Victoria.

All we get from Labor is the same old tired spin. Victorians have had enough. We are totally unconvinced, and we have had enough. The opposition has the answers to the solutions for the future.

On a quick note, I am disappointed about today, Remembrance Day. I would have much preferred to take the opportunity to be in my electorate of Benambra. For those who do not know, the electorate of Benambra is home to a large number of past and present defence families. Today is the anniversary of the armistice on the conclusion of the First World War. Many members of the Benambra community are today serving overseas in either Iraq or Afghanistan or other deployments throughout the world.

On this day I give thanks for their service and their sacrifice. I would particularly like to thank Warrant Officer Class 2 Steve Hession, who has by now represented me, in my forced absence, at the remembrance service at Wodonga today to lay a wreath in my name on behalf of the constituents of Benambra.

In closing, as I have said, we have had enough. We have the answers; it is time to change. We will continue going forward on this, and more and more will come out, demonstrating that the coalition will be the best government for the future of Victoria.

Mr HUDSON (Bentleigh) — You know the opposition is in trouble when it introduces a matter of public importance (MPI) which is based on self-congratulation for its own policy. When the opposition comes up with a public transport policy or a police policy, I always smell a rat, because the opposition has form on those sort of policies — and you only have to go to the 2006 election to see what kind of form it has. This policy is in the great tradition of political stunts by the opposition regarding public transport.

Everyone remembers the 2006 election, when the opposition promised to extend the rail line to South Morang at a cost of $12 million; the actual cost will be $650 million. Then the opposition said it would extend the Cranbourne East rail line at a cost of $6 million; the actual cost is much more than that. Who can forget the opposition's commitment to purchase six new trains at a cost of $90 million when the actual cost for each and every train is around $30 million? There is also the opposition's commitment to buy five new trams at a cost of $15 million, or $3 million each, when the actual cost is at least $10 million each, which does not include the stabling of those trams.

A policy that would put 1040 extra officers on our railway stations at a cost of $50 million a year bears some examination. Like most of the opposition's public transport policy commitments, the opposition's heart is not in it. If you look at that costing of $50 million for 1040 officers, that equates to around $48 000 per officer a year. Members should google the terms 'Victorian protective services officers' 'career' and 'salary structure'. The information will come up, and members will see that the base grade salary for a

protective services officer (PSO) in September 2010 will amount to $48 113.

The total amount is achievable if every officer is at a base grade level, but what about first-class PSOs who earn $53 000, or a senior officer who earns nearly $59 000, a PSO supervisor who earns around $68 000 or a PSO senior supervisor who earns over $71 000? The brochure also says:

> PSOs are entitled to virtually all of the same employment benefits as police, including nine weeks leave a year.

The opposition has put in a base salary but no on-costs — that is, no superannuation and no shift allowances, even though the coalition says:

> Victoria Police PSOs will be permanently stationed on every train station in metropolitan Melbourne and the major regional centres from 6.00 p.m. until last train …

That will involve shift allowances, but there are no allowances for them. The opposition makes no provision for nine weeks annual leave when protective services officers have to be paid but are not there. In the opposition's policy there are no senior protective services officers; there are no supervisors or senior supervisors. The opposition has not costed the supply of facilities for those officers on the railway stations. There is no money for new toilets, offices or rest facilities. There are no salary increments, no promotions and no career prospects. There are no vehicles, no uniforms, no two-way communications for backup and no weapons even though the coalition says officers will be armed.

This would be a wandering Dad's Army of unarmed officers with no supervision, no support, no weapons, no office and nowhere to even make a cup of tea outside of the premium stations that are now equipped with those facilities. The Liberals have developed this policy on the cheap. Their heart is not in it, like it is not in so many other policy areas. The maths does not add up. It is the Liberal Party up to its old tricks; it is not costing things properly.

We know the Liberal Party does not have its heart in it, because just one month ago when the government sought to remove the cap on the number of protective services officers by introducing the Police Regulation Amendment Bill, the opposition voted against it. The opposition voted to keep the cap of 150 officers in place. When we moved to give the Chief Commissioner of Police more discretion to deploy protective services officers and to increase the capacity to have more than 150 protective services officers, the opposition voted against and defeated that bill.

The opposition is in a state of complete paralysed policy confusion. One month ago it voted against its own policy; now it is suggesting it would employ more of these officers. The reason it is doing that is its members went to the state Liberal Party conference. The leadership of the Leader of the Opposition was under question and under pressure, and they thought they had to make him look tough. They thought, 'We have got to come up with a law-and-order policy. We need a policy; we need to announce something. Let us see if we can come up with something that costs $50 million a year'. But they could not really put their heart into it. They could not say this was to be an additional commitment; they could not say they were going to spend extra money. Instead, what they said was, 'We are going to fund it out of the existing transport budget'. The Leader of The Nationals said on ABC *Statewide Drive*:

> This announcement we have made is being funded out of the transport budget. It is not being funded out of the budget for police.

Why would you say that when protective services officers have the same employment benefits as police? They are trained up to police recruitment standards and are supervised by a police inspector. They are subject to the deployment directions of the police commissioner. Why would you fund them from the transport budget and not from the police budget? Why would these officers not be subject to the same directions as other protective services officers?

The reason is the opposition does not want to spend any more money from the transport budget. It certainly does not want to take it from the police budget, and it certainly does not want to spend additional money from the public transport budget on public transport. It never has and it never will.

Coalition members think it is a magic pudding. We know that they come in here at state budget time every year and say, 'We want more spending, we want less taxes, we want fewer fees and fines, we want less borrowings, we want lower public debt and we want more infrastructure'. That is what they say after every state budget. They are always careful to avoid talking about where they would make the cuts, because their heart is not in the policy job.

Because the coalition parties will not tell us, because they will not say, let us just speculate on what they would chop. Perhaps they would dump the increased maintenance spend on the metropolitan rail network, which is worth $160 million over four years. Perhaps they would abolish the program to make public transport more accessible for older people and people

with a disability, which will cost $129 million over four years. Perhaps they will cut the order for 20 new trains by a third. Perhaps they will deliver 20 fewer trams, or cancel the Sydenham to Sunbury electrification, which will cost $270 million. Or perhaps they will not build new railway stations in our growth corridors such as at Williams Landing, Caroline Springs, Lynbrook and Cardinia, which will cost $220 million. Perhaps they will not proceed with the station upgrades we have planned, which they would need to even house these officers, at a cost of $80 million. Perhaps they will return to their form on regional rail and cut the $60 million allocated to return the passenger rail service to Maryborough, or the north-east line upgrade at a cost of $171 million. Perhaps, as the member for Melton said, they will go back to their old tricks and cut station staff, the transit police and the protective services officers that we have in place.

The fact of the matter is that the coalition parties have form on this. They have a track record. In the past they said they would deliver an additional 1000 sworn police and they cut them by 800. We actually increased sworn police numbers by 1400 before the last election, and we have delivered an additional 470 in this term of government. We have increased the front-line police across the rail network by 35 per cent, to 1220.

We have the track record in this area. The coalition does not. We reject this MPI.

Mr NORTHE (Morwell) — I gives me great pleasure and may I say I am proud to make a contribution to the debate on the matter of public importance submitted by the Leader of The Nationals.

The MPI speaks about the Liberal-Nationals coalition policy initiative that will improve community safety standards across Victoria. It also condemns the Brumby government for its failure to act on the violence occurring within our public transport system. May I say what a great policy initiative this is. Of course I refer to the coalition's Stopping Crime in its Tracks plan. Some key points of that plan include the provision of Victoria Police protective services officers (PSOs) to be on metropolitan train stations after 6.00 p.m. seven days a week, 365 days a year. It also seeks to make sure that our regional centres are covered as well, with PSOs stationed at Geelong, Bendigo, Ballarat and Traralgon, which of course is in the Morwell electorate.

The plan will also provide for additional Victoria Police officers to patrol train, tram and bus networks across Victoria. That is a total of over 1000 extra officers across the public transport system. The coalition's approach is to have zero tolerance of crime on our public transport system. What it wants to see is a dedicated unit of 915 fully trained professional Victoria Police protective services officers across metropolitan train stations and the major regional train stations. As I said, these officers will operate after 6.00 p.m. until the last train service, seven days a week. In addition, 100 Victoria Police officers will be recruited to the transit safety division, raising the total number of resources to 350. This will enable greater capacity to patrol Victoria's train, tram and bus networks.

Unfortunately a lack of resources has left many Victorians vulnerable to crime whilst utilising our public transport system, particularly after 6.00 p.m. It is the coalition that is taking action to right this wrong. We will not tolerate violence, crime or antisocial behaviour on the public transport system in Victoria. Last year, as the honourable member for Benambra mentioned, there were in excess of 9400 reported offences on our public transport system. That is a figure that no-one should be proud of, and it is time action was taken to stem the ever-escalating incidents of violence and unruly behaviour.

If you look at this more broadly, you note the total rate of violent crime against the person has increased by a staggering 40.2 per cent since 1999–2000, with 43 971 victims in 2008–09. This is an abhorrent figure and something that we need to address. The coalition has a plan to do something about it.

If I can be more locally specific and concentrate on the relevance of this MPI within the context of the Morwell electorate, we certainly welcome the manning of the Traralgon railway station with PSOs, and I can attest that the Gippsland community will likewise welcome this opportunity and fully support it. Over time we have seen a significant increase in patronage of the V/Line services on the Gippsland line, and over time, since 2004–05 to the current day, an almost doubling of patronage on that line. Whilst that is welcome and it is great to see so many people using the train services, unfortunately crimes on public transport in our region have increased at the same time.

Statistics suggest to me that assaults in particular have increased markedly in the city of Latrobe, which covers Traralgon, Morwell and Moe, and they have increased markedly since 2004–05. The policy initiative as proposed by the coalition will not only help protect commuters in the Gippsland region, but it will also benefit rail staff, whether it be in terms of the customer service personnel, conductors or ticket inspectors across the board. Having PSOs centred in regional areas of Victoria and on metropolitan train stations will go a

long way to providing some relief and some support to the many rail staff across the whole of Victoria.

In the Gippsland community there are many safety concerns in the use of public transport, particularly late in the day and in the evening. Such concerns have been expressed to me on many occasions, particularly by women and the elderly.

Many local senior groups are somewhat up in arms at the moment, particularly in relation to the government's intention in the future to terminate some Traralgon V/Line services at Flinders Street station and not Southern Cross station. The proposal by the government in this regard would ensure that our elderly, our seniors, would have to disembark from trains at either Richmond or Flinders Street railway station. Having had conversations with many seniors in our region, they are certainly not willing to undertake that particular venture because of their fears around safety. Our proposal to have a PSO presence after 6.00 p.m. at metropolitan train stations will alleviate some of those fears, as will the additional 100 police officers recruited to the transit safety division.

In recent weeks I have had the opportunity to attend a number of community safety meetings within the Gippsland region. We have a Traralgon central business district (CBD) safety committee and a Morwell CBD safety committee. The aim and purpose of these committees is to improve community safety, and in part that includes trying to improve areas around public transport. Last week I also had the opportunity to attend a Safe Streets summit in Traralgon, which again not only highlighted the need to try to improve community safety but in large part talked about transport options. In particular it talked about a local initiative that had been submitted and trialled for a period of time, the NightRider bus service, which unfortunately the government has failed to support. These are the types of initiatives that we would like to see the government support, but it has failed to do so.

Another activity I am undertaking at the moment is providing the community with an opportunity to respond to a survey about community safety in my electorate. Over the past month that has been circulated throughout the community, and I have just been overwhelmed by the feedback that people have provided to me about community safety. Again, many of these responses feature around public transport and how we can improve safety, so the timing of the coalition's policy is very apt, and I know it is supported by many in the community.

When we talk about improving community safety, all the feedback we get through the forums of the Traralgon CBD Safety Committee, the Morwell CBD Safety Group, the Safe Streets summit and the community survey that I put out indicates that we should be making sure we have a greater presence of law enforcement throughout our region. Even the police officers themselves say that if we have a blitz on when we need to tackle violence, if we have a number of police officers in a particular area targeting it, we will have very little incidence of crime.

With this policy we have put forward the coalition is making sure there is a police presence across the whole of Victoria to look after the safety of not only commuters but rail staff as well. I believe this initiative will support increased patronage on our rail networks, and that is what we need to do. With all the failings of the system itself and all the issues around that, I believe there is a great opportunity to encourage further patronage of these services if we provide security by having those law enforcement officers on the public transport system. I have not heard one contribution from those on the government side that has mentioned what the government will do to address crime on our public transport system. All those opposite want to do at the moment is give the coalition's great policy a whack on the way through. They are not talking about any initiatives they are undertaking to improve safety on our public transport system.

What should we do? It is obvious to all and sundry that this government has sat on its hands in tackling crime on public transport in this state, but the coalition is acting. One only has to see the stark contrast between the government and the coalition with regard to the resourcing of officers on the public transport system. If you have a look at the coalition's proposal for protective services officers at train stations, you see that the coalition would have 915 officers, while the government has zero. The coalition would have 570 authorised officers, which is the same number as the government. The coalition would have 350 Victoria Police transit safety officers; the government has 250. I ask members to tell me which is the better option for tackling crime on the public transport system — a proactive coalition with a policy that is earmarked to tackle crime on our public transport system or a tired, reactive Brumby government that is doing nothing to tackle crime on our public transport system.

Mr CARLI (Brunswick) — This matter of public importance (MPI) demonstrates a half-baked policy stance by the opposition parties. It is an immensely weak policy area for the coalition. Initially I thought the idea of a $200 million budget for something in public

transport would be a good thing, until I actually looked at what is being presented, which is the idea of having 915 protective services officers providing blanket coverage of all the railway stations throughout the state of Victoria, somehow trying to protect commuters. The MPI makes no case about the present condition of railway stations or what the situation is in terms of crime around railway stations. It does not take into account the immense amount of resources this government is putting into both public safety and public transport. The opposition is intending to whip $200 million out of the public transport budget to employ these 915 protective services officers, and that will come at a cost to public transport.

Public transport is an area that is having record growth; it is an area where this government has demonstrated an immense commitment to grow the system, to provide more services and to make it safer. What we are seeing from the coalition is a half-baked policy that will take $200 million out of the public transport budget and put it into providing these protective services officers for many stations where they are completely unnecessary. There are four railway stations in my electorate: Jewell, Brunswick, Anstey and Moreland. Three of them are not staffed and do not have the facilities for people to staff them at night. There are no toilets for workers, there is nowhere to put protective services officers and there is no sense that there is a problem at those stations.

I use public transport virtually every day; I use both the train and tram systems. The member for Kew has accused me of saying that this opposition policy is scaremongering. That is a good accusation to make, because it is scaremongering. The conservative parties are scaremongering; they are creating hysteria. The member for Benambra says there is rampant drug and alcohol use on our trains, trams and buses. I use those services every day, and there is no rampant use of drugs and alcohol on the buses, trams and trains. There is no epidemic of violence, as the conservative parties have purported to be the case. Essentially they are trying to whip up hysteria and concern. There was another accusation by the member for Kew that the member for Derrimut visited the Sunshine railway station and saw a stabbing. I asked the member for Derrimut if he had gone down to the railway station and witnessed a stabbing, and he said he had not. He said he had not seen any violence or a stabbing at the railway station.

This is not only a half-baked policy, this is an attempt to create an immense amount of hysteria and a sense that people do not want to use the public transport system. Yet people are using it in ever greater numbers and for longer periods of the day and night. There is no doubt that the system is working effectively and safely and that numbers of people are using it, which in itself makes it safer. The fact that there are more and more people on our trams, trains and buses at night makes the system safer, and that is what we should be promoting. We should be building and promoting the public transport system and getting people to use it. That in itself will provide a level of security and safety, and it will reassure people of how safe the system can be.

The member for Morwell said he had heard nothing from government members about what we are doing. We are doing a lot in terms of public transport.

Mr K. Smith — What are you doing?

Mr CARLI — We now have more than 1220 front-line staff working in the system. We have increased those numbers by 35 per cent, and that includes an additional 350 authorised officers. This is after the period of the 1990s, when we saw transit police, guards and staff on all forms of public transport sacked by the Kennett government. We saw all of that occur, and we have been rebuilding the system. We have put more transit police — —

Mr K. Smith interjected.

Mr CARLI — No one trusts you. We have staffed an extra 22 stations. Since we have been in government we have put staff back into stations — real staff doing the real job of protecting and working with customers. We have provided 100 additional customer service staff. We have put in closed-circuit television at railway stations, upgraded safety zones around stations, allocated more money for transit police patrols and provided extra police right through the system.

The previous government promised extra police but reduced the number of police by 800. We promised extra police; by 2006 we had 1400 extra police in Victoria, and by the time of the next election we will have another 470 extra police. We are moving ahead and providing a safer system, and the response from the public is a greater use of the system. There are far more people using public transport — V/Line, the tram system, the bus system and the metropolitan train system — than there ever have been in the history of the state, and that includes at night.

At the same time we are seeing a reduction in crime. There has been a massive increase in patronage, and when we look at the crime rate per million trips we see that it has fallen 10.5 per cent in the last year. The crime rate on or around public transport during 2008–09 was 18.2 crimes per million trips. Since 2000 the crime rate per million trips on public transport has been reduced

by 43.6 per cent. That is understandable. We have put more police and transit police on, but more importantly we have more people using the system. It is safer because more people are on the trains, buses and trams. There is not a rampant epidemic of violence on the public transport system; there is not a failure of people to use the system. It would probably assist everyone if opposition members used the public transport system more thoroughly and often to see how well it is working and how we have reduced crime on the system.

This proposal is particularly problematic when we consider what would happen if $200 million were taken from another area of the public transport system to pay for the protective services officers. If we take $200 million out of the public transport budget, it has to come from somewhere. It will come out of services or out of expansions of the system. What will go? What will be cut? What is on the chopping board? The opposition parties have form. We know they cut services when in government; we know they closed railway lines. Six regional railway lines were closed in the 1990s. The proposed $200 million is a lot of money to take out of public transport. What will the opposition do? Will it cut the number of trains on order? Will it reduce the number of trains? Will it stop the electrification of the Sydenham line to Sunbury? Will it cancel the Cranbourne East rail extension? Will it reduce the maintenance spend on trains or trams? What will it do? It cannot just take $200 million out of the public transport budget and expect that this will not have an impact.

The conservative parties have form in this state. What they do is slash services, close train lines and fail to invest in the public transport system. At the moment the use of public transport in this state is at a historical high; there has never been a period when this many people have used public transport in the state of Victoria. The number is still growing at a phenomenal rate. The conservatives want to take $200 million out of the transport budget and put it into protective services officers so they can stand around Jewell or Anstey railway stations and find themselves with nothing to do and nowhere to stay, basically being a wasted resource, while we continue to see what we saw in the 1990s — that is, the decline and neglect of the public transport system. This policy is a joke. It is half baked, and it is a waste of precious resources.

Mr WAKELING (Ferntree Gully) — It is a pleasure to rise to speak on this important matter of public importance, which was put forward by the member for Gippsland South. It highlights the vast difference between the coalition and the government in respect of safety issues, particularly regarding public transport. The coalition recently announced that it will provide 940 protective services officers and an additional 100 transit police to improve public safety on the public transport network.

One of the best things about this whole issue is that for the last few days, since the announcement was made, the coalition has stolen the agenda in respect of safety on public transport. We had the Premier standing up in this house and speaking in the media, having to stumble his way through on this issue. This is a Premier and an incompetent minister who have been asleep at the wheel on this important issue. All they have done is stumble their way along. The reality is that it is the coalition that wants to put more safety officers on the public transport system, and the government has been proven to be asleep at the wheel.

It was abhorrent and appalling for the Premier to say that the role of a protective services officer would be to 'get on their mobile phone and call the police'. What does this say about the protective services officers who operate out of this building — they protect the Premier — and their capacity to perform the job they are employed to do? This is an abhorrent and appalling response from the Premier regarding the hardworking men and women who perform their roles as protective services officers (PSOs). If I were one of them, I would be rightly appalled to think that the Premier of this state believes their role is simply to get on a mobile phone and to ask the police to do the job for which they are trained.

The coalition has rightly pointed out that safety is a significant issue of concern to commuters in Victoria. I talk to many residents who say to me, 'I live walking distance from a railway station at Ferntree Gully, and I choose to drive my car into the city because of the fear and concern that I have about catching a train home at night'. Those opposite are in Noddyland. Those opposite say there is no crime. They should go out and talk to those constituents in their electorates who have been assaulted; they should go out and talk to those constituents in my electorate who have been assaulted. They should go out and talk to constituents in Victoria who have suffered violence and tell them there is no violence on our public transport system. They should go out and tell those family members who have visited their loved ones in hospitals that there is no violence on the public transport system. They should hang their heads in shame with those sorts of remarks.

There is a clear indication that this government has no intention of fixing this problem. The Liberal-National coalition has put up a proposal; we have stolen the

agenda. The Premier is asleep at the wheel, fumbling his way along. His only course of response is to attack the hard work of our protective services officers. The Liberal-National coalition will ensure that there are 940 officers at our railway stations. The government's response is to have nobody. The Victorian Liberal-National coalition wants to have 350 public transport safety officers on the system. The government currently has 250. The figures are stark. There will be 1860 officers on our system under a Liberal-National coalition government, as opposed to the current number of 820.

The member for Brunswick who spoke before me talked about the fact that officers would not be able to work at stations because they do not have toilet facilities. Is that not a reflection of the appalling state of our railway stations within the state of Victoria? He is proud of the fact that his constituents turn up to a railway station and are not even afforded a public toilet. How abhorrent! How appalling it is for him to stand up in this house and say, 'I am proud of the fact that I cannot even offer my own constituents access to a public toilet'. It is just ridiculous.

With respect to violent crime in this state, the facts speak for themselves. We have seen a 40 per cent increase in violent crime under the watch of this government. Assault has risen by 69 per cent, rape has risen by 31 per cent and weapons offences have risen by 56 per cent. If we look at public transport offences in the last 12 months, we see that 9412 assaults have been perpetrated in one year on Victoria's public transport system.

Government members should go and talk to those 9412 constituents in this state and tell them there is not a problem. They should go and talk to their family members and tell them there is no problem, tell them the system is fine, tell them we do not need safety officers at railway stations, and tell them we do not need safety officers on our train system. They should go and tell the Victorian community that everything is fine. They should tell the community that the coalition's response is to put officers on the system, but that all those officers can do is get on a mobile phone and hopefully call the police. This is an abhorrent response from a government that is asleep at the wheel. When I look at the minister at the table, the Minister for Public Transport, I can only wonder if things would have been fixed had the member for Bentleigh been given his opportunity to sit on the front bench. I will continue to fight for my community on these issues. We will continue to fight for Victorian communities on this important issue. I only hope the government can do the same.

My own railway station at Ferntree Gully is a classic case in point. I have worked with my community for many years to get that station upgraded to premium status. For many years the government denied my community that opportunity, and now the government has been dragged kicking and screaming and has finally agreed to upgrade the station. The member for Brunswick will be happy to know that my constituents will now be afforded a public toilet. I have fought for my community on that important issue, and those opposite should do the same. Once my station is upgraded to premium status I will be pleased to see my constituents having two protective services officers operating out of that facility in the evening. I will be happily talking to my community about the fact that they can walk to their local railway station, catch a train into the city, go and see a show in Melbourne and then safely catch a train home, as opposed to the ridiculous situation that they now face of getting in a car, driving into the city, paying for parking and having to come back again.

This is clearly a government that has lost the plot with respect to safety. The government knows it is an issue that is biting in the Victorian community, and it is appalled by the fact that the Liberal-National coalition has stolen the agenda on this issue. The government has fumbled its way through. It has tried to come up with a solution, it has tried to come up with lines of attack, but at the end of the day the government wishes it had implemented this policy itself. The government has had the opportunity. It has had 10 years to fix this problem.

The minister talks about broken promises. I would like to remind the minister that it was her government that promised my community that it would conduct a feasibility study of a rail line to Rowville. We are not asking for millions of dollars to be expended. All the community has asked is for the department to prepare a document that looks at the feasibility. We have costed it at about $2 million; $2 million out of a $42 billion budget — and in 10 years how much money has this government expended on that document? Not one cent! Not one cent has been spent by this government to deliver on its promise to my community. Ten years ago the government's candidate came out and told the Knox community and the Rowville community that this would be delivered.

Clearly this is a government that has not got public transport at its heart. It is not concerned about public transport in my community.

Ms BEATTIE (Yuroke) — Enough of the yelling and the gesticulating; it is time for some cold, hard facts. I do not support this matter of public importance

before us, because it is based on a lot of porkies. The truth is that the crime rate per million trips on public transport fell by 10.5 per cent in the last year. The crime rate on and around public transport during 2008–09 was 18.2 crimes per million trips, so since 2000–01 the crime rate per million trips on public transport has declined by 43.6 per cent. Enough of the yelling!

Mr K. Smith interjected.

Ms BEATTIE — The member for Bass should sit down, calm down and listen for a while, because he might learn something. I will deal with the opposition policy for a while and talk about the total rank hypocrisy of the coalition on this aspect. The government introduced a bill that would have increased the number of protective services officers, but what did the opposition do about it? It voted down the Police Regulation Amendment Bill. The legislation provides that the number of officers must not at any time exceed 150. We sought to remove that cap, and what did the opposition do? It defeated that amending legislation. Its hypocrisy is outstanding!

What was said on *Statewide*? I heard the member for Benambra say he was proud to stand behind his leader, the member for Hawthorn, on this, and then 5 minutes later in his presentation he said he wished he was in his electorate today. He does not want to be in here debating this; he wishes he were in his electorate.

Where has this proposal come from? The Leader of The Nationals has been appointed to be the coalition's shadow Minister for Police and Emergency Services, and he says he has a proposal. Then the Leader of the Opposition rushed out and announced to the opposition state council that the coalition has a policy that has magically appeared after 10 years. It was really the policy of The Nationals, not that of the Liberal Party part of the coalition. Then the Leader of The Nationals let the cat out of the bag as to where the money would be coming from: it would be funded out of the transport budget, not out of the police budget. What is going to go?

Mr K. Smith — What about out of the myki budget?

Ms BEATTIE — The member for Bass wants to know. I say to the member for Bass that there is a project down his way; perhaps he will cut stage 7 of the Bass Highway upgrade to Phillip Island. That will give him $40 million. What else is the opposition going to cut? Is it going to cut the $270 million Sunbury electrification project? Is it going to cut the new stations at Williams Landing, Carolyn Springs, Lynbrook and Cardinia? Is that what it is going to do?

At least if it is going to put up this policy, it should tell us where the money will be coming from. The Leader of The Nationals told us it will come from the transport budget, but the Liberals should be more explicit and tell us exactly which projects are going to go. Will they be taken from my electorate? I can tell members that I catch the train, the great new train service that has been electrified to Craigieburn and Roxburgh Park, and a new station is to open at Coolaroo.

Mr R. Smith — I bet you don't catch it after 10.00 p.m.!

Ms BEATTIE — The three wise monkeys sitting over there would never catch a train. I do catch the train, and I have never been fearful in my life on that train line.

Mr R. Smith — Do you catch it after 10.00 p.m.?

Ms BEATTIE — I do catch it many times. Listen, Sonny Jim, sit down! The member for Warrandyte has been a shadow minister for only one day, and even then his leader forgot about him, so he should not get too excited.

What else is the opposition going to cut? Is it going to cut the yellow orbital bus route to Melbourne Airport? Is it going to cancel the new bus services in Craigieburn? I will be telling the people of Craigieburn that this is on the Liberal Party agenda. Is it going to cancel the new NightRider bus services to Craigieburn? Is it going to cancel the weekend bus services to Craigieburn and Roxburgh Park? Or is it going to cut the road projects? I will be out there and telling the people of Craigieburn about what the Liberal-Nationals coalition intends to do.

We often hear the opposition come in here and talk about the level crossing upgrades. We are getting on with the job of level crossing upgrades. I must say the minister is doing a great job on those. We have upgraded 350 level crossings. I would like to compare that to the seven long, dark years of the Kennett government, when it upgraded only 75 in seven years. I will put our track record against the opposition's at any time. The Brumby Labor government has delivered on public transport; I have only to walk out my front door to see that.

Mr K. Smith — Yes, you were looked after all right, weren't you? You looked after your lot up in the north and the west.

Ms BEATTIE — The northern suburbs were neglected by the Kennett government for many years. In our time we have put the services where they are needed. We do not put services where they are not needed. We do not pork barrel in this government.

What we do is provide the services where they are needed — that is, in the growth areas, where many people are coming to make their new homes. What we have in Victoria is a population boom; people are flocking to Victoria to live, work and raise a family. Why are they flocking to Victoria? Because it is a great place to live, work and raise a family — and you can get decent public transport.

We have improved public transport: we have increased the number of stations; we have increased the number of trains, and there are new trains coming on line. There are new buses coming on line all the time. My constituents are the beneficiaries of many of those services. A new road project will be the Tullamarine and Calder freeways upgrade. There is a lot of that going on, and the member for Bass will be able to use that too when he goes to the airport for his overseas trips.

We have not been hypocritical in this. We said that more people are coming to Victoria and that we needed to increase services, and we got on with the job of providing them, not like the hypocrites sitting opposite who say one thing and mean another. They say they want more security on stations, but when a bill was put before the Parliament containing an amendment that would have led to the cap being lifted, they voted it down. They say one thing but mean another. They are not fit to govern. They said they would increase police force numbers, but they actually reduced them.

The premise on which this matter of public importance is based is completely wrong. I am confident that this house should and will reject the matter of public importance out of hand. The Brumby Labor government will continue to provide more transport, more rolling stock, better maintenance, upgrades to level crossings, more bus services and better roads for the commuters of Victoria. I completely reject this matter of public importance out of hand.

Mr K. SMITH (Bass) — It is a pleasure to support the member for Gippsland South on this matter of public importance and congratulate the Baillieu-led Liberal-Nationals coalition on its great initiative to put some safety back into public transport, something that has been neglected by the Minister for Public Transport, who is at the table, and by the Brumby government in general. It is among the things the government has not done for the people of Victoria.

I will get a couple of things out of the way first. The hypocrites on the other side of the chamber talk about us knocking back the proposal for a cap on the 150 protective services officers (PSOs). The truth of the matter is that what we knocked back in that particular bill was the right of the Chief Commissioner of Police to unfairly dismiss police officers for underperformance. Members should read the record, read *Hansard* to see exactly what we said. Then they will know about the lies that are being told by each member from the other side who has stood up in this chamber. They have lied to this Parliament about why we knocked it back.

We were more than happy to support the PSOs. We did not come out and insult them, like the Premier did when he said they should just get on the phone and ring the police. He said they are PSOs and they do not have the power to do anything. He said, 'Call the police; they will come and pick up people. The PSOs are afraid to tackle somebody'.

The truth of the matter is that the PSOs are a very important part of the police in this state. They are trained by the police; they are here to protect the Parliament and the Premier. They would be the ones to put their lives on the line for the Premier, the judges and us, the politicians, in the state of Victoria. The PSOs support us and we support them. We do not insult them like the Premier has done — but let me get back to the bill.

I find it interesting that the Minister for Public Transport has been missing over the last 48 hours, which is when this fantastic opposition policy was put out to the people of Victoria so that they could judge us on what we are prepared to do for safety on public transport. Where has she been? Where are the comments, apart from the smart alec remarks she makes across the chamber because she is sitting at the table and she thinks she can get in some cheap shots? Where was she? Was she trying to defend her position? Where was she? Was she hiding away because she did not have the courage to come out to try to defend her position and what she has provided to the people of Victoria?

Let us think about some of the other lies that have been told in this place in the last 24 hours and about the figures that have been trotted out by the Premier on crime that has occurred in the state. Let us have a look at the real truth, not the trumped up or fudged figures which the Premier keeps trotting out all the time.

Let us go to the Australian Institute of Criminology. It does not trump up figures. It does not have to; it tells the truth. In the last 10 years under Labor violent crime has gone up 40.2 per cent and assaults have gone up 69.6 per cent — and I want to make sure that this is on the *Hansard* record, because this is factual information and not the stuff the Premier tries to trot out. Rapes have gone up by 31.9 per cent. Weapons, explosives and charges have increased by 56.8 per cent. What about property damage? It is up by 41.1 per cent. These are truthful and factual figures, not the fudged figures put up by the Premier when he stands up in this place and lies to the people of Victoria and to this Parliament. These are truthful figures, not the figures put up by the Premier.

What about offences on public transport? I ask the minister what she thinks about offences on public transport if she reckons it is the safest transport system in the world. Let me tell members the truth: 9412 offences were committed in the last 12 months — is this a safe system? Those are only reported offences — and the minister just sits there pretending to read. I suggest the minister take it in. Those are reported offences on her so-called safe public transport system.

It is not safe. It is dangerous for people to travel on it. The minister would not travel on the train at 10 o'clock at night, nor would the member for Yuroke. The member for Yuroke did not come out and say she travelled after 10 o'clock at night, or 9 o'clock, 8 o'clock or 7 o'clock. She would not be seen dead on the trains, you can bet your life on it.

I went to the trouble of doing a survey amongst the people of my electorate. I sent out 15 000 surveys, and what did they come back with? When the survey came back I found that 71 per cent of people said they were afraid to travel on the trains at night. That cannot be right. Why would people say that if it was safe to travel, as the minister tries to get across to the people of Victoria? It cannot be safe. I am nearly choking on this stuff, because it makes me feel sick that 71 per cent of people in my electorate say it is unsafe to travel on trains.

The minister will not put on a bus service at night so that people from the fastest growing area in metropolitan Melbourne — the Pakenham area, where there are young families and kids — who want to go into the city and get some entertainment can catch a bus back from Melbourne. The minister will not look after the people down in my area. I am telling you, they are not happy with what you are doing, Minister.

The SPEAKER — Order! The member for Bass knows to address his comments through the Chair.

Mr K. SMITH — I will tell the house what turns me on. It is to see this disgraceful government and the performance it has put on. Some members in the chamber on the other side complained a little bit about what they have not received. I can tell members what we have not received. We were promised a station at Lakeside. The minister came out with a date: it was going to be done by 2011 and then it was going to be done by 2016. This is for a community where 5000 or 10 000 people are living, and there will probably be another 10 000 people there in five years. But they will not have a railway station within 5 kilometres of their home. They cannot even catch a train and use public transport. The minister misled the people. Now she says, 'Yes, we will have it all completed by 2011', but she has not budgeted for it.

What about the Cranbourne East railway line? People were promised that there would be a railway line with a station built at Cranbourne East. That was promised at the last election but again has not been delivered. It is just not right that the minister has misled the people, that she has not looked after the people and has not delivered to the people, certainly in my area. I can only say to the minister: I think that the people in my area, those 71 per cent of the people who are afraid to travel on the trains — —

Mr Nardella interjected.

Mr K. SMITH — You would not even do a survey out in Melton; nobody would reply to you! What are you on about?

The SPEAKER — Order! The member for Bass will make his comments through the Chair.

Mr K. SMITH — I am just sorry that you actually got back in the chair, Speaker. I was enjoying my time with the Acting Speaker.

The SPEAKER — Order! I will take that as a compliment from the member for Bass.

Mr K. SMITH — It was. Please feel that it was a compliment.

In the last 47 seconds of my contribution I would like to say that we have put together an excellent policy. We are going to deliver in excess of 900 PSOs onto our train stations. We are also going to deliver another 100 police officers into the transit police service, to patrol the trains, to look for the louts, ratbags,

layabouts, drug takers, drunks, rapists and murderers who get onto our public transport system.

This government is not the least interested in looking after those people. I am interested in looking after my constituents who want to use public transport. I want to be able to look after the people who get on the trains at night, to make them feel safe. I do not like what the government has done.

Mr HOWARD (Ballarat East) — I am sorry that I will not have long to speak about my concerns about this policy, which seems to be the first policy that the Liberal Party has put up after so many years. It is a very poor policy. I will pit it against what the Brumby government has done to connect to Ballarat transport.

STATEMENTS ON REPORTS

Public Accounts and Estimates Committee: budget estimates 2009–10 (part 2)

Mr WELLS (Scoresby) — I rise to make a statement on the report of the Public Accounts and Estimates Committee on the 2009–10 budget estimates, part 2. I thank the committee staff of Valerie Cheong and her hardworking team.

The point I want to pick up is the lack of accountability by the Public Accounts and Estimates Committee over government ministers. It seems to me that Labor members of the PAEC go to extraordinary lengths to cover for incompetent ministers who are straight-out duds. The problem we had at the end was that other members had to prepare a minority report to tell the public and the Parliament what actually happened about the accountability of ministers.

The ALP members of the committee tried to bury the figures on the timeliness and quality of the responses from the departments and ministers. They appear in appendix 5, which begins on page 405. Its sections are headed 'Introduction', 'Budget estimates questionnaire', 'Timeliness of clarification questions' and 'Questions on notice by ministers at budget estimates hearings'. This part of the report is all about how long it took the ministers to provide answers to some of the committee's questions and at what point after public hearings they responded to the committee's questions.

It is very clear to everyone, especially the ministers, that they have to respond within 30 days, but we did not find that to be the case. When it all started to unravel, when the ministers were not responding to the committee questions in the appropriate time and the report was being put together, the ALP members wanted this part of the report buried. As I said, it appears in appendix 5 which starts on page 405. The ALP members did not even have the decency to put it in the main part of the report. I would have thought that the oversight by Parliament of government ministers would have been paramount.

This is what it says, where they buried it:

> The committee considers that 30 days provides ministers with sufficient time to answer questions on notice. The committee was therefore disappointed with a number of ministers who did not provide answers in a timely manner, as such delays put pressure on the committee's reporting time frames to Parliament.

In other words, the ministers received the equivalent of a slap on the wrist with a wet lettuce leaf. That is about the best the ALP members were going to do. No matter what the other members of the committee tried to do to get that put into the main part of the report, the ALP members kept voting against us. What we did then was put in a minority report to outline which ministers performed well and those who did not perform as well as they should have.

The third-worst performing minister when it came to providing answers to the committee was the Minister for Community Services, who is also the Minister for Mental Health and the Minister for Senior Victorians. She was 26 days late with her answers. The second-worst minister was the Honourable Justin Madden, in planning. He came before the committee on 20 May, the answers to the questions on notice were supposed to be received by 22 June but he did not respond until 31 July, which means that he was 29 days late, in addition to the 30 days.

The worst performing minister of the lot by far was the Minister for Finance, WorkCover and the Transport Accident Commission, who is also the Minister for Water and the Minister for Tourism and Major Events. He came before the committee on 15 May and the answers to the questions were due on 22 June. He just did not have the decency when it came to finance, WorkCover and the TAC and water to respond until 24 August. The committee gave him 30 days, but he needed another 45 working days after that.

When the government and the Parliament are looking for proper reports, we have the sloppiness and incompetence of the Minister for Finance, WorkCover and the Transport Accident Commission to deal with.

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

Education and Training Committee: dress codes and school uniforms in Victorian schools

Ms BEATTIE (Yuroke) — I would like to make some remarks on the report of the Education and Training Committee's inquiry into dress codes and school uniforms in Victorian schools, which was tabled in December 2007. Members might be asking what is the relevance of what I have to say now, almost two years later. It is extremely timely that I comment on this report.

Firstly, I offer my congratulations to that committee, which is ably chaired by the member for Ballarat East. A lot of work went into preparing what is a great report. Many issues were canvassed and many myths were addressed and even developed.

I want to focus a little on chapter 3, which is headed 'Health and safety'. The first three recommendations in that chapter are:

> 3.1 That the Department of Education and Early Childhood Development require all Victorian schools to include a statement addressing sun protection in their dress codes or school uniform policies.
>
> 3.2 That the Department of Education and Early Childhood Development promote best practice case studies for incorporating sun-protective clothing and sunglasses into dress codes and school uniform policies in the guidelines they provide to schools.
>
> 3.3 That the Department of Education and Early Childhood Development require all Victorian schools to make a sun-protective hat available to students as part of their dress codes or school uniform policies.

I will just focus on those three recommendations in the short time I have to address the house. There has been a record number of hot days in a row in November. Last week a case came before me where a young girl was taken on a class outing. Although it was not an extremely hot day, the students were told they were not to take their own personal bags with them, that they were only going to the local football oval to do a bit of a project. That young girl has extremely fair skin. It was not a really hot day, so the teachers thought nothing would come of it, but in fact the little girl got quite burnt. Her mother always packs sunscreen in her bag and the girl always has her hat on, but the teacher said, because they were only going for a short time, the students could not take their own personal bags, so she was without sunscreen.

I would put it to the house that it is incumbent upon all teachers, if they are going to make rules that children cannot carry their personal belongings because the outing is short, to ensure that teachers and the school provide a pump pack of sunscreen. The little girl did have her hat with her, and she really tried her best to protect herself because she has been sunburnt badly in the past.

I see these three recommendations as being extremely important not only for children's health and safety but also for the health and safety of adults going on such excursions. As we head towards summer it is very important.

I also commend the committee for its work on antidiscrimination issues. As most members know, my electorate is culturally diverse. There has never been any disputation about school uniforms and how they fit in with the various cultures and religions. Some of the young girls wear a hijab, and there has never been any problem with that. Some of the young women go swimming. They wear a full length bodysuit, and there has never been a problem with that. Good common sense was used by the committee on this occasion. Good common sense can overcome all these issues. I urge all school communities to keep practising good common sense.

Public Accounts and Estimates Committee: budget estimates 2009–10 (part 2)

Dr SYKES (Benalla) — I wish to comment on the Public Accounts and Estimates Committee report on the 2009–10 budget estimates, part 2. I wish to explain why I and my Liberal and Nationals coalition colleagues found it necessary to submit two minority reports. The reasons can be summarised as a contempt for process by the Premier, the ministers and departmental heads; the report's lack of critical analysis of government claims; and the failure of government members of the committee to support suggested changes to the report.

I commence by acknowledging the excellent work done by Valerie Cheong and her staff. The breadth of subject matter that is required to be covered in this Public Accounts and Estimates Committee work is truly amazing, as is the volume of work. Valerie and her staff do an outstanding job.

The basis for my Liberal colleagues and I finding it necessary to submit two minority reports in relation to contempt for process is highlighted, as the member for Scoresby mentioned, by the delay in response to questionnaires sent to the ministers and departmental heads. I am just going to name and shame the key bad performers. There is the Minister for Sport, Recreation and Youth Affairs; the Minister for Community Services; and the Minister for Planning, who was

29 days overdue. The worst performer of all was the Minister for Water who was 45 days overdue. He is a minister who supposedly prides himself on attention to detail and meticulous accuracy, but he does not have the courtesy to provide information to the committee on time.

There is also the issue of contempt for process, with ministers failing to answer questions on notice. Specifically I identify the Minister for Water for failing to answer the simple question, 'What is the cost of piping water from the Goulburn Valley to Melbourne via the north–south pipeline?'. It is a question that was asked 12 months ago, and he has failed to answer it. Similarly, the Premier has failed to answer a simple question on the cost of water savings for the food bowl modernisation project.

The second reason for the minority report is the lack of critical analysis in the report. It is not a criticism of the staff, but it is a criticism of the management of the process. The report documents government claims but not when those claims are challenged — for example, in chapter 14, page 208, the Department of Sustainability and Environment's claims in relation to reported water losses are documented. I provided substantial evidence and an alternative point of view, but it was not seen fit to raise any question about the DSE's claims. I consider it a major failing of the report that there is a lack of critical analysis of many government claims.

Another area of major concern is the government committee members' failure to support changes to the text. I provided all committee members with substantial information challenging many of the claims of the Minister for Water and the Department of Sustainability and Environment. At no stage did any government committee member enter into any discussion of those alternative points of view. Further, when I suggested moderate changes to the wording of the report, which in my opinion would have resulted in a more accurate reflection of the true situation, the government members voted as a block, and the chair used his casting vote to defeat my motions.

The same occurred with motions moved by Mr Rich-Phillips, a Liberal Party member for South Eastern Metropolitan Region in the Council, and Ms Pennicuik, who is a member for Southern Metropolitan Region in the Council and a member of the Greens.

These motions are recorded on pages 421 and 422 of the report. I invite members of this house and the public to read pages 421 and 422 and the minority reports to form their own opinions about the concerns that I have raised in this statement. If members look, for example, at one section of the minority report in which I identify the failures of the main report, they will see that it includes a failure to highlight the significant body of opinion which questions government claims over water savings and the failure of the government to implement the April 2008 recommendations of the Auditor-General to publish detailed analysis underpinning the water savings.

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

Public Accounts and Estimates Committee: budget estimates 2009–10 (part 2)

Ms MUNT (Mordialloc) — I rise to speak today on the Public Accounts and Estimates Committee report on the 2009–10 budget estimates, part 2, which is dated October 2009 and is the 88th report to the Parliament by the Public Accounts and Estimates Committee, of which I am a member. I have only a short time in which to speak. I thank the members of the secretariat for all their wonderful work and also the other members of the PAEC who have been through this process.

We submit to an exhaustive process in order that an overview of the entire budget process can be given for the state of Victoria. We hold public hearings for the budget in May and then report back on all the information included in the budget and what comes from those hearings. Looking at other jurisdictions, I have to say that we have one of the most exhaustive and comprehensive budget processes and reporting systems to Parliament of almost any Parliament in the world, particularly in Australia.

I will mention quickly the minority report of the member for Benalla. I could not agree with that minority report, which is why I voted for the report as it is. The minority report and the opposition members of the committee raised some interesting issues. However, I think some of them may have been politically motivated and not in accordance with the information that we, as part of the PAEC, received during these processes.

Further to that, I would like to say that the chair of the PAEC does a wonderful job in chairing these meetings. On behalf of PAEC — —

The ACTING SPEAKER (**Mr Howard**) — Order! I must interrupt the member for Mordialloc. It is 1 o'clock and it is an appropriate time to break for

lunch. The member for Mordialloc will have the call after question time.

Sitting suspended 1.00 p.m. until 2.03 p.m.

Business interrupted pursuant to standing orders.

Mr Hulls — On a point of order at the start of question time, Speaker, in relation to yesterday's *Daily Hansard* — and we know that *Hansard* is indeed a historical record and ought to record exactly what happened in question time — when the Leader of the Opposition announced his reshuffle at the start of question time yesterday, he completed that and he then sat down. There were a number of interjections, and he was approached by the shadow Minister for Education and was told that he had mucked up. He had forgotten to mention the only newcomer in his shadow cabinet!

Honourable members interjecting.

Mr Hulls — Speaker, I ask you to listen to the tape of yesterday's question time to see whether or not there were any comments made between the embarrassing gaffe of the Leader of the Opposition when he failed to announce the only new member in the shadow cabinet — —

Honourable members interjecting.

The SPEAKER — Order! There is no point of order. The Deputy Premier knows full well that *Hansard* is not a complete transcript of what occurs in this house. I do suggest to all members of the house that points of order are a serious matter, and I ask all members to cooperate.

ABSENCE OF MINISTER

The SPEAKER — Order! I advise the house that the Minister for Police and Emergency Services is absent from question time today. Any questions directed to him will be answered by the Deputy Premier.

DISTINGUISHED VISITOR

The SPEAKER — Order! I welcome to the gallery today Mr Xu Yajun, who is here on placement from the Jiangsu Provincial People's Congress. Welcome! Mr Xu is well known to many of us.

QUESTIONS WITHOUT NOTICE

Mental health: government performance

Ms WOOLDRIDGE (Doncaster) — My question is to the Minister for Mental Health. I refer to the Auditor-General's extraordinary finding in regard to the mental health crisis teams that the:

> … DOH does not know the number of urgent referrals received, how services respond, their timeliness or the outcomes.

I ask: if the department does not know, how does the minister know? Or is it a fact that the minister has no idea about what is happening with services for people with a mental health crisis?

Ms NEVILLE (Minister for Mental Health) — I thank the member for her question, but it is, can I say, a bit rich coming from the opposition, which has nothing to say on mental health.

Honourable members interjecting.

The SPEAKER — Order! I ask the minister not to attack the opposition and to confine her answer to the question as asked.

Mr Hodgett interjected.

The SPEAKER — Order! The member for Kilsyth will not interject in that manner or he will not be here for very long.

Ms NEVILLE — Thank you, Speaker. Can I just be clear: this government is acting to reform the mental health system. The government has embarked on the biggest reform of the mental health system ever in Victoria. That is why just under three years ago it established a Minister for Mental Health; it is why it has worked side by side with mental health experts, consumers and carers to turn its service system around. It is why it has backed that up with record investment. It is why it undertook major consultations right across the board with consumers, carers and families.

Honourable members interjecting.

The SPEAKER — Order! I suggest to the member for Hastings that he not interject in that manner. I ask the member for Scoresby to also cease interjecting.

Ms NEVILLE — It is why we undertook major consultations right across the state in regional areas, metropolitan Melbourne and other Victorian areas with our experts, with workers, with clinicians, with consumers and with carers. The only people who could

not be bothered to put in a submission or be part of those consultations were those opposite, including the member for Doncaster. All we get from the opposition is silence. While we are changing the way the community sees mental illness, we get silence. While we are shifting the system to focus on prevention and early intervention, what do we get? We get silence from those opposite. While we are building more beds and providing more workers and more local services, we get silence. While we are improving data collection, which is acknowledged by the Auditor-General, we get silence. What the Auditor-General has done in his report today — —

Ms Wooldridge — On a point of order, Speaker, the minister is debating the question. It was a very narrow question in response to the Auditor-General's report.

Honourable members interjecting.

The SPEAKER — Order! The Premier! I remind government members once again that all members are entitled to take a point of order and all members should be able to be heard in silence.

Ms Wooldridge — On the point of order, Speaker, the question was about the lack of information that the government and the minister have about the effectiveness and outcomes of mental health crisis services. The minister has failed to address any aspect of that question. It is very clear that she does not know.

The SPEAKER — Order! I point out to the member for Doncaster that to make a point of debate by taking a point of order is not acceptable. I also suggest to the member for Doncaster that her preamble to the question was about the Auditor-General's report, the Department of Health and urgent referrals. The preamble to any question forms part of the question. This is not new. I suggest to the member for South-West Coast that his constant advice to the Chair is very unwelcome. I do not uphold the point of order. The minister was being relevant to the question as it was asked.

Ms NEVILLE — What the Auditor-General has done in his report today is clearly acknowledge the government's mental health reform strategy, which is strengthening every aspect of the state's mental health system. It is a whole-of-government approach, across police, across Ambulance Victoria, across mental health clinicians and across schools. The Auditor-General said in his report today:

> Government investment through the reform strategy should strengthen the broader mental health system, providing better support to prevent and respond to crises.

It is this government that has taken action, that has led the country and that is leading Victoria in implementing the biggest reform of mental health ever in this state.

On top of that, in the last two budgets we have invested over $300 million to implement and deliver on the reforms outlined in the mental health strategy. These reforms are welcomed by the Auditor-General, they are welcomed by consumers and they are welcomed by mental health clinicians. We are determined to continue to invest in mental health in order to deliver to some of the most vulnerable people in our community the best possible care at the right time.

Schools: Catholic and independent sector

Ms KAIROUZ (Kororoit) — My question is for the Premier. I refer the Premier to the government's commitment to make Victoria the best place to live, work and raise a family, and I ask: can the Premier outline to the house how the government is supporting Catholic and independent education in Victoria?

Mr BRUMBY (Premier) — I thank the honourable member for her question. I am pleased to advise the house that earlier today I was able to announce with the Minister for Education that our government has reached a historic agreement with the Catholic Education Commission of Victoria and the Association of Independent Schools of Victoria. I was there with the minister at Simonds Catholic College to sign a new funding agreement with the Catholic Education Commission. I think it is fair to say that this builds on what has been unprecedented and record support by our government for education in this state.

This agreement builds on the strong support we have been providing — as I said, the record levels of funding to both the government and non-government school sectors — and, over the last decade, something like $3.3 billion has been provided for the non-government school sector. Our government is committed to providing the best possible education to all children in our state, whether they are in government schools or non-government schools. That is why over the next four years Catholic and independent schools will receive a record $2.1 billion in financial assistance. That includes an additional $401 million in new funding.

There are four things I would say about this groundbreaking agreement. The first is that it reinforces our view that education is the no. 1 priority in our state. We have said in opposition and we have said in government that education is the no. 1 priority. This confirms our record investment in government schools

and non-government schools, giving those great opportunities across the state.

The second observation about this agreement is that again it reinforces that there is choice for parents in our education system. Parents in our state can choose to send their children to government schools; they can choose to send their children to non-government schools. We want the best possible outcomes.

The third thing I say about this agreement is that it is about building a better but also a fairer Victoria. We want our state to be the best, and we want our state to be the fairest. I have often said you cannot be the best state in Australia unless you are also the fairest. One of the things at the heart of Catholic education is its commitment to disadvantaged people in our community who need support and who need the opportunity to go on and get that education in life. A feature of this agreement is that it helps provide that funding, which will be directed to many of the neediest in our community.

Finally, can I say about this agreement that it ensures increased accountability and transparency. What this agreement will do is benefit more than 185 000 students in something like 500 Catholic schools across the state and more than 120 000 students in more than 200 independent schools. It is an agreement that will provide funding certainty for the Catholic and independent school systems. As I have said, addressing disadvantage is fundamental, particularly to the Catholic system, and part of this agreement is about providing additional disability funding in the Catholic school system.

I want to thank today — —

Honourable members interjecting.

Mr BRUMBY — I will pass that on to the archbishop. I want to thank the Catholic Archbishop of Melbourne, Denis Hart, for his support — —

Honourable members interjecting.

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

Mr BRUMBY — I was delighted that he was present at the signing of the agreement today. I also thank Bishop Tim Costello, the chairman of the Catholic Education Commission. I thank them for their support of this historic agreement.

I also put on the public record my thanks and support for the extraordinary work that has been done by the Minister for Education in reaching this agreement. We have achieved, I think, an outstanding agreement in every sense of the word for families and parents across the state who want the very best education for their children. During the period in which we have been in government we have seen sustained improvements in the outcomes in our education system. We want our state and our education system, government and non-government, in every sense to be the best in Australia and amongst the very best in the world.

I believe the progress we have made to date reinforces the value of the significant investments we have made in education, but we always need to do more and we always need to go further. This additional funding today, as I have said, of $2.1 billion through this historic agreement is $400 million extra for the education system, and that agreement ensures that investment will continue into the future.

It provides certainty for our state. It shows that in this Parliament on this side of the house we are absolutely and irrevocably committed to education. It is our no. 1 priority. We are making great progress, and we intend to build the best and the fairest education system anywhere in Australia.

Honourable members interjecting.

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

Mental health: government performance

Mr BAILLIEU (Leader of the Opposition) — My question is to the Minister for Mental Health. I refer to the Auditor-General's damning findings regarding the government's failure to manage mental health crisis support, and I ask: given that in 2002 the Auditor-General made similar findings and clearly nothing has changed in seven years, how can Victorians have any faith whatsoever in this government or this minister to protect the most vulnerable people in this state?

Ms NEVILLE (Minister for Mental Health) — What I can say has not changed since 2002 — that is, that the opposition has no mental health policy.

Honourable members interjecting.

The SPEAKER — Order! I ask the minister not to go down that track. I ask the members of the opposition for some cooperation.

Ms NEVILLE — Thank you, Speaker. What I am interested in is improving mental health services in our

community. That is why over the last two years we have undertaken major consultation and in March of this year released a 10-year mental health reform strategy, a reform strategy that is already making changes on the ground.

This strategy is not only about investing in more beds and better emergency responses, it is also about shifting the mental health system from one based on crisis to one that is able to intervene earlier to deliver better outcomes for people with a mental illness. We know that if we can intervene earlier, we can reduce the incidence of crisis for those with a mental illness and improve their life outcomes. This is what the Auditor-General has acknowledged in his report today.

This strategy and the more than $300 million that the government has invested in the last two budgets are about delivering more services for children and young people. That includes $18 million, which I announced just last week, to deliver new psychiatric triage services and a new mental health advice line that will operate 24 hours a day, seven days a week — both of which the Auditor-General has acknowledged in his report will improve our response to people in our community with a mental health issue.

In fact since coming to government we have increased funding to mental health by 106 per cent and we are treating 9000 more people each year within our service system. This government and I are committed to delivering a better mental health service system for our most vulnerable people. Let us be very clear about it, it is this government that is delivering the biggest reforms in mental health ever in Victoria.

Honourable members interjecting.

The SPEAKER — Order! I again invite the member for Polwarth and the Deputy Premier to continue their conversation outside the chamber rather than across the chamber at question time.

Dairy industry: government initiatives

Mr CRUTCHFIELD (South Barwon) — My question is to the Minister for Regional and Rural Development. I refer to the government's commitment to make Victoria the best place to live, work and raise a family, and I ask: can the minister update the house as to recent developments in Victoria's dairy industry and how the Brumby government is supporting this industry?

Ms ALLAN (Minister for Regional and Rural Development) — I thank the member for South Barwon for his question. All members of this house know just how important our dairy industry is to our state's economy because it supports tens of thousands of jobs right across Victoria. The Brumby government knows this very well, which is why it is taking action across three key areas of government to back in the industry's future.

Firstly, just last week I had the great opportunity to visit Fonterra's Darnum plant, where I was able to announce a grant of $425 000 from the government's Regional Infrastructure Development Fund — a great fund that provides great support right across the state — to go towards a million dollar water recycling plant. This recycling plant will save up to 150 megalitres of water every year, so there will be great water savings for the company and for the local community.

Further, as was reported in the *Warragul and Drouin Gazette*, managing director Bruce Donnison stated:

> The water saving project will also allow full production capacity to be reached at Darnum Park …

I think that is great news for the dairy industry in the Gippsland region.

What is even better news is that at the end of last week, hot on the heels of this announcement, Fonterra also announced another major new investment in Victoria. This time it is making a $21 million investment in an upgrade of its plant at Echuca, which I am sure members of the house would agree is important for Echuca and for northern Victoria, because it will secure more jobs.

When you think about it, it really is a great vote of confidence in the dairy industry, it is great vote of confidence in northern Victoria and it is a great vote of confidence in the transformational $2 billion food bowl modernisation program, which of course has been backed in by the Brumby government and the Rudd Labor government.

The food bowl modernisation program is not only a great water infrastructure project that is upgrading water infrastructure and creating over 1700 jobs during the construction phase, it is also a key driver of future economic growth in the region. The Brumby government wants to make sure that we maximise each and every one of the benefits that will come from the upgrades of the food bowl modernisation program.

That is why we are backing the efforts of the Foodbowl Unlimited Group, a group of local government representatives and community representatives right across northern Victoria. We are providing them with support through a $1 million grant to help them to

promote Victoria's food bowl and attract new investment into northern Victoria off the back of the increased water security that comes from the food bowl modernisation project.

As part of their efforts and as part of this campaign, I recently launched their new e-prospectus, which is a state-of-the-art website that highlights the many strengths of the Goulburn-Murray irrigation district. It is aimed at driving more jobs and new investment into northern Victoria.

The launch of the e-prospectus took place at another great success story, Bega Cheese's new plant in Strathmerton. Last year, again with support from the Brumby government, we were able to announce with Bega Cheese a major investment it has made in the Strathmerton facility, which not only will secure the 150 jobs that are there now but also provide the opportunity to create a further 150 jobs, which I am sure is great news for northern Victoria and a great win for Victoria's dairy industry.

As I said before, all members of the house know the importance of the dairy industry to Victoria in terms of exports alone. The dairy industry does not just make a contribution to the Victorian economy, it is also a major player internationally with up to 13 per cent of all world trade in dairy products coming out of Victoria. This is what makes another major project that has been driven by the Brumby government, the channel deepening program, such a vital project for the future of the dairy industry in this state.

You may wonder, Speaker, what the links are between these efforts — between the work the Brumby government has done on the food bowl modernisation project, the channel-deepening project and the Regional Infrastructure Development Fund. There are three. The first is that these projects are all designed to support Victoria's dairy industry and to help it to become more competitive and more productive. Secondly, these projects are all helping to secure vital jobs right across regional Victoria. Whether in Gippsland, south-west Victoria or northern Victoria, they are about creating jobs. Thirdly, each of these three great projects has been opposed at some stage by the Liberal Party and The Nationals. They are all great projects that have been opposed by members opposite.

Just looking at the dairy industry in isolation, these three programs and this approach show that, when you have the right policies and the right programs, you can get great results for jobs in regional Victoria. Despite the naysayers, despite the negativity and despite those opposite who have no policies, we have been able to push on and deliver great results for the dairy industry in Victoria.

Electricity: smart meters

Mr O'BRIEN (Malvern) — My question is to the Minister for Energy and Resources. I refer to the Auditor-General's findings on the smart meter project that:

> … project governance has not been appropriate …
>
> There is no risk management strategy …

and:

> The merits of the economic case for the project are quite uncertain …

The report also says the completion date has already been delayed by a year and the estimated installation cost, to be paid for by consumers, has blown out from $800 million to $2.25 billion. Given that the minister is responsible for bringing the myki of metering into every Victorian home, how much more will Victorian families actually be forced to pay for his monumental incompetence?

Mr BATCHELOR (Minister for Energy and Resources) — We wired up a smart meter to the member for Malvern, and it registered empty!

Honourable members interjecting.

The SPEAKER — Order! I ask the minister to address the question.

Mr BATCHELOR — We on this side of the house believe climate change is real and it is happening, and we have had this belief for some time. In 2004 my predecessor commenced this program, and it is continuing. It is a foundation-changing project, and it is to help the consumers of Victoria to control their electricity use and, through that, to control the cost of electricity, as well as to reduce their own carbon footprint.

This sort of project is being undertaken in a number of advanced industrial countries, and just recently President Obama announced an investment of billions of dollars to undertake a similar rollout in parts of the United States of America.

Honourable members interjecting.

The SPEAKER — Order! I ask the member for Mildura not to interject in the manner he seems to have just perfected in the last couple of minutes. I also suggest to the member for Murray Valley — —

Honourable members interjecting.

The SPEAKER — Order! It must be the bad influence of the member for Rodney. Rather than go through the entire chamber, I ask all members for some cooperation. The minister has been asked what I, if no-one else, deem to be a serious question, and the chamber owes him the courtesy of listening to the answer.

Mr BATCHELOR — In the Auditor-General's report tabled today he does not recommend the cessation of this program. We are continuing to roll it out. Already 10 000 meters have been rolled out in Victoria since September this year. The reason we are doing it is explained right here in the Auditor-General's report — —

Honourable members interjecting.

The SPEAKER — Order! I ask the member for Warrandyte not to interject in that manner. I also ask for some cooperation from the members for South-West Coast, Kew and Polwarth.

An honourable member interjected.

The SPEAKER — Order! I ask for the member's cooperation.

Mr BATCHELOR — In the Auditor-General's report the expected benefits of smart meters are summarised as being to improve consumers' ability to monitor and control their electricity use, potentially allowing cheaper and more efficient energy use; to reduce the cost to industry of planning and managing power supply, potentially leading to lower retail prices for consumers; and to increase retail competition through new services, potentially resulting in a greener choice of suppliers for consumers.

Mr O'Brien interjected.

The SPEAKER — Order! The member for Malvern asked the question; he should have the decency to listen to the answer.

Ms Allan interjected.

The SPEAKER — Order! I warn the Minister for Regional and Rural Development.

Mr BATCHELOR — These are the benefits that will flow through to businesses and domestic users alike. It will enable these users, particularly consumers, to take control of their electricity use at a time when the carbon pollution reduction scheme will be putting up prices. That is why the government was able to think in advance of the needs and the tools that would be required to allow individual consumers to undertake this sort of action.

At a time when prices will be being increased in Victoria and indeed in the rest of Australia because of the introduction of an emission trading scheme, Victoria will be the only state that on a statewide basis will enable its consumers to have this equipment, this ability to control their use and through that, their prices.

The issue the member detailed was about the cost of the program. This has already been addressed by the Australian Energy Regulator. The AER is an arm of the Australian Competition and Consumer Commission. It is regulated at the national level by this arm of the ACCC. The ACCC, in its determination, has indicated that the cost will increase by some $68 next year, but it has also indicated that when the benefits flow through to the industry, those benefits in terms of cost reductions will be passed through to consumers. All the cost-benefit studies that have been undertaken either here in Victoria or at a national level have indicated that the benefits of this program will exceed the costs.

As for the private sector here in Victoria, there are five distributors — electricity distribution companies. They have the responsibility to undertake this project. They have raised their own money — they are investing that money; the equipment is theirs — but the cost of this is being regulated by an arm of the ACCC to ensure that the benefits flow through to consumers in line with our expectations.

Drought: government assistance

Mr HARDMAN (Seymour) — My question is to the Minister for Agriculture. I refer to the government's commitment to make Victoria the best place to live, work and raise a family, and I ask: can the minister inform the house of the continued commitment and support shown by the Brumby government for Victorian farmers affected by drought?

Mr Ryan interjected.

The SPEAKER — Order! Before the minister starts, I ask the Leader of The Nationals not to interject across the table.

Mr HELPER (Minister for Agriculture) — As most members would be aware, I was able to join the Premier at the property of David Jochinke, a grain farmer in Murra Warra, near Horsham, to announce the government's drought package — and a terrific package it is, although all of us wish we did not have to deliver it as a consequence of there not being a drought.

However, we have to deliver the package, which meets the needs of farmers who are doing it hard as a consequence of continuing drought and also builds on the recovery from drought that farmers will experience in Victoria.

This continues the proud record of the Brumby government, which has committed more than $400 million since 2006 to support our farmers, our rural communities and agriculture in the state. It will position farmers to maximise the productivity that will come from the recent good rains we have had, particularly in grain areas. It boosts the recovery and future sustainability of our farmers.

One of the components of the package that does just that is the farm improvement grants program. It encourages investment in on-farm infrastructure through our supporting farmers in doing that. It provides two-for-one grants in the northern irrigation areas up to $2000, and one-for-one grants in the rest of the state for eligible farmers, so that farmers really can build their productivity for the future on their farm.

The spring rains have certainly produced an overdue good cropping season, for many of our grain farmers in particular, but we acknowledge that we are not out of the woods yet and that many farmers are doing it very tough indeed. Dairy farmers are facing other pressures such as world price fluctuations or low world prices. All of our export-oriented farmers are facing difficulties associated with the high value of the Australian dollar and the subsequent returns on their exports, and therefore we have also maintained support for them. We have particularly focused that support on dairy farmers.

Mr Weller interjected.

Mr HELPER — We come to the municipal rate subsidy that the member for Rodney seems to be very interested in. We have continued the municipal rate subsidy, with a subsidy of up to 30 per cent on 2009–10 municipal rates and charges for eligible farmers.

We have other initiatives, including the $2.3 million for drought extension support, which is particularly targeted at northern irrigation dairy farmers so that they can make their decisions well, in the knowledge of the opportunities that the Minister for Regional and Rural Development alluded to and the confidence that exists in the industry as well as the challenges that dairy farmers face. They can weigh up those things and plan their future with a degree of certainty and a degree of understanding of the outcomes and the directions of the industry.

We have continued the drought apprenticeship retention bonus so that we will not experience skills shortages, particularly in our rural-related industries, as a consequence of employers' inability to keep on apprentices. It is a measure that will be and has been terrifically welcomed.

We have a commitment to the Sustainable Farm Families program, an extremely successful program that supports both the physical and mental health of drought-affected farmers and families. There is $2.2 million for drought relief grants for community sport and recreation to make sure that in these difficult times we do not lose that glue that keeps so many of our small communities together — the sporting and recreation facilities.

There is a significant difference between the season that we experienced last year and this year — that is, we have actually had some very useful rains. This time last year the allocation in the Murray irrigation system was 19 per cent.

Mr Ryan — On a point of order, Speaker, without question these are vitally important issues. It is half as much money as we wanted, and it is four months late. We welcome it. However, the minister has been speaking for more than 4 minutes, and I would ask you to have him conclude his answer, important though it is.

The SPEAKER — Order! I uphold the point of order, but I suggest to the Leader of The Nationals that to take a point of order and make a comment in debate is inappropriate. The minister will conclude his answer.

Mr HELPER — There is quite a change of tack by the Leader of The Nationals, because not long ago, in September, he tried to flatter us, I presume, through the imitation and sheer cut-and-paste copying of our existing drought package — at that stage — into his policies. One of the important ingredients of that drought package was the water rate rebate, and he cut and pasted straight from the policy that existed in the previous drought — —

The SPEAKER — Order! The minister should conclude his answer.

Mr HELPER — It seems somewhat ironic that, despite the fact that that initiative is identical, a number of Nationals and Liberal Party members are now criticising that very policy.

Snowy River: water licence review

Mr INGRAM (Gippsland East) — My question without notice is to the Minister for Water. In 2007 the

New South Wales government established a formal process for the five-year review of the Snowy water licence as required under the Snowy Hydro Corporatisation Act. As part of that agreement, the commonwealth and Victorian governments were to provide representatives for a review committee, which was required to prepare the report, including the findings of the five-year review and possible licence changes. As the New South Wales government today released its final report, which is clearly at odds with the Victorian government's submission and public position on the Snowy River environmental flow outcomes, I ask: does the Victorian government support this report?

Mr HOLDING (Minister for Water) — I thank the member for Gippsland East for his question. As all honourable members would know, he has been a tireless champion of restoring environmental flows to the Snowy River. His question went to the issue of whether or not the Victorian government supports the report and findings that have been released today by the New South Wales government following the five-year Snowy licence review. I can inform the house that the Victorian government does not. We do not support the position that the New South Wales government has taken. In fact this has been for us an extraordinarily frustrating process, and one that has led to a very disappointing outcome.

We took the view in 2002 that the agreement — the Snowy River agreement — represented a historic opportunity not just to restore desperately needed environmental flows to the Snowy River, which was and remains under extraordinary stress, but also to provide for more flexible releases of environmental water into the Snowy River so that they had the maximum environmental benefit for the river itself and also for the communities that live along that river. For that reason the Victorian government has taken the view that what is needed is more flexibility for Snowy Hydro to be able to release environmental water either through the Jindabyne Dam or through the Mowamba Weir.

The New South Wales government does not support that view. We have always taken the view that the Victorian government position, and indeed the commonwealth government position, could be accommodated without decommissioning any of Snowy Hydro's assets or giving rise to any questions of compensation. It is for that reason that we have been very disappointed with the response that the New South Wales government has released today.

We have also been frustrated and disappointed with the process. We understood it was to be an intergovernmental process that would draw on the expertise and perspectives of all shareholder governments in the Snowy Hydro scheme, not only the New South Wales government but also the commonwealth and Victorian governments. In fact, despite the establishment of the Snowy River licence review committee as an intergovernmental process, the truth is that the New South Wales government has proceeded unilaterally and released this report today without any appropriate or proper consultation with the other shareholder governments.

We have made clear to the New South Wales government what the Victorian government's position has been. In fact on seven occasions I have written to either the water minister or the environment minister in New South Wales. I have also had discussions directly with those ministers as has been relevant over the period of this long and protracted process.

We are particularly disappointed that the position taken by the New South Wales government in the report that has been released today foreshadows yet another review of these processes over the next three years. We take the view that, while it is appropriate to have processes involving public consultation, there has to be a will on the part of the shareholder governments to consider the perspectives that are brought forward during those reviews. The New South Wales government has shown no willingness to date to take on board the perspectives being put forward, not only by the commonwealth government but also by the government here in Victoria.

Despite the fact that 140 gigalitres of water entitlement has already been obtained for return to the Snowy River, the river itself would benefit from having more flexibility in the way Snowy Hydro manages the system of environmental releases today. We are disappointed with the approach taken by the New South Wales government. We have today sought another urgent meeting with the New South Wales government so that we can again draw to its attention the strong position — —

An honourable member — Carmel Tebbutt — —

Mr HOLDING — Carmel Tebbutt is not even the environment minister in New South Wales any longer; in fact the environment minister in New South Wales is none other than John Robertson.

Honourable members interjecting.

The SPEAKER — Order! I ask the Deputy Leader of the Opposition not to interject across the table in that manner, I warn the member for South-West Coast and I ask the member for Narre Warren North not to interject in that manner.

Mr HOLDING — In responding to the question raised by the member for Gippsland East, we do not support the findings of the report that has been released by the New South Wales government today. We will continue to stand up for the flexible management of environmental water releases into the Snowy River. We will do that because it is in the best interests of the health of that river and for the communities that live along that river and depend on it. We will continue to stand up for this river and its proper management. We look forward to continuing to work with the member for Gippsland East and all those activists and communities who have been working very hard on this issue for many years to continue to deliver the intent of the original Snowy River agreement in 2002.

Rail: regional freight network

Mr EREN (Lara) — My question is for the Minister for Public Transport. I refer to the government's commitment to make Victoria the best place to live, work and raise a family, and I ask: can the minister inform the house of the progress of upgrades to the regional rail freight network and the readiness for the impending grain harvest, and is she aware of any views that have been expressed about this investment?

Ms KOSKY (Minister for Public Transport) — I thank the member for Lara for his question. We know the rail freight industry in Victoria has had major investment under the Brumby government. It was only in 2007 that we had the rail freight review, and the government has acted very quickly on that review. We have acted quickly in anticipation of having a terrific grain harvest, and it looks like we will be having a great grain harvest this season.

We acted quickly and we invested quickly, with $21.4 million to support the industry through the transition period, $37.4 million to upgrade the priority gold lines and $38.7 million to upgrade the silver lines, along with providing funding for ongoing maintenance of the lines. Those investments have enabled Victoria's farmers and grain handlers to decide how to move their crops at harvest time.

The vast majority of the regional rail freight lines are now fit for purpose. The Benalla to Oaklands line will be completed this month and the works on the Quambatook to Manangatang line are well under way and planned for completion early in 2010. We expect that more than 80 per cent of the grain harvest will be handled by rail. This investment and acting very quickly have been incredibly important so that around 80 per cent of this grain harvest can be handled by rail. The harvest is expected to be the biggest in a decade. I know everyone in this house is pleased about that.

Two of Australia's biggest grain handlers have committed six train sets, with the possibility of two further sets, for this year's harvest. GrainCorp plans for four train sets, comprising two broad-gauge 40-wagon trains and two standard-gauge 50-wagon trains, to be available. AWB has advised us that it will have two train sets available, with the possibility of more, for at least part of the season in Victoria. They have made a commitment because we have made a commitment. They were prepared to make that commitment because we honoured the investment on the rail freight lines. We have provided that investment and infrastructure in time for the harvest this year.

Last month I met in Ouyen with councillors and chief executive officers from 15 shires in north-western Victoria. Each and every one of them was incredibly enthusiastic and thankful for the timely investment we made in order to assist farmers in their communities. They were very pleased and thanked us. They moved motions of thanks and asked me to pass back to the Premier their thanks for our acting so quickly.

It was surprising that someone was running around country Victoria telling people we did not have the wagons, telling people the opposite and trying to scaremonger around the state — —

Mr Foley interjected.

The SPEAKER — Order! The member for Albert Park might like to say sorry.

Mr McIntosh — On a point of order, Speaker, the minister is now moving on to something that does not relate to government business. Question time is for matters that relate to government business. No-one is interested in any other views; it is about government business and should be confined solely to government business.

The SPEAKER — Order! I do not uphold the point of order. The question clearly asked about alternative commentary — —

Mr McIntosh — Views.

The SPEAKER — Order! Views, sorry. Thank you. The question as asked is in order. The member for

Kew is asking the Chair to anticipate what the minister is going to say. As we learnt yesterday, it is a very fraught thing to do for the Chair to anticipate what a member is going to say. I do not uphold the point of order.

Ms KOSKY — I was surprised by these comments that were made around Victoria because a lot of people have been working in gangs on these upgrades right around the north-west of Victoria on the Korong Vale to Charlton line; on the Murtoa to Warracknabeal line; on the Warracknabeal to Hopetoun line; on the Korong Vale to Quambatook line; on the Swan Hill to Piangil line; and on the Charlton to Sea Lake line — all coincidentally in the electorate of the member for Swan Hill.

Unless the member for Swan Hill had his eyes closed, he would have seen the incredible work we are doing and would also have heard from many of his constituents of the work the Brumby government has done and the investment and commitment it has made. Of course if he had had discussions with AWB and GrainCorp, he would have known the commitment they have made as a response to our investment. They are providing the wagons, the train sets, and we have provided that investment.

We are committed to supporting farmers and investing in the network. We have done it in a timely manner, and we hope the grain harvest this year is as good as anticipated.

Emergency services: 000 system

Mr RYAN (Leader of The Nationals) — My question is to the Premier. I refer the Premier to the archaic, overburdened D24 police 000 call centres that regional communities are depending on for protection this fire season. They involve police crammed into five run-down offices who take emergency calls on as few as four phone lines, then handwrite the details on cards, which in turn are used to manually contact police in the field using unreliable, 30-year-old analogue radios. Given that the government rejected Victoria Police funding submissions to fix this disgraceful situation in 2005, 2006, 2007 and again in 2008, will the Premier concede that his government has left Victorian communities dangerously unprepared this fire season?

Mr BRUMBY (Premier) — As I indicated yesterday when I was asked a similar question about fire preparation in this state, I believe the effort that has been put in place across the state — whether it is in terms of budget funding, whether it is in terms of local government effort, Country Fire Authority (CFA) effort, Department of Sustainability and Environment, individuals, communities, households or people attending Fireguard meetings — is unprecedented in terms of its size and scale across the state.

In terms of emergency communications, which is the question I understand the Leader of The Nationals is particularly focused on, since 2001 we have actually invested something like $440 million additionally in our statewide integrated public safety communications strategy, and that is delivering the new mobile metropolitan radio network for Victoria Police, Ambulance Victoria and the Metropolitan Fire Brigade; the new mobile data network for Victoria Police and ambulance; the new emergency alerting system pager network for CFA, ambulance and Victoria State Emergency Service; and a refreshed StateNet mobile radio network for regional police. These are, in anybody's terms, very substantial commitments indeed.

In addition it is obviously clear that in the fires that occurred in January and February this year there were severe deficiencies in relation to the operation of 000 and other emergency services. As a response to that — and members will recall that it was prior to the interim report of the commission — we made available an extra $56.2 million to upgrade the 000 and other emergency systems to ensure that there were more staff and a bigger flow-over on those peak demand days.

We need to do that because the issue with 000 is not on days like today, it is on days when we get extraordinary emergencies, and the peak in demand is unbelievably steep. That is what occurred on 7 February. The additional funding put in place has been designed to provide those spill-over characteristics that will enable us to cope with that peak.

In addition, as I have explained to the Parliament before, we have been transitioning all of the ESTA (Emergency Services Telecommunications Authority) services in the country to the new facility in Ballarat. There are already large numbers of people there. We have further to go to complete that job, but I think it is fair to say that our communications system today is immeasurably better than it was 5, 10 and 15 years ago.

Technology, as we know, is changing very rapidly, and it is always a challenge for governments to keep up with the very latest, but I believe the investments we have made, plus the $56 million for 000 in the budget, plus the new ESTA facility in Ballarat and the transitioning that has occurred, will ensure that 000 is better able to manage those emergency calls than at any time in the past.

Health: regional and rural Victoria

Mr HOWARD (Ballarat East) — My question is to the Minister for Health. I refer to the Brumby government's commitment to make Victoria the best place to live, work and raise a family, and I ask: can the minister update the house on the Brumby government's investment in health service provision in rural and regional Victoria?

Mr ANDREWS (Minister for Health) — I thank the member for Ballarat East for his question and his longstanding interest and hard work towards delivering world-class health services for his part of rural and regional Victoria.

Our government is very proud to have, over our time in office, supported rural and regional health services, large and small, in rural and regional communities right across our state. Every single health service across rural and regional Victoria has received a funding boost in each and every year of our term in office. We have more doctors, more nurses and more paramedics working in rural and regional Victoria than has ever been the case. That is a record investment, and one that very directly supports families and communities right across country Victoria.

We acknowledge that there is more to do, and we are committed, in partnership with local communities — and indeed where appropriate, with the commonwealth government — to further improve services and access to services for communities right across the rural and regional parts of our state. There are many challenges, whether it is in workforce or in providing services to communities, and each has its own diverse challenges, with different needs and different arrangements that need to be taken into account.

Our support is broadbased. It is not just for public health services. As members would know, our support has extended to a number of not-for-profit, community-run health services like the Sea Lake and District Health Service, which I will come back to in a moment, and a number of other bush nursing centres.

For my part, it was with great pride that over the last few months I visited Dartmoor to open capital works improvements there. Dartmoor is a small but proud community that we have supported through its bush nursing centre. I was recently in Dingee to open another important redevelopment at the Dingee Bush Nursing Centre. Our support is not just for public sector health services but also for the not-for-profit sector right across rural and regional parts of our state.

There has been some ongoing concern in relation to Sea Lake. Important work has been done by the board of that health service — a not-for-profit, community-run health service — around viability and the financial sustainability of its current service model. This government provides around $650 000 per year to that health service. I want to assure all honourable members that there is no threat to the contribution we make to the health service. We stand ready to continue to support the Sea Lake community with those funds. Indeed, if one looks at capital works, one sees that more than $700 000 has been provided to the Sea Lake community by way of capital works in the past seven or eight years. Whether it is in terms of capital works, where we have been pleased to support that health service, or in terms of recurrent funding, where we will continue to provide that service, there can be no doubt about our government's commitment to that community and that health service. I have written to the commonwealth minister and sought her urgent attention to these issues. We stand ready to partner appropriately with the commonwealth government to continue to support the Sea Lake community.

Ours is a record of investment across country Victoria, supporting country communities large and small. The Sea Lake issue has been a very topical one. My attention has been drawn to some comments made in the midst of the coverage of the Sea Lake issue — a serious and important issue. A particular commentator felt it was appropriate to make comments that effectively alleged that this Labor government has 'systematically closed health facilities across regional Victoria'. That is absolutely and patently false. There is no closure of health services by this government. This government does not close hospitals; it builds new hospitals. That is what we have done over our time in government. This particular person will do anything and say anything to get a headline — anything, that is, other than work hard.

Dr Napthine — On a point of order, Speaker, the minister is now debating the question. I ask you to bring him back to answering the question about government business.

The SPEAKER — Order! I uphold the point of order. The minister will confine his remarks to the question as asked.

Mr ANDREWS — In terms of this government's ongoing support for rural and regional health service provision, as I was asked, I want to say that it is important to assure all country communities, large and small, that this government will not do what was done to communities like those of Koroit, Macarthur, Clunes,

Elmore, Mortlake, Lismore, Beeac, Birregurra, Altona, Mordialloc, Burwood and Essendon. We will not close hospitals anywhere across Victoria, as was done by those opposite.

STATEMENTS ON REPORTS

Public Accounts and Estimates Committee: budget estimates 2009–10 (part 2)

Debate resumed.

Ms MUNT (Mordialloc) — It is a pleasure to rise once again to speak on part 2 the report on the 2009–10 budget estimates. In the time remaining, I would just like to clarify an exchange I had with the member for Benalla about my contribution before the lunch break. We were talking about the process of preparing a minority report. The member for Benalla said I should clarify what I said about not being able to vote for a minority report until it is submitted. My intention was to speak of voting for amendments as they were put up in the consideration of this report. In my opinion none of the amendments that were put up by opposition members was suitable to be included in the report because they were, quite frankly, blatantly political.

I am looking at the minority report that has been included at the back of this overall budget estimates report, part 2, and my opinion has been confirmed. There are two minority reports. The first deals with the timeliness of departmental and ministerial responses. I am looking through the table here. In relation to consideration of ministerial officers and departments, I would just like to say that some mention is made of ministerial responses in a matter of days after the bringing down of the budget, before the public hearings were held by the Public Accounts and Estimates Committee.

It is no mean feat to bring all this information together in a matter of days in a timely and accurate way, and the same goes for the departmental responses that are referred to in this report. Some take a number of days, but I am mindful of the extent of the resources that have to be applied by the departments to put this information together. This does not mean that it is not vitally important for this information to be put together to present to the Parliament as part of the committee's report to the Parliament on the budget; it is important.

In the short time left I would like to say in relation to the budget that information has been received today that Victoria's budget will once again be in surplus for this financial year, all things being equal and considered. This government is probably the only government in Australia that has such a strong budget position. It is a testament to the financial management of the government that we find ourselves in this very strong financial position and can move forward for Victoria.

Public Accounts and Estimates Committee: strengthening government and parliamentary accountability in Victoria

Mr MORRIS (Mornington) — A strong and accountable Parliament and an accountable government are very important parts of a democratic system such as the one we have in Victoria. I was interested to read some time ago the Public Accounts and Estimates Committee report on strengthening government and parliamentary accountability in Victoria, which was tabled in April last year. The coalition was represented on the committee at that time — and I think it still is — by the members for Scoresby and Benalla, and Mr Dalla-Riva, a member for Eastern Metropolitan Region and Mr Rich-Phillips, a member for South Eastern Metropolitan Region, in the other place.

The terms of reference required the committee to focus on six matters: the operation of parliamentary committees, question time procedure, standards of parliamentary behaviour, overseas travel, the so-called modernisation of Parliament and the process of dealing with petitions. I gather the latter has been the subject of a separate report by the Standing Orders Committee.

The recommendations of the committee largely mirrored the matters raised in the report. Unfortunately there were a number of issues which were not addressed and which I consider to be essential to the maintenance of a strong democracy, issues which go to an effective legislature and issues which I suspect that many of us grapple with daily in a Parliament that is not entirely independent of the executive.

The sorts of things I am talking about are things like the sitting calendar which, contrary to established practice in many parts of the world, tends to be fragmented — a week here, a week there — rather than several blocks of weeks at a time when we can really focus on the legislative process to the exclusion of other matters. It also creates difficulties with the investigatory committee process, particularly when those committees wish to engage in hearings away from the parliamentary precinct, to take the Parliament out into the community and improve consultative process. The calendar makes it difficult to do that sort of thing. And it also makes it difficult, when there are not blocks of

time, for members to concentrate on their duties outside the house.

Unfortunately the report also ignored the work-life balance, the family friendly issue which has been frequently mentioned by this government. While I acknowledge the sitting hours and practices are probably better than they may have been in the old days, they still are not particularly family friendly. I also express concern at the recent changes to the security arrangements whereby spouses are now precluded from obtaining a security pass. If my wife wishes to visit me during the sitting day or in the evening, she has to go through the process of obtaining a pass to get in rather than simply being able to come in. I do not think that adds to it, too. But I digress from my comments on the report.

Mr K. Smith interjected.

Mr MORRIS — I might say to the member for Bass, some people enjoy my company.

I will not have time to address another issue to the extent that I would like to — that is, the pattern of dealing with legislation. It tends to be a bit of a sausage machine: introduced one week, dealt with the next. It precludes proper consideration, particularly by the wider community. I know that there is often extensive consultation prior to issues coming into the house in the form of legislation but it precludes the community from seeing the words written on the paper. Quite often the words written on the paper in terms of legislation are very different from the consultation documents.

The report addressed the issue of question time, but not the issues in question time that I see as a concern. The discussion in the report related to the issue of supplementary questions and so on. I was amused by the government response to that: that the current arrangements are operating satisfactorily.

It is important that we strengthen Parliament. It is important that we strengthen accountability, and the report goes some way to doing that.

Public Accounts and Estimates Committee: review of the findings and recommendations of the Auditor-General's reports 2007

Ms GRALEY (Narre Warren South) — I would like to make some brief comments today in relation to the Public Accounts and Estimates Committee's review of the findings and recommendations of the Auditor-General's reports. I have a particular interest in health promotion, which forms part C of the committee's review.

As a former member of the Peninsula Health board, I have always been of the view that promoting good health and investing in preventive health measures are some of the most important areas of public policy. It is a long-term investment so that current and future generations can live happy and healthy lives. It is also an economic investment; the PAEC review reminds us of this.

The review cites an Access Economics report that found the economic cost of obesity was $14.4 billion in Victoria alone. And the commonwealth government estimates that the annual social costs of tobacco, alcohol and illicit drugs have grown to $56.1 billion. According to the Australian Bureau of Statistics, 62 per cent of Australian men and 45 per cent of Australian women are overweight or obese. Reading through the pages of the review, it is clear that this government has embraced health promotion as an effective way of securing a healthy future for Victorians.

But it is also clear that there is room for improvement: improvement in recurrent funding for health promotion; addressing certain gaps in the available information about obesity risk factors; and establishing better performance indicators so that the focus is on outcomes rather than just process when evaluating programs. I will address these issues in a moment.

The importance of health promotion to the government is reflected in the responsibilities of the policy area which spread out over multiple departments and agencies, ranging from the Department of Health, the Department of Human Services and the Department of Planning and Community Development to VicHealth, local government and primary care partnerships.

The Go for Your Life initiative is truly a collective effort. It is a whole-of-government initiative proudly established by this Labor government, which aims to promote healthy eating and increased levels of physical activity. As the committee notes in its report on page 115:

> The Victorian government has adopted a whole-of-government approach, involving a number of government departments and agencies in the implementation of its GFYL campaign. This approach is a positive one, which is commended by the committee.

I have often visited local community groups in my electorate whose members are benefiting from the Go for Your Life program, and I am always amazed by the scope of this initiative. This year I had the pleasure of

visiting seniors clubs benefiting from regular exercise classes funded under Go for Your Life.

The Go for Your Life 'active places' initiative is also up and running in my electorate. This new program in Hampton Park is engaging people who have low or no participation in sport and recreation, through a range of organised activities raised around the newly developed open spaces like River Gum Reserve.

The Narre community learning centre has also received funding to provide opportunities for young people to implement healthy changes in their lives and to develop a more positive body image. These are just some of the great programs in my electorate funded by the Brumby Labor government under the Go for Your Life initiative.

As I said earlier, there is always some room for improvement and funding for health promotion certainly can be improved. I am pleased that funding is steadily increasing but what is also important is how these funds are used. It is important that research and evidence-based programs are funded. Departments and agencies need to be constantly improving ways that they obtain and share information on health issues so that there is informed planning of programs and strategies.

The Auditor-General identified some gaps in this information. It is pleasing to read about some of the positive measures that will be undertaken to address those gaps. It is commendable work on behalf of the committee.

The Department of Human Services has committed to undertake the Victorian Health Monitor survey in 2009–10 to improve access to data on health and lifestyle issues. I am also pleased that the Victorian population health survey will now be conducted across 79 local government areas so there is more localised health data. This will certainly assist our local councils.

The report states also:

> The committee is of the view that spending on health promotion programs must be viewed as an investment in the future.

One of the committee's recommendations is that the government consider the development of a social marketing campaign which focuses on overweight and obesity and their links to chronic disease. I believe this is a fantastic idea. However, I cannot be sure of how members opposite feel about this.

I read with interest in the *Age* recently that the opposition's chief ambulance chaser, David Davis, a member for Southern Metropolitan Region in the upper house, attacked government spending on advertising last year, when the largest single advertising campaign was the antismoking Quit campaign. We know that smoking is responsible for many cancer deaths in this country, but we do not expect the Liberal Party to support this campaign. After all, it has no rule against accepting political donations from tobacco companies. What makes this even more horrifying is that, as a result of the Leader of the Opposition's half-hearted attempt to renew his front bench, Mr Davis is now the opposition's spokesman on health.

Unlike the Liberal Party, the Brumby Labor government is committed to promoting good health in the Victorian community. I commend the report to the house.

PERSONAL EXPLANATION

Minister for Community Development

Mr BATCHELOR (Minister for Community Development) — I wish to advise that the second-reading speech for the Parks and Crown Land Legislation Amendment (River Red Gums) Bill 2009 on 15 October 2009 stated that the bill will create four new national parks and other park areas totalling more than 150 000 hectares. Since the speech was given the government has been advised that, as a result of a revised calculation of the area of one park additions, the total area should be more than 140 000 hectares. The amendment does not affect the bill. I will ask Hansard to make the change in the hard copy weekly and online revised versions of *Hansard* to correct the formal record.

GAMBLING REGULATION AMENDMENT (RACING CLUB VENUE OPERATOR LICENCES) BILL

Second reading

Debate resumed from 10 November; motion of Mr ROBINSON (Minister for Gaming)

Mr O'BRIEN (Malvern) — The opposition indicates at the outset that it does not oppose the passage of the Gambling Regulation Amendment (Racing Club Venue Operator Licences) Bill 2009. The purpose of this bill is to amend the Gambling Regulation Act 2003 to provide for certain transitional arrangements that will apply to venue operator licences held by a number of racing clubs specified in the bill.

The bill amends the principal act to make provision with respect to four companies that are associated with four racing clubs — the Cranbourne Sports and Entertainment Centre, Greyhound Promotions, Horsham Racing Centre, and HRV Management. Under the transitional provisions for the 2012 gaming industry structure all clubs and pubs with electronic gaming machines will be required to hold a venue operator licence or be deemed to hold one. Only holders of club venue operator licences will be entitled to participate in the pre-auction offer of gaming machine entitlements.

The reason we have this pre-auction offer of gaming machine entitlements to clubs is because of the actions of the opposition parties in this house and particularly in the Legislative Council. The government's intent was to send every single club in this state that had pokies or wanted pokies to an auction. They were going to have to essentially undertake the sort of analysis that a merchant banker might have to undertake and work out the net present value of a 10-year poker machine licence, with all the uncertainty that gets involved in that.

It seemed to us on this side of the house to be too great an imposition on many small clubs to force them to go to an auction process, particularly those clubs that are located in areas where there are caps on the number of gaming machines. We considered that forcing a little RSL sub-branch, a little bowls club, a little racing club, a golf club or a football club to compete against large hotel groups — the ALHs of the world — for the right to have a poker machine in a capped area would lead to massive unfairness in the club sector. We on this side of the house made it clear that we would not be prepared to support previous legislation unless there was an accommodation made for those clubs.

As a consequence of the government's agreement to meeting our concerns, all clubs that currently have gaming machines in Victoria will be given an offer to purchase gaming machine entitlements of up to 100 per cent of their current number of pokies, to a maximum of 40, and the offer will be put to them at a price determined by reference to the average net machine revenue in the previous year. That just sets out some of the background to the bill.

It turns out, as I was advised by the government, that the requirement for this bill is that the four companies I have identified are all associated with particular race clubs — Cranbourne, Sandown, Horsham and Tabcorp Park. These companies are effectively the legal holders of the venue operator licences, but they would not be able to participate in the pre-auction allocation because they are companies rather than clubs.

This seems to be a quirk of the particular legal structures that have been employed by the race clubs and their associated corporate entities. It is the government's intention, and the opposition supports this intention, that these four race clubs — which are, from all accounts, genuine clubs — should be able to participate in the pre-auction offer in exactly the same way as every other club with pokies in Victoria will be able to participate. As a consequence of that desire, this bill includes some transitional provisions to allow those four companies associated with the racing clubs I have identified to participate in the pre-auction offer.

Essentially the bill provides that the venue operator licences to be held by the four specified companies are deemed to be club VOLs (venue operator licences). However, if the clubs do not restructure their respective companies to reflect the basic requirements of the club — such as that the company must be established for a community purpose and there can be no distribution of profits or surplus on winding up — the VOLs will then be deemed to be hotel VOLs. Essentially the bill allows the four companies to be deemed to be clubs while giving them the opportunity to regularise their legal structures so that they better resemble clubs. There are probably some points to be made about how this problem was identified only very late in the piece.

There has been a lot of criticism from me and those in the industry about how the government has managed the process for the allocation of new gaming machine entitlements. This is a multibillion-dollar industry in Victoria. The losses we had on pokies in Victoria last year were over $2.7 billion, which gives you an impression of how significant that is in economic terms. In tax terms it is also very important. The tax take by the government in 2008–09 was over $1 billion. If you look at that in context — taxes on pokies being over $1 billion — it is actually the fourth-highest source of Victorian-based tax revenue.

There is payroll tax, there is stamp duty on land transfers, there is land tax, and the fourth most significant form of Victorian taxation is the tax on pokies. The government takes in more from taxes on pokies than it does from car registration fees, which the Minister for Roads and Ports will be most interested in. We are talking about something which matters to the government, matters to the clubs and pubs and matters to the community. It is incumbent on the government to get it right. It is unfortunate we are having to engage in

these sorts of rushed little legislative quick fixes to fix up some of the problems that have been identified.

Using and hopefully not abusing the latitude I have as the lead speaker on this bill, I will say a little bit more about the importance of pokies in this state. The Productivity Commission recently issued a draft report on gambling in October 2009. I am fairly familiar with the Productivity Commission, because in a previous life I worked with the then federal Treasurer when the previous federal coalition government commissioned the Productivity Commission to inquire into Australia's gambling industries. That was back in 1999. It was the first such report of its type. Obviously gambling has been a big part of Australian life, and it still is. It has been very much a part of our society and a part of our economy, but no government had undertaken the sort of research that was necessary to try to work out the impact of gambling. What are the positive impacts, what are the negative impacts and how can policy-makers across Australia get the sort of information that will help them to make better policies so we can minimise the negative impacts that come through problem gambling?

Having been involved in the Productivity Commission's initial report on gambling 10 years ago, I probably did not foresee at the time that a decade down the track I would be the Victorian shadow Minister for Gaming and would get to see the commission's return to that subject matter — I was going to say 'rehash', but it is not a rehash because there is some new information in it.

There are a number of interesting statistics in the draft report. There are a couple which are particularly relevant to Victoria. They include the figures in table 2.9 about participation in relation to electronic gaming machines (EGMs). The table sets out for a number of years the percentage of the adult population and the number of people who played EGMs at least once during the year. In Victoria the figure was 45 per cent in 1999 and dropped to 33.5 per cent in 2003. We have gone from almost one in two people playing pokies at least once a year to one in three people playing pokies at least once a year. In 2008, which is the most recent figure available, the figure is 21.4 per cent. We have gone from nearly one in two Victorians playing pokies once a year, to one in three Victorians playing pokies in 2003, and then to a little over one in five Victorians playing the pokies in 2008. The number of regular or even semi-regular pokie players is falling as a proportion of our population according to those figures taken over the last 10 years.

However, when you look at the level of expenditure on pokies in Victoria, you see that the numbers have gone up and up. As I indicated previously, we have spent $2.7 billion — when I say 'spent', I mean 'lost' — on the pokies in the last financial year. When you put those numbers together it tells you that not only are fewer Victorians playing the pokies on a regular basis, but those who are playing are losing far more. That is shown in table 2.10 of the Productivity Commission's draft report. It shows the real annual expenditure per person who played EGMs at least once during the year. In Victoria for 1999 the figure was $1745; in 2003 it rose to $2156; in 2008 that figure was $3073, which is an extraordinary amount and well in excess of every other jurisdiction in the country with the exception of New South Wales. I note that New South Wales has close to 100 000 pokie machines. There are significantly more pokies in that state than there are in Victoria where we have a total of 30 000 machines.

One of the things that concerns me about this Labor government is the way it uses statistics. The Victorian Commission for Gambling Regulation, the state's independent gambling regulator, puts out statistics that indicate total gambling losses across the state and what that translates to in terms of an average loss per adult. The last figures stated that about $649 was the average loss per Victorian adult on pokie machines. That is only a relevant statistic if every Victorian played the pokies. There is no point talking about an average figure across Victorians when only a minority of Victorians even play the pokies. On the basis that only one in five Victorians play the pokies — and that is just once a year; even if you only play the pokies once a year, you are counted in that figure — that is an extraordinary level of average losses among those who choose to play pokies.

That feeds into another important point that was made by the Productivity Commission in its findings — that is, that about 15 per cent of Australians gamble regularly and problem gamblers make up about 10 per cent of that figure; so about 1.5 per cent of gamblers are problem gamblers according to the Productivity Commission. An interesting thing to note in relation to that figure is that the 1.5 per cent of gamblers who are problem gamblers account for around 40 per cent of total losses. That is a massive amount. It shows the extent to which problem gambling fills up the government coffers.

I understand that governments of all political stripes are quite attracted to revenue from gambling. I think it was a French economist who said many years ago that the art of taxation is to pluck the greatest number of feathers from the goose with the least amount of

hissing. That is why governments like gambling taxes, because essentially people who are gambling do not even realise they are paying taxes. If you buy a Tattslotto ticket, you do not realise you are paying 36 cents in the dollar to the government. If you play the pokies you do not realise the tax rate on your losses that goes to the government. If you bet on the horses during the Spring Racing Carnival, as many of us would have done in recent weeks, you do not realise you are also paying taxes. It is not a visible form of tax like so many others are, such as payroll tax and stamp duty, or land tax for that matter.

Governments like gambling taxes, but when you see the amount of gambling tax revenue that is contributed by problem gamblers, that tells you that we really have an ethical obligation as legislators to take all reasonable steps to try to minimise the extent to which problem gamblers are encouraged to pursue that destructive behaviour. Obviously we cannot look over people's shoulders and make decisions for them. Adults have a right to gamble. The vast majority will exercise that right responsibly. Some will not, and those people need our assistance to try to help them in their circumstances.

The *Sunday Herald Sun* published an article a few weeks ago, which I do not have with me, but I think I was quoted in that as saying that most of the government's gambling revenue came from problem gamblers. That was a slight misquote. I said 'much of it', and of course the 40 per cent figure that has been determined by the Productivity Commission supports that contention.

That all indicates that there are some serious issues facing us in relation to the future of gambling in this state. It is a very important economic area, but it is also a very important social area. Governments, and oppositions for that matter, need to keep those issues very much at the forefront of their minds when they are debating legislation such as this. But having said that, we believe the club sector is by and large a very responsible one and we are very keen to make sure that those four clubs identified in this bill that are genuine, good race clubs are able to participate in the pre-auction offer of gaming machine entitlements that were secured by the amendments supported by the coalition in previous legislation.

On that note, I reiterate that the opposition does not oppose the bill. It looks forward to its passage and to those four race clubs mentioned securing the ability to participate in the pre-allocation offers.

Mr DONNELLAN (Narre Warren North) — Today I want to speak on the Gambling Regulation Amendment (Racing Club Venue Operator Licences) Bill 2009. I guess this is all part of a long process of reviewing gaming, wagering, lotteries and so forth in this state which began in 2004, when the minister proposed a broad-scope approach to and timetabled review of electronic gaming machines (EGMs), Club Keno, wagering and lotteries licences. As we know, in July 2008 two licences were granted for lotteries and that was considered to have finished off the first part of it. The second stage of the review began in 2006 and that included arrangements for the EGMs, Club Keno and wagering, as well as funding for the Victorian racing industry beyond 2012, which is probably the most difficult of them all.

As the honourable member for Malvern has mentioned, the bill deals with interim arrangements for four racing clubs to be involved in the pre-allocation of gaming machines. Currently, as their structure sets them up pretty much as companies, not so much as not-for-profit entities, they will have some time to deal with that, which is appropriate to ensure that they do not miss out. One of the clubs, being the Cranbourne club, just down the road from my electorate, is probably one of the most important clubs in Victoria in terms of training facilities and the like. It is most important to ensure that this club has a healthy income stream and can continue to upgrade its facilities in those areas.

Under the new structure the venue operator licences for the gaming machines will take two different forms. One is obviously to protect the integrity and nature of clubs, and the other one will be for hotels. The hotels have a higher tax rate, so clubs like the Cranbourne club will want to be considered as clubs, definitely not hotels, in terms of the tax rate. If these clubs can regularise their operations in accordance with the new structure by 2012 they will be able to continue to operate under the club venue operator licences. Overall I think the bill is positive. It deals with those issues which relate specifically to those four clubs so that they do not miss out on the opportunity to participate in that pre-allocation. I commend the bill to the house.

Mr DELAHUNTY (Lowan) — I rise on behalf of the Lowan electorate to speak on this very important Gambling Regulation Amendment (Racing Club Venue Operator Licences) Bill 2009. I heard the member for Malvern explaining the background to this legislation. First of all I have to say that I have an interest in this matter from the point of view that I am a member of the Wimmera Racing Club in western Victoria, which is a part owner of Horsham Racing Centre Pty Ltd. I declare that interest up-front.

As we know, the reality is that the bill provides certain transitional arrangements that will apply to venue operator licences held by specific racing clubs in Victoria. There are four of them, and Horsham Racing Centre Pty Ltd is one of those, as we know. I have to talk about that from the point of view that it is a very important centre in Horsham. It is right in the middle of town, on the west side of the city. It is in an area that does not have a lot of services, so the centre provides gaming and TAB facilities, and the venue is also available for people to use for events. Obviously it is also a watering hole for many people later in the day as they go home from work, or for people in the western part of Horsham.

The Horsham Racing Centre is administered by two racing code bodies — they are Wimmera Racing, which looks after thoroughbred racing, which is a very important industry, and also the Horsham Harness Racing Club. The centre is a unique facility. We have seen great use of land that not only has a good thoroughbred racing facility but also a great harness racing facility. The Tabaret at the Horsham Racing Centre is an integral part of the operations of the whole facility. As we know, this facility needs to continue. If we did not have this amending bill the current legislation would put it in jeopardy. There are 14 to 15 people employed there who would be worried about their long-term future. There are also plans for the redevelopment of the Horsham Racing Centre which will necessitate the use of funds generated through the operation of the centre, and particularly the gaming facility. My understanding is that the centre has about 34 gaming machines.

As background I indicate that this legislation has come about from the work that has been done by the coalition in terms of getting the government to come to its senses in relation to the allocation of gaming machines. It will allow for the purchase by a club of up to 100 per cent of its existing gaming machine entitlements, up to a maximum of 40. I understand from my information that the racing club is planning to purchase its 34 and that it also could be in the running for more through the auction process. We need these transitional arrangements; otherwise everything would be put in jeopardy. The transitional arrangements under this bill will require the racing club to deal with some complex legal structures that it has and, importantly, to deal with them in the next 12 months.

The transitional arrangements in this bill will allow the four specific clubs to be deemed clubs while they are regularising their legal structures so that they better resemble clubs. As explained in the minister's second-reading speech, if they did not do that they would fall into the category of hotels. In their current structure these clubs would not be able to get a club venue operator licence and thus would not be able to hold gaming machine licences, and without the licences they would not have the opportunity to bid for new machines. As we know, the new gaming machine arrangements will take place in 2012. This legislation provides the opportunity for the clubs to acquire 10-year gaming machine entitlements by way of pre-auction.

A lot of things are happening within the gaming industry right across Victoria, and it is good to see the shadow Minister for Gaming here. I know he played a key role, along with a couple of my colleagues, in getting government members to come to their senses. The proposed changes to the gaming venue licences could have devastated a lot of these clubs, like the Horsham racing club. Many clubs in the area I represent, like Horsham and Hamilton, were fearful that the investment and employment in their clubs would be put in jeopardy under the gaming machine licences proposed by the government. We are pleased to see that government members have come to their senses, and I think we have got a good, common-sense outcome to support these people.

We need transitional arrangements for these four clubs, including the Horsham Racing Centre, to be able to meet the requirements to be classified as clubs — otherwise, as I said, they will fall into the category of hotels, and that would put other pressures on them. This venue in Horsham supports the race meetings there, whether thoroughbred or harness racing. I can tell you, Acting Speaker, that the Horsham racing club had its big cup meeting on a Sunday a couple of weeks ago. There was a fantastic turnout, and the venue provided a great deal of support to the racing sector on that day. So many people were involved in the fashions on the field that a couple of heats had to be run.

Mr Trezise — Was the member for Lowan in it?

Mr DELAHUNTY — No, it was only for ladies, but I can tell you what: there were some stunning outfits there. I am sure some of them would have won the Myer Fashions on the Field at the Melbourne Cup. I know the member for Geelong's father was very keen on the racing industry and a great supporter of some of the clubs in country Victoria. If the member for Geelong wants to come up next year, he could, because we have a section for the men to get dressed up. It is quite interesting to see some of the men's outfits. I have seen a bloke rock up there in a suit, and from the front he looked like a million dollars. But when you turned him around you saw that he did not have a thing on the

back; the suit was cut through. He could have been sunbaking at the back. There were some interesting outfits. Again, there are a lot of activities around the racing centres in country Victoria.

The Minister for Racing is not in the chamber today, but I am sure the Minister for Housing will pass on my concerns. The government has devastated a lot of racing clubs in country Victoria. It has taken harness racing away from Hamilton — but through the good, strong work of the local member, who has been working with the racing sector, it looks like harness racing could come back to Hamilton in the near future. I am sitting here beside the member for Swan Hill. Many clubs in his electorate have been devastated because of the changes under the present Minister for Racing. Interestingly, in question time yesterday Minister Hulls said that he gave money — I think it was $11 000 — to the St Arnaud harness racing club for upgrades to its facilities.

Mr Walsh interjected.

Mr DELAHUNTY — The harness racing club or the trots club. The reality is that the club is still there, but under the guidance of Minister Hulls harness racing has been moved.

This government has devastated racing, whether harness or thoroughbred racing, in a lot of towns across country Victoria. We do not want to let that happen in my electorate. It is important that the Horsham Racing Centre be able to go through the transitional arrangements that would enable it to meet the legal requirements to qualify as a club, because this facility is very important, as I am sure are Cranbourne Sports and Entertainment Centre Pty Ltd, Greyhound Promotions Pty Ltd at Sandown and HRV Management Ltd, whose events are run at the new Tabcorp Park facility in Melton. I come through Melton most Sunday nights, and I hope plenty of electricity is being generated there, because a huge amount of it is being pumped into Tabcorp Park. It is lit up like Luna Park; you can see it many kilometres away.

Many things have been happening in racing across Victoria. We need to make sure that these transitional arrangements are put in place. Even though I will not be voting on this bill because of my interests, I think it is important that the Parliament allow for these clubs, and particularly Horsham Racing Centre Pty Ltd, to be accommodated so that transitional arrangements can be put in place for them to meet the legal requirements of a club.

Mr TREZISE (Geelong) — I am also pleased to be speaking in support of the gaming bill before us this afternoon, the Gambling Regulation Amendment (Racing Club Venue Operator Licences) Bill 2009. I am pleased to be speaking in support of the bill, because even though it is very specific in its nature relating to four racing clubs being bona fide entities under the act, it highlights once again this government's commitment to supporting responsible gaming and gambling industries in this state.

This government has a good track record when it comes to supporting and nurturing a healthy gaming industry and ensuring that the industry operates responsibly. As you are well aware, Acting Speaker, thus is a timely bill, given that we are essentially at the tail end of another magnificent Spring Racing Carnival. That carnival has included numerous country cups, including the Geelong Cup. I would invite the members for Horsham and Swan Hill, and any other members who would like to, to come down to Geelong next year on the third Wednesday in October to see how the racing industry in Geelong and across Victoria is flourishing under this state government — and not only the racing industry, but regional Victoria itself.

As other members have mentioned, this bill relates to recently passed legislation that will see the introduction of new gaming arrangements to come into operation in 2012. As this house is well aware, these new arrangements will see the end of the duopoly that exists within the industry in this state at the present time, a duopoly that sees clubs operating at the behest of the two major operators.

I am pleased to be supporting this bill because it supports clubs that currently operate in country Victoria, clubs like Buckley's in my electorate, to give just one example. Buckley's is operated essentially by the Geelong and District Football League and therefore the returns of that operation go directly to grassroots football in my electorate of Geelong and the greater Geelong region — and not only grassroots football but of course netball clubs in the region as well. Those clubs provide not only funds for grassroots sports but also hundreds if not thousands of jobs for people in the Geelong region, as do clubs right across this state. This legislation is important because it supports clubs like Buckley's in my electorate, as did the previous bill that was passed by the house.

In recognising the important positive social and economic role that clubs play in Victorian life and the Victorian economy, one also has to recognise that there is the downside of people affected by problem gambling, which not only affects the person with the

addiction but, as we are all aware, also has a flow-on effect on that person's family and the wider community. However, as members are well aware, especially those on this side of the house, this government has put in place numerous initiatives to address this major social problem; I would describe it as a social cancer. We will never eliminate problem gambling, but we can take steps to minimise the problem and put in place initiatives to help those affected by gambling addiction. As I said before, I know that the state government has taken very important steps to address those concerns.

This bill specifically addresses four racing clubs that need to be appropriately restructured to enable them to participate in the new gaming structures that were put in place under the previous legislation. No doubt those four clubs are good racing clubs that are well managed and are important to their local communities and the racing industry as a whole. This bill is an important bill. It caters for the four clubs that are mentioned in the bill and enables them to participate in the upcoming allocation of gaming machines. I therefore commend the bill to the house.

Dr NAPTHINE (South-West Coast) — I rise to speak on the Gambling Regulation Amendment (Racing Club Venue Operator Licences) Bill. The purpose of this bill is to amend the Gambling Regulation Act 2003 to provide transitional arrangements that will apply to four specific clubs or organisations to enable them to participate in the club entitlements scheme as clubs. When the club entitlements scheme for the distribution of electronic gaming machines was being rolled out, it was discovered that the structure of what are genuinely clubs was such that they did not quite meet the definition of club venues. For all intents and purposes they are clubs — they operate as clubs — and so it was necessary to introduce this legislation as a transition so that these clubs can participate in the club entitlements scheme, which is their right and is fair and reasonable. It would then enable them to adjust their structures so that they can continue to operate as clubs into the future.

The opposition supports this legislation. We think it is important and we think it is necessary. The fundamental background to this legislation is the revolutionary changes this government has introduced into the electronic gaming machine industry across Victoria. When the industry was originally established under the Kirner government, machines were required to be owned by either Tatts or Tabcorp, which would run the machines with clubs and pubs on a 50-50 basis operating the machines at the local level. This government has made a decision — and I do not think it is appropriate in speaking on this legislation to go into the merits or the wrongs of that decision — that the clubs and pubs will be able to own and operate their own machines and that there will be a bidding process for pubs and clubs to get access to machines from 2012.

This also has significant implications for the racing industry for which I am the shadow minister; indeed the $80 million to $100 million a year that was going from Tabcorp back to the racing industry was an important part of racing industry funding. While the government has promised that the racing industry will be no worse off or will be treated no less favourably under the new arrangements, the figures when attested by independent experts Ernst and Young show that the racing industry will be dudded significantly by the arrangements being put in place by this minister and this government. Given the importance of the racing industry, it is a very sad reflection on this minister and this government that they are prepared to rob the racing industry of hundreds of millions of dollars over the term of the next gaming machine licence. I hope the government reconsiders its views and makes sure that the racing industry is properly looked after.

Coming back to this legislation, the club entitlements scheme fundamentally says that clubs were going to be in an open warfare bidding process — and many clubs were absolutely petrified by the consequences of that. I give credit to clubs across Victoria, Clubs Victoria itself, the RSL and particularly the member for Malvern, who did an outstanding job in taking up a fight to the government and persuading it of the need to be more moderate in the way that it handled the club licences for electronic gaming machines and created the club entitlements scheme. It is an enormous credit to the Liberal-Nationals coalition and the member for Malvern that, working with Clubs Victoria and the RSL, they convinced the government that its open slather, boots-and-all approach would be counter productive in the club industry and would not be in the interests of Victoria as a whole.

We have now created an entitlement situation where clubs that are genuine clubs would be entitled to 40 machines and other ratios of machines at certain prices according to the turnover of those machines in recent times. I will not go into the fine details of that save to say that I think that the general consensus is that that is better than the open slather approach which was originally proposed by the Brumby Labor government.

In doing that, the government has discovered that there are four racing clubs that do not fit the bill, so to speak, with regard to the definition of the entitlements scheme.

This legislation is about addressing that issue and providing some transitional provisions for those clubs. The reasons for this situation are quite sensible, as history shows — for example, Cranbourne Sports and Entertainment Centre Pty Ltd is fundamentally a creation wherein the greyhound racing club, the harness racing club and the thoroughbred racing club in Cranbourne all came together to set up a gaming establishment, which has been enormously successful. They created a new entity — Cranbourne Sports and Entertainment Centre Pty Ltd — to run that, but in effect it is run and owned by the clubs and the club members. It is a club although it is set up as a company, so that is where it has been caught.

Greyhound Promotions Pty Ltd is owned by the Sandown Greyhound Racing Club, and I must pay credit to Geoff Dawson who is an absolutely outstanding leader in terms of the greyhound industry and does a fantastic job as director and chairman of the Sandown Greyhound Racing Club. That club runs a very good facility right next door to the Sandown greyhound racing track, but it operates as Greyhound Promotions Pty Ltd. Again, it is wholly owned by the Sandown Greyhound Racing Club and it is genuinely a club for all intents and purposes. Again it is appropriate that it be allowed to operate as a club in terms of the club entitlement scheme.

Horsham Racing Centre Pty Ltd is a combination of the Horsham harness racing and thoroughbred racing clubs. I am advised that it has already adjusted its arrangements so that it can qualify as a club in the future.

The last one is HRV Management Ltd, which is Harness Racing Victoria; it has a new venue at Melton, Tabcorp Park. I have been to Tabcorp Park on a number of occasions, and it is a new and exciting venue for Harness Racing Victoria. Harness racing has struggled in recent years. You only have to look at Harness Racing Victoria's annual report, which was tabled yesterday in Parliament. Page 18 of the report shows that as a consolidated entity it lost $2.4 million last year. Harness Racing Victoria has gone through some challenging times. It is important that it be given the opportunity to operate that club and try to make a success of it and of harness racing.

One of the reasons harness racing is suffering is that the Brumby Labor government has cut it off at the knees. It has closed country harness racing tracks across Victoria and taken away the grassroots of country harness racing. It is interesting to note that in answer to a question yesterday the Minister for Racing highlighted the amount of money he had allocated for country racing, and in a press release of Friday, 23 October entitled 'Funding boost for Victorian country racing clubs' he announced that he had provided $10 300 to the St Arnaud Harness Racing Club for a canteen veranda.

As the member for Dandenong would know, as he was the racing minister at the time, the state government, through its agency Harness Racing Victoria, discontinued harness racing at St Arnaud in 2005. The Labor government closed down harness racing at seven country harness racing tracks, including St Arnaud, yet the current Minister for Racing has announced $10 300 for a canteen veranda upgrade at St Arnaud, when there is no harness racing there. How ridiculous is that? St Arnaud Harness Racing Club loved getting the $10 300, because the building is a multipurpose facility that is used for a lot of other sporting activities, but there is certainly no harness racing there.

In summary, this is good legislation that solves a problem in regard to a number of racing clubs and allows them to participate in the club entitlement system, and I support it.

Mr PALLAS (Minister for Roads and Ports) — In summing up, I thank all the speakers who contributed to the debate on the Gambling Regulation Amendment (Racing Club Venue Operator Licences) Bill: the members for Malvern, Narre Warren North, Lowan, Geelong and South-West Coast. This is an important bill that puts in place transitional arrangements that will apply to venue operator licences held by specific racing clubs. It is important that these transitional arrangements are put in place. I commend the bill to the house and wish it a speedy passage.

Motion agreed to.

Read second time; by leave, proceeded to third reading.

Third reading

Motion agreed to.

Read third time.

PERSONAL EXPLANATION

Member for Kew

Mr McINTOSH (Kew) — This morning during the matter of public importance debate I stated that in a conversation with Les Twentyman he informed me that the local member of Parliament had witnessed a

stabbing at Sunshine railway station. I also stated during my contribution that I presumed the local member of Parliament was the state member, the member for Derrimut. I have since had the opportunity to speak to the member for Derrimut, and he informed me that my presumption was totally incorrect. Accordingly I withdraw the statement I made regarding the member for Derrimut and apologise to both him and the chamber for my error.

EMERGENCY SERVICES LEGISLATION AMENDMENT BILL

Statement of compatibility

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

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

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

Overview of bill

The bill will amend the Country Fire Authority Act 1958 (CFA act) and the Emergency Management Act 1986 (EM act) to implement certain recommendations of the interim report of the 2009 Victorian Bushfires Royal Commission. The bill will amend the CFA act to confer on the chief officer of the Country Fire Authority (CFA) a duty to issue warnings and provide information to the community in relation to bushfires in Victoria; to provide for the identification and designation of neighbourhood safer places; to provide for the provision of advice by the chief officer in relation to the defendability of homes; and to allow one unified fire brigades association to represent volunteer members of brigades. The bill will also amend the EM act in relation to the control of response to fires.

Human rights issues

The right to life is protected under section 9 of the charter. The right is modelled on article 6(1) of the International Covenant on Civil and Political Rights 1966, often described as 'the supreme right'. Primarily, the right imposes a negative obligation on public authorities to refrain from conduct that causes arbitrary deprivation of human life. The equivalent right has been interpreted by the United Nations Human Rights Committee to involve some positive obligations on the state. The positive obligations require the state to take positive steps to prevent the arbitrary deprivation of life by public authorities and others, and a procedural obligation to investigate deaths that may have involved an arbitrary deprivation of life in which the conduct of a public authority may be implicated.

The measures contained in the bill, by requiring better notification of information and providing safer places for people to shelter (as a last resort) during bushfire threats, are protective of human life, and in that sense may be seen as enhancing the right to life under section 9 of the charter. However, the measures do not (in any traditional human rights sense) engage or limit the right protected under section 9.

Therefore, in my view, the bill does not limit any human rights protected in the charter.

Conclusion

I consider that the bill is compatible with the charter.

Bob Cameron, MP
Minister for Police and Emergency Services

Second reading

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

That this bill be now read a second time.

The government established a royal commission into the fires that occurred in January and early February 2009 and its interim report was tabled in Parliament on 17 August 2009. The government supports all 51 of its recommendations and is currently working on its implementation together with fire agencies and other levels of government.

In its response to the interim report, the government indicated that it would introduce legislation before the end of the year to:

confer responsibility on the chief officer of the Country Fire Authority to issue warnings and provide information to the community in relation to bushfires; and

require municipal councils to record the existence of neighbourhood safer places in municipal fire prevention plans and municipal emergency management plans.

The bill implements those commitments and makes other amendments to assist emergency services to prepare for the 2009–10 fire season.

I will address each of the amendments in the bill in turn.

The commission recommended that the state amend the Country Fire Authority Act to provide that the chief officer has responsibility to issue warnings and provide information to the community concerning the risk of

bushfires. It also recommended that the CFA effect a standing delegation of the responsibility to providing information and issuing warnings where a fire is directed to be under the control of a Department of Sustainability and Environment (DSE) incident controller.

The bill implements these recommendations by providing that the chief officer of the CFA:

has a duty to issue warnings and provide information to the community in respect of bushfires, and

may delegate this power to either the secretary or the chief fire officer of the DSE, or the chief officer of the Metropolitan Fire and Emergency Services.

This implements the specific recommendation of the commission, and builds upon it to enable the duty to warn and provide information to be delegated to the chief officer of the MFB, where a fire is under the control of that agency.

The commission also made a number of recommendations in relation to neighbourhood safer places. The bill implements these recommendations and sets out a process for the identification, assessment, designation and maintenance of neighbourhood safer places in relation to the country area of Victoria.

Before describing that process, it is important that I place neighbourhood safer places in context. They are not refuges, nor are they informal places of shelter. They are places of last resort for people to go to when their personal bushfire plan has failed or cannot be implemented.

Members of the community, especially those in identified risk affected areas, must take personal responsibility to develop their own risk awareness, knowledge and preparations to deal with the threat of bushfire. However, there must be additional options for people who are unable to shelter in a prepared home or are caught out in the open during a fire — a Plan B or a Plan C as the royal commission described it.

Neighbourhood safer places are potential places of relative safety or assembly that provide some shelter from fire. They will not be purpose built, they are existing places or buildings that have been assessed as capable of providing a degree of protection from direct flame contact and radiant heat during a fire.

No place can be guaranteed as safe in the event of a bushfire. Neighbourhood safer places are for individuals to access during the passage of fire, minimising the need to undertake a high-risk journey. They are not relief centres or refuges or places where people can access support and services.

The bill provides that a municipal council is responsible for the identification of neighbourhood safer places, which it then refers to the CFA for assessment, in accordance with the CFA's technical assessment criteria. Recognising that direct flame contact and radiant heat are the main causes of injury and death in a bushfire, these criteria specify an appropriate separation distance between fire hazards, particularly vegetation and the site of a neighbourhood safer place.

Once the CFA has assessed and certified the site as compliant with its technical guidelines, the council will consider its suitability for designation as a neighbourhood safer place having regard to other relevant factors such as accessibility and whether the owner consents to its use for this purpose.

Once designated, the council must record the neighbourhood safer place in its municipal fire prevention plan and its municipal emergency management plan. The council must also ensure appropriate signage (in accordance with guidelines published by the Office of the Emergency Services Commissioner) is placed at the neighbourhood safer place.

If the council is unable to designate any neighbourhood safer places, it must also record that fact in those plans. Councils will also be required to provide the CFA with a list of neighbourhood safer places annually by 30 September each year. The CFA will be required to give this list to the Department of Sustainability and Environment, Victoria Police, the State Emergency Service, the Municipal Association of Victoria, the Office of the Emergency Services Commissioner and the Victorian Bushfire Information Line.

The government recognises that it may not be possible for every council and the CFA to have completed these processes for this fire season, and the bill provides for a period of grace. Up until 1 July 2010, a council is required to use its best endeavours to comply with these requirements, but after that, the requirement to identify and designate neighbourhood safer places will be mandatory, except where no places can be identified (or can meet the CFA assessment criteria), or where the owner does not consent to their use as neighbourhood safer places.

The bill provides for a balanced approach to managing the liability risk associated with neighbourhood safer places. These places will only be used in circumstances of great danger.

All liability for death or injury arising from the use of a designated neighbourhood safer place as a shelter, on or during a day when the place is beset or threatened by bushfire, which would otherwise flow to the owner or occupier of a designated neighbourhood safer place, transfers instead to the relevant municipal council.

The bill provides for councils to have a statutory defence available, similar to the one in the Road Management Act. If the council can show that it acted in accordance with its neighbourhood safer places plan, and the plan itself was not so unreasonable that no reasonable council could have made it, the council will not be liable for death or injury arising out of the use of a neighbourhood safer place as a place of shelter, or for a decision not to designate a particular place as a neighbourhood safer place.

The statutory defence provides an incentive for councils to establish and implement proper management practices for neighbourhood safer places, which will in turn benefit the community.

The bill also inserts an explicit power in the CFA act for the chief officer of the CFA to advise the community or any person on ways to improve the dependability of a home or other building in the event of a bushfire. As part of the preparations for the current fire season, the CFA has produced an online self-assessment tool for householders to complete to assess the dependability of their homes. The inclusion of this power in the act will ensure that the existing immunity provisions in the CFA act apply to any litigation against officers or members of the CFA in relation to the use of the online self-assessment tool.

Victoria Police has recently reviewed the command and control arrangements for emergency response and the chief commissioner has given evidence about this review before the commission. The review proposes a three-tier hierarchy of control for bushfire response with a state controller at the top, area controllers with specific responsibility for geographic areas reporting to him or her, and incident controllers, responsible for specific fires, reporting to the area controllers. These arrangements will apply regardless of which firefighting agency each person in the hierarchy normally is employed by or reports to as a volunteer.

Section 16 of the Emergency Management Act 1986 provides a means for the three firefighting agencies (CFA, DSE and the MFB) to agree which of them will be in charge of fighting a fire. It confers all of the powers of the chief officer of the CFA on the person so appointed and allows for these powers to be exercised at the scene of the fire.

However, the act does not provide for the appointment of area controllers, who may be in charge of a geographic area, rather than responding to an individual fire, nor does it provide for any subdelegation of the powers to fight fires once these have been conferred by the section 16 appointment process. The bill amends the Emergency Management Act to allow for these measures.

The government recognises that the royal commission will shortly examine in depth and report upon emergency management arrangements in Victoria, and that further legislative amendments may be required once the commission has reported and the government has the benefit of its recommendations. This bill makes only those changes identified as facilitating the new three-tier response arrangements proposed by Victoria Police.

In 2008, the Victorian Urban Fire Brigades Association and the Victorian Rural Fire Brigades Association agreed to form a unified association by transferring to the Volunteer Fire Brigades Victoria (VFBV) all their functions, powers and obligations. On 4 October 2008, the CFA volunteer charter was amended to incorporate VFBV as the single and unified body representing all CFA volunteers.

The bill amends the CFA act to give effect to this unified arrangement and allow for four members to be appointed to the CFA board from nominations from the VFBV board, with two members selected from urban and rural brigades respectively. The bill provides that the role of the VFBV is to enable members of urban and rural brigades (other than industry brigades) to consider and bring to the notice of the CFA all matters affecting CFA members' welfare and efficiency (other than discipline and promotion).

I commend the bill to the house.

Debate adjourned on motion of Mr McINTOSH (Kew).

Debate adjourned until Tuesday, 24 November.

JUSTICE LEGISLATION MISCELLANEOUS AMENDMENTS BILL

Second reading

Debate resumed from 15 October; motion of Mr CAMERON (Minister for Police and Emergency Services).

Mr McINTOSH (Kew) — The opposition will not oppose the Justice Legislation Miscellaneous Amendments Bill, which amends some 14 different acts. However, there are probably only six principal acts that it amends, and there are a number of consequential and minor amendments to various other acts. I note that when in opposition the Labor Party promised that it would never introduce this type of omnibus bill given the difficulties that an opposition party has in tracking through what have been described in the briefing as minor amendments to a variety of acts. Certainly the matters raised in the bill of significance importance, which I will highlight, do not cause the opposition any grave concern and will facilitate the administration of justice without introducing any radical change.

In relation to the first principal matter I want to raise, which concerns the amendments to the Crimes Act, the bill provides for legislative recognition of new digital audiovisual technology, which is currently being used by Victoria Police to record interviews with suspects according to the digital evidence capture project. The project upgrades the current analogue audio-only recording equipment, which is currently used by police, the Office of Police Integrity and the courts. It provides for not only audio copying but also visual copying. The records will be provided by way of a DVD to the various parties, including the suspect, if they are charged with an offence. Otherwise there would only be the provision of an audio copy. Certainly records of interview form a vital part in the administration of justice and are used extensively in our courts as evidence of admissions by the accused or otherwise and can form an important part of the evidence that is produced by the prosecution in a court criminal proceeding.

Upgrading is logical and sensible. It certainly moves one step forward from when I was at the bar and typed records of interview were provided. We have moved even beyond the audio stage to full video with the use of audiovisual technology. Accordingly the opposition has no concerns about this.

There are minor amendments to the Criminal Procedure Act. I note the principal one is that the word ‘trial’ is removed from the phrase ‘trial judge’ in the definitions section relating to interlocutory decisions. As you would be well and truly aware, Acting Speaker, the trial judge is the final act. While the trial judge often conducts the voir dire, there can be significant interlocutory stages during the process in the lead-up to a trial. It provides a mechanism whereby an accused person can appeal that interlocutory decision, and if you have the phrase ‘trial judge’, who oversees the final step in the criminal process, it prevents an interlocutory decision. Removing the word ‘trial’ and leaving just the word ‘judge’ clearly reflects the intention of the original amendments in relation to enabling appeals on interlocutory decisions.

There are minor amendments to the major crimes legislation. As you will recall, Acting Speaker, the major crimes legislation introduced a mechanism for coercive examination of people involved in organised crime by the chief examiner. The bill makes a number of amendments to that.

Firstly, the bill streamlines or improves the process for requiring a person to answer full coercive questioning before the chief examiner — that is, a person who is already held in custody. The process that currently exists no doubt involves the issuing of a jail order, which has to be issued by a judge. The chief examiner does not fall into that category, and the bill streamlines that process where the chief examiner, as I understand it, can issue a summons for them to attend.

There will be issues about the practical application of that. From my own experience as the shadow Minister for Corrections, one of the things that has come to my attention is that prisoners nowadays prefer to use the audiovisual technology, the conferencing call, in the prison where they are located rather than actually attending court simply because it has implications for maintaining the stability of their own environment. They may be removed out of their room, and it may take many days, if not weeks, before they return to even the original prison in which they may be located. There is a lot of inbuilt resistance of prisoners attending court, especially for these sorts of matters.

While it is important to the community and the chief examiner, it may not be seen to be a priority by prisoners, but we will watch that with some degree of interest. We will wait to see whether or not coercive questioning can be conducted during a conference call and how that plays out in the future.

There are also amendments relaxing the preliminary requirements provided to corporations and financial institutions. In many cases those corporations and financial institutions only have to produce documents for the purpose of examination by the chief examiner and accordingly they have no interest in the ultimate proceedings or outcome; they are just delivering the documents. Accordingly the formal warnings and the right to legal representation, while still being provided,

are circumvented. The amendment will expedite the process of producing those documents which are required to be produced in court. There will be no need for all the usual formalities that may otherwise be required. Those financial institutions and corporations may not actually have that much interest; they are just producing the documents which may be used in evidence.

The bill also clarifies the power of the Chief Commissioner of Police and the Office of Police Integrity to make submissions to the court when an applicant moves to release evidence which has been given during coercive questioning, and it enables the chief commissioner or the OPI to either consent to or oppose it, and it simplifies that process.

A number of amendments have been made to the Sheriff Act. There are a number of minor grammatical errors, and the bill also clarifies the power of the sheriff in executing civil warrants.

It also brings the Victorian Telecommunications (Interception) (State Provisions) Act in line with the commonwealth legislation. During the departmental briefing I was advised that the commonwealth legislation has been much amended over the last year or so, and all of those amendments that would touch and concern our Victorian act would be made as a consequence of bringing it into line with the commonwealth legislation.

Finally, there are amendments to the Infringements Act which are designed to improve the functioning of the infringements system. A defendant will be able to make a second or subsequent application for revocation of an enforcement order, and a prisoner, for example, will be able to call in all outstanding warrants.

Having indicated that the opposition does not oppose the bill, I also highlight the difficulty for the opposition to track through all these amendments. I have had the opportunity to forward copies of the bill to a number of organisations, including the Police Association Victoria. I am very grateful that it has responded to say it has no difficulties with this legislation which will not impact, as far as it is concerned, on either its members or the public at large. Having said that, the opposition does not oppose the bill.

Ms GREEN (Yan Yean) — I am pleased to join the debate on the Justice Legislation Miscellaneous Amendments Bill, and I am pleased the opposition has indicated it will not be opposing this bill. The bill makes amendments in six discrete areas. It amends a number of acts, including the Crimes Act, to provide appropriate legislative support for the new digital audiovisual technology that Victoria Police is rolling out for use in recording interviews with suspects in indictable matters. This replaces what has been the long-term practice of analogue audio recording of evidence.

The bill also proposes amendments to the Criminal Procedure Act to remove a technical limitation on the use of the new interlocutory appeals processes to ensure that appeals are available in respect of decisions made before a trial commences. It also proposes amendments to major crime legislation. They are largely technical in nature and do not substantively change the scheme in any way, but they will rectify anomalies and make some operational improvements within major crime legislation.

The bill will amend the Sheriff Act by clarifying elements of the operation of that act, particularly in relation to the power of entry for civil warrants; the operation of the provisions dealing with simultaneous execution of multiple warrants; and the offences contained in part 5 of that act.

The bill before the house also proposes amendments to the Telecommunications (Interception) (State Provisions) Act and brings Victoria's telecommunications interception legislation into line with the commonwealth legislation to reflect changes that have been made at that level.

The bill proposes amendments which will improve the efficiency and flexibility of the infringements system by making operational enhancements in line with the continued rollout of operations and sanctions under the Infringements Act 2006. It will streamline arrangements for prisoners serving sentences for unrelated matters to call in their outstanding infringement warrants and serve time in lieu of payment. It improves the operations of the provisions governing the issue, recall and reissue of infringement warrants and provides for an infringement warrant to be frozen when the defendant is complying with an order for the payment of outstanding fines. Finally it makes some technical adjustments to the Sheriff Act to clarify the operation of provisions relating to the enforcement of warrants.

This is another broad piece of justice legislation from an Attorney-General who is constantly striving to improve the operation of our justice system in this state. I am pleased to see that the opposition has said it will not be opposing this bill. I commend the bill to the house.

Mr TILLEY (Benambra) — I rise to make a contribution to the Justice Legislation Miscellaneous Amendments Bill. This bill seeks to amend in the order of 14 acts across many ministerial lines. It makes amendments to the Crimes Act 1958, the Criminal Procedure Act 2009, the Major Crime (Investigative Powers) Act 2004, the Major Crime Legislation Amendment Act 2009, the Sheriff Act 2009, the Commonwealth Games Arrangements Act 2001, the EastLink Project Act 2004, the Land Acquisition and Compensation Act 1986, the Project Development and Construction Management Act 1994, the Road Management Act 2004, the Telecommunications (Interception) (State Provisions) Act 1988, the Infringements Act 2006, the Sentencing Act 1991, the Magistrates' Court Act 1989 and the Water Efficiency Labelling and Standards Act 2005.

I will explain why I have read this large list. By its nature and what it seeks to achieve, this bill is an omnibus bill. In preparing for my contribution to this debate, I thought this was quite an apt occasion to quote the following:

> This omnibus bill affects many acts of Parliament that contain matters of great substance and the amendments to them deserve full debate of their own.

Further, the use of omnibus bills was:

> … simply a gross abuse of the democratic process.

Where does that come from? These are not my words; these are the words of former Leader of the Opposition, the now unelected Premier of Victoria, John Brumby.

It is incredible to see the hypocrisy. Just today, during the debate on a matter of public importance, which was most appropriately in relation to safety on our public rail system, government members stood up and accused the opposition of striking out one particular part. It was as a result of these omnibus bills that this government keeps introducing them.

Keeping it simple, we were never opposed to an increase in the number of protective services officers; that was only one very small part of that bill. But now we are debating another bill. We see enormous amounts of confusion and hypocrisy in the form of the Premier of Victoria, who was once mostly opposed to these omnibus bills.

It was not only the then opposition member who complained during that time. Who could forget his partners in crime, in particular the member for Thomastown, now the Leader of the Government, and his histrionics when it came to the omnibus bills? It is quite amazing that they, along with their colleagues, seem to have developed into the most prevalent users of omnibus bills.

It is interesting to note that trust is a rare commodity when it comes to taking the word of those on the Treasury benches. However, as the member for Box Hill and the member for Kew, as well as others in the opposition, regularly concede with these vast omnibus bills, we take it on the trust that the government, through its second-reading speech and this bill's explanatory memorandum, outlines the full effects the amendments have on these 14 acts.

I draw the house's attention in particular to the amendments to the Sheriff Act 2009, the Criminal Procedure Act 2009 and the Major Crime Legislation Amendment Act 2009. These three acts have been introduced and passed this year.

Labor ministers have endowed themselves with vast numbers of advisers and spin doctors, not to mention the massive expansion of the public service, over the course of the last 10 years, yet we are here today amending the same work that has come through this place this year. This is simply poor drafting of bills; it is absolute hopelessness, and now we are here again, wasting more time.

How many times has this government's legislation needed to be amended? Earlier this year the Justice Legislation Further Amendment Bill and the Major Crime Legislation Amendment Bill made further amendments to the principal acts because of incomprehensible typographical and grammatical errors. This is absolute sloppy, dull and lazy work, yet government members stand over there with their hands on their hearts and call us lazy. It is absolute hypocrisy.

I understand that to the ordinary person on the street, this may seem to be a situation that can be easily dealt with — it is a matter of 'Just get it fixed up and move on'. However, legislation is not the drafting of a personal note between friends. They are the very documents upon which police rely to keep us safe and which courts interpret to ensure that criminals are put behind bars. That is the simple message, but this government does not seem to be able to bring in the legislation to allow those other arms of government and police to be able to enforce this legislation and keep this state safe.

It makes me wonder: if this government is so inept at drafting legislation, and if its ministers are so asleep at the wheel that they allow flawed legislation to be introduced into this place under their name, what else is

being missed? I am incredulous at seeing time and again these anomalies that need to be picked up.

Surely such laziness must be a sign of complacency. If you look across the Treasury benches, you can see that deep down their hearts are just not in it anymore. You can see from the chamber at the moment that government members just could not give a damn. There are so many empty chairs it seems government members come into this place to keep green pieces of leather warm. I will reiterate what I said this morning in an earlier debate: government members have simply run out of puff. There are no new ideas and more of the same mistakes.

I need not remind the house that the major crime legislation was the first in a long line of bills that were rushed into this place to deal with gangland war and corruption. Like a slow trickle these bills came before the Parliament as the government scrambled to appear as if it was doing something to tackle major crime and corruption. It is all smoke and mirrors, whatever you want to call it. Of course spin, rather than substance, wins with this government. It should come as no surprise that we are here today correcting errors in legislation which was introduced years ago.

While the current Premier, Attorney-General and the ministers for Police and Emergency Services past and present are responsible for missing these errors, it should not come as any surprise that if they missed something as trivial as this, then they would miss the point of why Victoria needs a broadbased anticorruption commission, properly legislated for, properly funded and properly staffed by individuals committed to stamping out corruption in the police force and the government. However, this is a concept that befuddles those in government. Just how asleep at the wheel are this government's justice leaders?

The ACTING SPEAKER (**Mr Ingram**) — Order! I remind the member for Benambra that whilst it is a fairly broad bill, he should confine his comments to the legislation.

Mr TILLEY — Thank you, Acting Speaker. This bill amends the Crimes Act to provide legislative recognition of new digital audiovisual technology used by Victoria Police to record interviews with suspects, otherwise known as the digital evidence capture project. The project upgrades current analogue audio-only recording equipment used by police, the Office of Public Prosecutions and the courts. It provides for a copy DVD to be provided to a suspect charged with an offence and it creates new offences of copying, tampering with or publishing a recording. These all deal with issues of police evidence handling and continuity. I cite the examples of law enforcement assistance program, closed-circuit television and other arrangements.

The bill makes minor amendments to the Criminal Procedure Act to remove the word 'trial' from the term 'trial judge' in the definition of 'interlocutory decision', thereby enabling appeals from interlocutory decisions. Other minor amendments contained in the bill are to the major crime legislation and to the existing power of the chief examiner to conduct coercive questioning, including improving the method of examining a person already held in custody, relaxing the preliminary requirements provided to a corporation or financial institutions, and clarifying the process by which a chief commissioner and chief examiner can make submissions if a court moves to release evidence given during coercive questioning.

It is not possible in the short time I have to speak on this bill to go into detail. It is quite administrative. But it just goes to show how sloppy the work of this government has been in preparing the legislation it has put before us for debate in this place.

Mrs MADDIGAN (Essendon) — I am pleased to support the Justice Legislation Miscellaneous Amendments Bill, and may I say what a pleasure it is to follow the member for Benambra. He gave us a most fascinating insight into his understanding of the justice system and the progress of justice in Victoria. I think he did put some interesting points before us. First he accused the government of hypocrisy in comparing a miscellaneous amendment bill to the omnibus bills that used to come before the house when his party was in government.

You can excuse the member for Benambra to a certain extent for some ignorance in relation to that, because he was not here then. But the difference between omnibus bills and a bill such as this is that those bills would have amendments to acts which were totally dissimilar and had no common theme through them at all. There might be a justice bill, there might be a health bill, there may be a kindergarten bill all jammed into the same bill, which is a very different thing to having a miscellaneous amendments bill which relates to matters that are very direct and specific to the justice system.

The member for Benambra complained about our changing bills and at one point said that we are changing legislation we have previously put through, which is true. Then a little further on he said there are never any changes made by the government. So it is a bit hard to reconcile the two. I point out to him, though,

it probably is necessary to change bills from time to time because circumstances change in the community. There is no doubt that the many bills this government has introduced have been significant in improving the justice system in this state, not only for the prosecutions and the police, which is his special area of expertise, but also for defendants and the general community.

I am pleased the Liberal Party is supporting the bill, although one might have had some difficulty understanding that from the comments of the member for Benambra. But certainly the member for Kew made it very clear that from his consultation with the community it was evident that this bill is widely supported by the community. In fact the government, in drawing up the bill, undertook significant consultation, including discussions with Victoria Police, the Office of Police Integrity, the chief examiner, the special investigations monitor, Youthlaw — an excellent organisation working with young people — —

Mr Delahunty interjected.

Mrs MADDIGAN — The member for Benambra may not know of it, but the member for Lowan knows all about Youthlaw; indeed it is an excellent organisation. Consultation was also had with the County Court, the Magistrates Court, the infringements court and Corrections Victoria as well as a number of other organisations. As the member for Lowan has just said, Youthlaw has presented evidence to the Drugs and Crime Prevention Committee of this Parliament, to which committee he makes a great contribution.

As the member for Benambra mentioned right at the end of his contribution, when he spoke about the bill in passing, Victoria Police has recently rolled out the new digital audiovisual recording technology. I would have thought it would be fairly clear that you could hardly have legislation relating to that until you actually have the technology. So this is one of the reasons why bills have to be changed from time to time. I would have thought that anyone who wants to see a properly efficient justice system in this state would be very keen to see those changes go ahead.

There are a number of amendments contained in this bill, as the member for Yan Yean and the member for Kew have outlined. I will not go through them all because I know other members wish to speak on this bill. I think the community is very pleased with some of the significant changes our government has made to the justice system in Victoria, particularly in relation to work that it has done to protect victims.

We have a much fairer justice system and a much more encompassing justice system than we had before this government was elected. The Attorney-General and his staff have done a great job in preparing the legislation that comes before this house, most of which I am glad to see the opposition parties have supported and the wider community supports.

I am very pleased to support the Justice Legislation Miscellaneous Amendments Bill. I expect it to pass both houses with general agreement and a minimum of fuss.

Mr WAKELING (Ferntree Gully) — I rise to contribute to the debate on the Justice Legislation Miscellaneous Amendments Bill 2009. As has been mentioned before, this bill is an omnibus bill which seeks to amend 14 pieces of legislation which principally cover issues to do with crime but there are also matters relating to bills about EastLink, telecommunications and water efficiency labelling and standards.

As the member for Kew has indicated, the opposition does not oppose this bill. Our position derives from a potential concern that given the vast number of bills being amended, there is potential for these changes to have repercussions down the track. Therefore the opposition has adopted the position of not opposing the bill.

As the member for Essendon has pointed out, there is a need from time to time for legislation to be amended to be made relevant and current. I do not think anyone would oppose that position. Certainly legislation needs to be updated. However, members opposite do not like it when the opposition rightly points out that bills from time to time in this house have to be amended due to the way in which they were originally drafted or because their original intentions were not met by the wording in the original bill. As the member for Benambra has rightly pointed out, these are problems that have beset bills that have come before this house in the past.

The Crimes Act 1958 will be amended and it will in part provide legal recognition of the new digital audiovisual technology used by Victoria Police to record interviews with suspects. Those changes are needed and the opposition will not be opposing that provision.

The bill makes minor amendments to the Criminal Procedure Act: they remove the word ‘trial’ with respect to ‘trial judge’ in the definition of ‘interlocutory decisions’. The bill makes amendments to major crime

legislation with respect to the existing power of the chief examiner to conduct coercive questioning, including improving the method of examining a person already held in custody and relaxing the preliminary requirements provided to corporations or financial institutions and other matters.

The bill makes amendments to the Sheriff Act, which are purely technical in nature. It is interesting that these will fix up grammatical errors, and they will also deal with the powers of the sheriff in executing civil warrants. The Infringements Act is also being amended to improve functioning of the infringements system, including the making of a second or subsequent application for revocation of an enforcement order, enabling a prisoner to call in all outstanding warrants.

As members can see, these are relatively non-controversial changes. The opposition does not stand in the way of change when it is of benefit to the operation of the law in this state. However, I am sure the community, like the opposition, had hoped we would be standing here debating important pieces of legislation, such as for the introduction of a broadbased anticorruption commission. But, as the house knows, that is not before the Parliament today. The opposition will not be opposing this omnibus bill that has been presented to Parliament.

Ms KAIROUZ (Kororoit) — I rise to contribute to the debate on the Justice Legislation Miscellaneous Amendments Bill 2009. I am pleased to note that the opposition is not opposing the bill.

The bill will make improvements to the operation of justice legislation in six areas, one of them being the Crimes Act 1958. These amendments will establish appropriate legislative support for the digital evidence capture project. This project has upgraded Victoria Police's analogue audio-only recording equipment to digital audiovisual recording equipment to facilitate the recording of interviews with suspects in some matters. It essentially replaces outdated audiocassette tapes with DVDs. This project has been developed jointly by Victoria Police, the Office of Public Prosecutions and the courts to ensure common technology platforms.

This new equipment is capable of creating three full audiovisual copies of an interview in digital format, which is recorded to blank DVDs. The third DVD, an audio-only copy, is required to be handed to the interviewee within seven days. However, if that person is subsequently charged with an offence directly following the interview or on a subsequent date, they will be provided with the full audiovisual recording, which must occur within seven days.

The bill makes amendments to the Criminal Procedure Act 2009. It makes a minor amendment to remove the word 'trial' from the description of 'trial judge' in the definition of an 'interlocutory decision'. This will make it clear that appeals are available in relation to decisions made by a judge before a trial commences. This amendment will give effect to the government's intention and the understanding of the Attorney-General's advisory group.

There are also amendments to major crime legislation. The bill makes quite a number of technical amendments to the Major Crime (Investigative Powers) Act 2004 and the Major Crime Legislation Amendment Act 2009. They will further improve the coercive questioning scheme that may be applied in relation to serious and organised criminal offending. The amendments will not make any substantive change to the coercive questioning scheme but represent minor, yet important, improvements.

The bill also makes a number of minor technical amendments to the Sheriff Act 2009. They are basically to clarify the powers of entry for civil warrants; clarify the operation of provisions dealing with the simultaneous execution of multiple warrants; and ensure that the offences contained in part 5 of the act include offences committed against appropriately trained justice employees.

The bill also makes a range of technical amendments to the state act which governs telecommunications interceptions, essentially to bring Victoria's provisions into line with the commonwealth Telecommunications (Interception and Access) Act 1979. The commonwealth act has been the subject of various sets of amendments over recent years. As a consequence, there are now certain discrepancies between the state act and the commonwealth act. It is only appropriate that these are rectified to remove confusion and eliminate any unnecessary duplication. The amendments to the Telecommunications (Interception) (State Provisions) Act 1988 also rectify some obsolete and inaccurate cross-references in the state act that have developed over time.

This bill will also make amendments to the Infringements Act 2006. It contains a number of measures that are designed to improve the functioning and the responsiveness of the infringement system. These provisions basically give effect to the government's commitment to fairer and firmer fines. The measures are designed to increase the flexibility of the system by enabling defendants to make more than one application for revocation of an enforcement order and enhancing the process by which prisoners can call

in outstanding infringement warrants and warrants to imprison for non-payment of court-imposed fines.

There are also measures to streamline enforcement processes. They include removing the requirement for a notice to be sent to a defendant whose vehicle registration will not be renewed when a further infringement warrant is issued to that defendant, and allowing an infringement warrant to be suspended or frozen while a defendant is complying with an order for payment of outstanding fines.

Changes to the acts over the years have been made by this government to modernise our laws and keep them up to date. I am glad to see that with this bill, we again see consistency by this government in bringing the laws into sync with the 21st century. I do not imagine there will be a big fuss over passing this bill, and I commend it to the house.

Mr BURGESS (Hastings) — It is a great pleasure to rise and speak on the Justice Legislation Miscellaneous Amendments Bill 2009. At the outset I will say that the opposition is not opposing this bill.

The purpose of this omnibus bill is to amend 15 acts — namely, the Crimes Act 1958, the Criminal Procedure Act 2009, the Major Crime (Investigative Powers) Act 2004, the Major Crime Legislation Amendment Act 2009, the Sheriff Act 2009, the Commonwealth Games Arrangements Act 2001, the EastLink Project Act 2004, the Land Acquisition and Compensation Act 1986, the Project Development Construction Management Act 1994, the Road Management Act 2004, the Telecommunications (Interception)(State Provisions) Act 1988, the Infringements Act 2006, the Sentencing Act 1991, the Magistrates' Court Act 1989 and the Water Efficiency Labelling and Standards Act 2005. In anyone's view, it is quite a significant omnibus bill.

I refer to the main provisions of this bill. It amends the Crimes Act to provide legislative recognition of new digital audiovisual technology used by Victoria Police to record interviews with suspects — that is, the digital evidence capture project. The project upgrades current analogue audio-only recording equipment used by police, the Director of Public Prosecutions and the courts, provides for a copy DVD to be provided to a suspect charged with an offence, and creates new offences of copying, tampering with or publishing a recording.

There are minor amendments to the Criminal Procedure Act to remove the word 'trial' from the term 'trial judge' in the definition of 'interlocutory decision', which thereby enables appealing interlocutory decisions.

There are minor amendments to the Major Crime Legislation Amendment Act and the existing power of the chief examiner to conduct coercive questioning, including improving the method of examining a person already held in custody, relaxing the preliminary requirements provided to corporations or financial institutions and clarifying the process by which a chief commissioner and chief examiner can make submissions if a court moves to release evidence given during coercive questioning.

There are a number of amendments to the Sheriff Act, which correct minor grammatical errors and the powers of the sheriff in executing civil warrants.

The bill brings the Victorian Telecommunications (Interception) (State Provisions) Act into line with the much-amended commonwealth legislation.

There are also amendments to the Infringements Act; they are designed to improve the functioning of the infringements system, including making a second or subsequent application for the revocation of an enforcement order, which enables a prisoner to call in all outstanding warrants.

Having said that, I also would like to support the remarks made by the member for Benambra and also the opposition's ongoing call for a broadbased anticorruption commission (BBACC) in Victoria. There are few in the community who fully understand that the government's spin regarding anticorruption is just spin and nothing more than window-dressing. When forced into a situation where something was needing to be done because of this government's actions, the government some time ago did something even more deceptive: it claimed it had put in place watchdog powers to ensure that every public body in Victoria was in fact accountable and open when the truth was the only thing the government was doing was guaranteeing it was not accountable and that nobody could investigate it.

Unfortunately, as most members know, history is full of governments which did not think they needed to be open and accountable or did not think they should be. They only found out later, at a cost to the community, that that was needed and desirable. The communities then paid the cost of cleaning up the mess. Victoria needs and deserves an open and accountable government, but unfortunately it currently does not have one.

The Brumby government should do the right thing by all Victorians and implement a BBACC urgently.

Ms BEATTIE (Yuroke) — It gives me great pleasure to speak on the Justice Legislation Miscellaneous Amendments Bill. The amendments will give effect to six main objectives. The proposed amendments to the Crimes Act 1958 will provide legislative support for the new digital audiovisual technology that Victoria Police has recently rolled out for use in recording the records of interview with suspects on indictable matters.

Proposed amendments to the Criminal Procedure Act will remove a technical limitation on the use of the new interlocutory appeal process to ensure that appeals are available in respect of decisions made before a trial commences.

Proposed amendments to the Major Crime Legislation Amendment Act are largely technical in nature, and whilst they do not change the scheme in any substantive way they will rectify certain anomalies and provide a small number of operational improvements.

Proposed amendments to the Sheriff Act will clarify elements of the operation of that act. There are also proposed amendments to the Telecommunications (Interception) (State Provisions) Act to improve efficiency and flexibility of the infringements system.

In terms of the new digital evidence capture (DEC) technology, it was interesting to hear other speakers say this government has been sitting on its hands and doing nothing. Part of their criticism is that we are changing acts. I think that is what the Parliament does, otherwise we would still have laws about horses and wagons in Bourke Street. Perhaps that particular member would like to do himself out of a job — I am not sure. It is interesting, because some of criticism is: why have we not had this before? You can hardly bring a bill into the house and talk about new digital evidence capture technology before the technology is there. That argument puzzles me a bit. Nevertheless the coalition is supporting the bill, and that is a good thing.

Victoria Police has deployed new technology to assist in the recording of interviews of suspects in relation to indictable offences. The technology replaces the older technology used by Victoria Police for many years to facilitate the recording of interviews. Even when I think about my sound system and audiovisual technology at home I know I could run down to The Good Guys or Harvey Norman every year or so and update my television and audio system, because that sort of technology is updating all the time.

The new DEC units create three recordings: the first two are full audiovisual recordings and the third is an audio-only copy. The first recording — no. 1, if members like — will be treated as the master recording and will be retained by the informant. The audio copy will be provided to the person at the completion of the interview. The second recording, which is a full audiovisual recording, will be provided to the person if they are charged with a criminal offence. Each of the recordings is created at the same time. They are exact triplicates, except there is one audio-only copy.

Each copy of the interview is recorded to a blank DVD. Each copy of the three recordings is labelled separately and easily identifiable as being a copy of the record of a police interview.

With those few remarks I will close my contribution, because I understand other members would like a few minutes to speak on this important bill. I commend it to the house.

Mr CRISP (Mildura) — I rise to make a contribution to the debate on the Justice Legislation Miscellaneous Amendments Bill 2009. The Nationals in coalition will not oppose this bill.

The purpose of the bill, which is an omnibus measure, is to amend 14 acts, which is quite a considerable number. It amends the Crimes Act to provide the legislative recognition for the new audiovisual technology — many members have spoken at some length on that — to record interviews with suspects. The project upgrades the current analogue audio-only recording equipment used by the police, the Office of Public Prosecutions and the courts. The bill provides for a copy of a DVD to be provided to the suspect charged with an offence, as well as creating new offences of copying, tampering with or publishing a recording. This is welcome, particularly if it can speed up both police and court work, where we do have some backlog issues.

The bill also makes minor amendments to the Criminal Procedure Act to remove the word ‘trial’ from the description of ‘trial judge’; minor amendments to the major crime legislation relating to the existing power of the chief examiner to conduct coercive questioning; amendments to the Sheriff Act to correct minor grammatical errors and to clarify the power of the sheriff in executing civil warrants; amendments to bring the Telecommunications (Interception) (State Provisions) Act into line with the amended commonwealth legislation; and amendments to the Infringements Act designed to improve the functioning of the infringement system, including making second or

subsequent application for revocation of an enforcement order and allowing a prisoner to call in all outstanding warrants.

There are a couple of issues. I will begin with that of allowing a prisoner to call in outstanding warrants. A number of people have responded to my weekly advertisement about various pieces of legislation. The legislative change made by this bill to allow prisoners to call in warrants to imprison for non-payment of court fines and to backdate the term of imprisonment to the date on which the request was signed by the prisoner and make them concurrent is probably useful because the judge would have taken them into account if he had been aware of those outstanding warrants at the time he was sentencing. However, believe it or not, some people have expressed concern because they believe it is going soft on people to allow them to not make a full disclosure to the court and then recover the situation later.

I was lucky enough to attend the opening of the Ouyen police station recently and actually inspect some of that new equipment, which was shown and demonstrated to me. That does lead me to talk about police numbers in country areas and the needs of some of those communities. Recruitment and retention of police in the country remains an issue. There are needs in some places. The community of Red Cliffs has been concerned for some time and has been looking for an evening patrol to settle its streets down in the evenings. Robinvale remains an area where recruitment and retention are regular issues, and the situation at Robinvale varies quite regularly.

The ACTING SPEAKER (**Mr Ingram**) — Order! I remind the member to remain focused on the subject matter of the bill.

Mr CRISP — Thank you, Acting Speaker. For Mildura it is about just numbers. If you are to be effective and use the equipment that is talked about in the bill as effectively as possible, you have to maintain the morale of police officers. This initiative is about speeding up many aspects of law and particularly enabling our police to spend more time on the beat. There are crime statistics showing us that our police have plenty of work to do and that they will have plenty of interviews to do, particularly in my area, where thefts from property have risen but other offences have declined.

With those words and concerns, I inform the house again that The Nationals are supporting this bill, which is mostly an omnibus bill to tidy up a lot of matters. However, my concern remains for the recruitment and retention of police in country Victoria.

Ms DUNCAN (Macedon) — I rise to speak in support of the Justice Legislation Miscellaneous Amendments Bill, which is an omnibus bill that makes a range of changes to quite a number of acts. As has been outlined by previous speakers, many of those amendments are quite technical in nature.

I will go to what I guess is the main feature of the bill — that is, the use of the new digital evidence capture technology. This bill establishes the legislative support for that project, which has upgraded the recording equipment of Victoria Police from analogue audio-only recording equipment to digital audiovisual recording equipment. These units were deployed to police in February of this year, and that rollout has been completed. The expenditure review committee funding of $19 million was allocated for this project in 2007–08.

One of the acts that this bill amends is the Crimes Act. It enables an audio-only recording in relation to an indictable offence to be given to an interviewee, unless and until charges are laid, at which point a full audiovisual record will be provided. Other amendments contain the necessary provisions, including the creation of offences, to prevent the unauthorised broadcast and dissemination of a record of interview. It is important, along with the use of this new technology, to create appropriate penalties for its misuse. It is important also to keep in mind that these amendments will not limit an accused person's access to evidence in a criminal proceeding against them and the bill does not amend any of the requirements in relation to the preparation and provision of a brief of evidence.

A number of other acts are amended by this bill — for example, the Criminal Procedure Act 2009, to remove the word 'trial' from the description of 'trial judge' in the definition of 'interlocutory decision'. The bill also amends the major crime legislation to deal with investigative powers and makes further minor and technical amendments to improve the operation of the coercive questioning scheme. The chief examiner has recommended these changes. They are not substantive changes to the procedure, but they will improve it.

There are amendments to the Sheriff Act 2009 and the Telecommunications (Interception) (State Provisions) Act 1988. This bill includes a variety of amendments to that state provisions act. Since the enactment of the state legislation the commonwealth act has been the subject of a number of amendments which have ultimately resulted in some discrepancy now between

the two. The amendments in this bill are quite technical in nature, but they address matters such as the elimination of superfluous record-keeping requirements, the definition of 'restricted record' and even clarification of the definition of 'minister'.

The bill inserts two new definitions into the state provisions act, that of 'police integrity minister' and 'police minister', and applies the two terms throughout the relevant provisions of the state act to ensure that the respective provisions correctly refer to the minister administering the provisions in which or in respect of which the expression is used.

As I said, this amending bill is quite technical in nature and quite detailed in some of its applications. It is important that we continue to amend legislation to keep abreast of changes, in this case particularly changes in technology, and make sure that our policing stays as current and effective as it can possibly be.

Just in terms of the changes and the new technology introduced for records of interview, it is important also to keep in mind that this bill does not in any way affect a person's right to silence or the right to a no-comment record of interview. Interviews are expected to be conducted in the same way as they were previously under the old analogue audio-only equipment. With those few words, I commend the bill to the house.

Motion agreed to.

Read second time; by leave, proceeded to third reading.

Third reading

Motion agreed to.

Read third time.

HEALTH PRACTITIONER REGULATION NATIONAL LAW (VICTORIA) BILL

Second reading

Debate resumed from 15 October; motion of Mr ANDREWS (Minister for Health).

Mrs SHARDEY (Caulfield) — I rise to lead the debate on a piece of health legislation for the last time, as I have retired from the shadow cabinet and will be retiring from the Parliament next year.

Honourable members interjecting.

Mrs SHARDEY — It has been a great pleasure — and don't make me cry. It has been an interesting experience to go through the process of this bill. At the outset I would like to thank the minister's office for the long and extensive briefing period we had, which took us a couple of hours and was extremely helpful. At this point in time the opposition will not be opposing this piece of legislation.

This bill, the Health Practitioner Regulation National Law (Victoria) Bill, is the result of requests by the commonwealth coalition government in 2005 for the Productivity Commission to undertake a study to examine issues impacting on the health workforce. The report that came out of that study was entitled *Australia's Health Workforce* and was published in 2006. A lot of processes began at that time, and in the end an intergovernmental agreement was signed by the Council of Australian Governments in March 2008, which committed the states, territories and the commonwealth to establish a single national registration and accreditation scheme for all health practitioners throughout Australia.

This legislation reflects some changes which had previously been made to the Victorian Health Practitioners Registration Act in 2007 and, I think, once before in 2005. The 2007 amendments saw the creation of one act to provide for the registration of 12 health professional boards, which had previously been registered under separate acts of Parliament. The amendments also provide for a new system of hearing complaints, which is quite a long process. But the most serious complaints under Victorian law, which is being replicated here at a national level, are heard by the Victorian Civil and Administrative Tribunal. This framework will be retained, and it underpins the operation of the new national registration accreditation scheme for the health professions.

To implement the national scheme the Queensland Parliament introduced legislation in two parts, beginning with the Health Practitioner Regulation (Administrative Arrangements) National Law Bill in 2008, known here as bill A. This first piece of legislation established the governance and legal structure of the scheme. In particular it established the entities constituting the national scheme to assist the progress of the scheme's implementation in time for its commencement in July 2010 — so there is much to be done in a very short period of time.

The bill established a number of key elements. Firstly, there is the Australian Health Workforce Ministerial Council, which consists of the federal health minister and the health ministers of the states and territories. The

ministerial council has a lot of power under this legislation: it sets the policy direction of the national agency and the national boards, and it approves registration standards. Secondly, this first bill, which has been passed in Queensland, established the Australian Health Workforce Ministers Advisory Council to provide independent advice to the ministerial council. It is appointed by the ministerial council.

That first bill established the national agency, the Australian Health Practitioner Regulation Agency, which is responsible for administering the scheme and assisting national boards to fulfil their functions. The national office of this agency will be established in Melbourne to support the operations of the scheme and the bill will provide for at least one local presence in each of the states and territories. There is also the agency management committee, the Australian Health Practitioner Regulation Agency Management Committee. It is appointed by the ministerial council to decide the policies of the national agency and to ensure that it performs its functions.

Finally, we get to the national boards. Initially there will be 10 boards under the scheme for each of the health professions, with local offices in each state and territory where the national board decides it is appropriate — for instance, there will be a national board for medical practitioners, but the Victorian board, as it exists today, will stay in operation.

Members can see from what I have described that there is a very large structure supporting this new scheme. Of course people have talked about the added number of bureaucrats who will be employed to run the scheme — and I think even the government would admit that that is going to occur — but we hope it will not be so complex that people will not be able to navigate it. At this stage we have not had any firm information as to what the cost of the scheme will be. This first bill did not transfer authority for the registration and accreditation of health professions; it simply enabled the implementation of the structural basis of the national scheme.

As part of the process, the Australian Health Workforce Ministerial Council reached a national consensus in a communiqué on 8 May 2009. This was after a period of consultation that involved a large number of the boards, particularly the medical practice board here in Victoria. This consultation led to the new structure and the definition of how it would work. Very importantly it was agreed that the accreditation function would be independent of government. This had been a major sticking point for the health professions, which were all very keen to have a national registration scheme but were concerned about politicians being able to have a say in setting the standards for the accreditation of practitioners in health professions. This area had been a problem, and after this communiqué I think a lot of people were much happier about the situation.

The national registration scheme is to be established under state and territory template legislation and will replace current state and territory registration boards, providing a single national registration and accreditation scheme for Australian health practitioners. It will initially apply to the 10 health professions that are subject to statutory registration in all jurisdictions — that is, chiropractors; dental health providers, including dentists, dental hygienists, dental therapists and dental prosthetists; medical practitioners; nurses; optometrists; osteopaths; pharmacists; physiotherapists; podiatrists; and psychologists. In July 2012 professionals such as Aboriginal and Torres Strait Islander health workers, Chinese medicine practitioners and medical radiation practitioners will be transitioning to the national scheme. As I have said, the Council of Australian Governments has agreed that the scheme will be introduced in July next year.

Bill B, which was recently passed in Queensland, provides the template legislation for the bill before the house. The Victorian bill is known as bill C1. Bill C2 — which we have not seen yet; it is to be introduced later — will contain all consequential and transitional amendments to complete the application of the Health Practitioner Regulation National Law as well as amendments to the health practitioner registration act, in the main to allow for the continuation of the Chinese medicine and medical radiation practitioners boards and provide for the ongoing regulation of these professions until they join the national scheme in July 2012. The provisions of the health practitioner registration act that relate only to the professions which are included in the national scheme from July next year will be repealed. The bill will also make consequential amendments to other Victorian legislation.

As I think I have already indicated, the aim of the bill before the house is to provide for a national law known as the national Health Practitioner Regulation National Law Act, which was hosted as a bill and has now been passed by the Queensland Parliament. This national law is the schedule to the Health Practitioner Regulation National Law Act 2009 of Queensland, which is set out in the appendix to this bill.

The bill before the house only comprises seven clauses. It clarifies that the national law, as in force from time to time — the schedule — applies as a law of Victoria.

We have a bill that is some seven clauses long and a schedule in the appendix to the bill that is infinitely longer — most members will be able to see that this is quite a large piece of legislation. The schedule goes to 180 pages or thereabouts, and then at the back the schedule itself has seven schedules — there are eight schedules in total — that give more detail and describe each of the important parts of the bill.

In general terms, as I have said, the bill and the schedule together provide the framework for the regulation of health practitioners in relation to registration, accreditation, complaints and conduct, health and performance, and privacy and information sharing. It is designed to ensure that health professionals can move around the country more easily. It will mean that if you are a registered health practitioner in Victoria, you can practise in Queensland, New South Wales or elsewhere in the country. It will also mean that if you lose your registration in one state, you will not be able to practice in another, and I think that is a very good safeguard. The new scheme is designed to maintain a public national register listing each health professional to ensure that a professional who has been banned from practising in one state cannot go to another.

The national law stipulates new provisions relating to mandatory reporting, student registration, criminal history and identity checks, community representation on national boards and a process for members of the public to make complaints — and that is largely what we have in Victoria already. National boards and health complaints bodies within each state will not only have to inform each other of any complaints received that are relevant to each other but must also consult one another on the handling of complaints. They are required to reach an agreement on whether the complaint should be taken further by the national board. That is similar to the system that operates in Victoria.

The national law requires the same ratio of community members to other members on state and territory boards as on national boards, which is eminently sensible. There is a requirement that practitioners and employers report a registrant who is placing the public at risk of harm. I will raise some issues with that later. All health professionals registering for the first time in Australia will be required to undertake mandatory criminal history and identity checks. All other registrants will be required to make an annual declaration on criminal history matters when renewing their registration.

In relation to accreditation, as I indicated earlier, the accreditation functions of national boards will be independent of governments, which is something to look forward to, although there are still some issues around that. Standards will be developed either by an independent accrediting body or by the accreditation committee of the national board for the relevant health profession. However, the national boards have the final decision on whether accreditation standards, courses and training programs are approved for purposes of registration. The system has been described as very complex in that the committee or the independent body operates as a sort of separate entity which can publish its own standards. There are some issues around that, because it is somewhat difficult.

The ministerial council has power to appoint the external accrediting body for a profession when that profession first joins the national scheme. It also has the power to act where it believes that changes to an accreditation standard will have a significantly negative effect on the recruitment or supply of health practitioners — and some practitioners in the sector have taken issue with that — but in exercising these powers the ministerial council must first consider the potential impact of its decisions on the quality and safety of health care.

In relation to student registration, national boards will be required to register students. This requirement will be in effect from 2011. The boards determine at what point in their programs of study students will be registered. Students registered under state or territory legislation before the start of the scheme will be deemed to be registered from 1 July 2010 to ensure continuity of registration.

In relation to national arrangements for privately practising midwives, which is an issue that has been finding its way into the media lately, the national law contains a transitional clause for privately practising midwives who attend homebirths. They are granted an exemption from the requirement to hold appropriate professional indemnity insurance as a prerequisite to being registered.

This is a transition period. It is not supposed to last more than two years, and during this period of time a lot of work is going to have to be done to identify the solution to this issue. But to increase the safeguards during the transition, health ministers have agreed that relevant midwives have to meet some requirements in relation to providing full disclosure and informed consent that they do not have indemnity insurance, reporting each homebirth and participating in a quality and safety framework.

With regard to health programs for practitioners, national boards have the power to fund health programs

for health practitioners. Legislation allows the continuation of services as offered by the Nurses Board of Victoria and the Medical Practitioners Board of Victoria under the national scheme. The Australian Medical Association has some issues around that. It is concerned that this legislation may deter some doctors from seeking support and treatment. I will address that in a moment.

By and large there has been support amongst the health professions for a national registration scheme, as I have said, which also means that there should be some consistency across the states in relation to accreditation standards. I think that is a very important element. While many of the initial concerns were addressed through the consultation process and as a result of the cooperation of health practitioner boards and learned colleges, there are still some matters that probably remain unresolved. I hope the Minister for Health can address some of these. His office was quite helpful to me when I raised some of these issues. The minister might even look at some amendments before this bill gets to the other place, as indeed he did with the cemeteries bill, and it had a very good outcome.

Mr Andrews interjected.

Mrs SHARDEY — Let us get to this legislation. Concern has been raised in relation to Victoria adopting a bill passed by the Queensland Parliament as a law of Victoria and that this may mean in effect that the Victorian Parliament is handing over sovereignty on health practitioner regulation to another Parliament which is not accountable to Victorians. It is recognised that there are plenty of instances of complementary legislation being passed in this state to provide consistency across states and territories, and there are some other examples of this type of legislation. The concern here is that should Queensland amend the legislation Victoria would have no option but to do likewise.

I did ask the minister's office some questions about this issue, and I appreciate very much the effort that was given in responding to them. The minister's office referred me to the intergovernmental agreement, which in section 13 looks at the alteration of the scheme and amendments to the legislation. It states in part:

> Any of the parties may propose amendments to the national scheme by communicating the proposed amendments to the other parties and the justification …
>
> The ministerial council will consider any proposed amendments and agree to such amendments as it sees fit.

I suppose the issue I might have is that I do not think there is a requirement that agreement should be unanimous.

Mr Andrews — It is required that they come to a consensus.

Mrs SHARDEY — Every single person has to support it?

Mr Andrews — It requires a consensus.

Mrs SHARDEY — 'Consensus' is a different word. If the changes are agreed to, then the state of Queensland will deal with the changes. It will have to submit to its Parliament a bill in a form agreed to by the ministerial council. The section that caught my eye is section 13.4, which says:

> If the amendment is passed through the Queensland Parliament, legislation of the states of New South Wales, Victoria, South Australia and Tasmania and the Australian Capital Territory and the Northern Territory will incorporate the changes by applying the amendment as a law of those jurisdictions.

So we are tied into that. Perhaps the minister can explain this to me, but the agreement then separates out Western Australia:

> In the state of Western Australia, agreed amendments to the legislation will be carried out via changes to the corresponding Western Australian legislation.

I assume that means amendments that Western Australia agrees to. The agreement goes on:

> The state of Western Australia will use its best endeavours to secure the passage of any agreed amendments and bring them into force to ensure ongoing consistency …

I am assuming that not every person has to agree, and I could be wrong here. If there is a possibility that the ministerial council can pass an amendment with even just one minister — —

Mr Andrews — No, everybody has to agree.

Mrs SHARDEY — Everyone has to agree? Okay, I will take that.

Mr Andrews — Otherwise it is not agreed.

Mrs SHARDEY — You are speaking to an ex-shadow minister. I understand that there are instances where not every minister may agree to a decision.

Mr Andrews — Often, and therefore it would not be agreed.

Mrs SHARDEY — Therefore it would not be agreed. It is a bit like a cabinet decision: even if you do not like it, you have to follow it.

Mr Andrews — No, it would then not be agreed.

Mrs SHARDEY — In any event the minister will have a chance to address this. While I appreciate that the ministerial council would seek to find consensus, I am not fully convinced that that would be the case, and the question is: is Western Australia being treated differently? If Western Australia does not agree to an amendment, does that mean that it is not honour bound to introduce legislation to change the act?

It should also be noted while we are talking about this issue that New South Wales refused to agree to section 8 of the intergovernmental agreement relating to the handling of complaints. So already we have got one state which has opted out of part of this agreement, and I think that sets a precedent to say that there could be an opportunity.

In fact the minister's office did give me a briefing on this and it claimed that it would remain possible for the Victorian Parliament to repeal or modify its adopting laws if it had a concern with an amendment. The agreement that was signed by this minister with the other states does not seem to indicate that, so I am asking the minister to clarify that. The intergovernmental agreement seems to suggest that Victoria is honour bound if there is an amendment put to the Queensland Parliament. The people in the minister's office seem to believe there would be an opportunity to modify or repeal laws if Victoria did not agree. I would like some verification of that.

The final advice that the minister's office offered is that it would not be possible to give the minister an open-ended, general ability to not apply any provisions, as is the case with the electricity legislation, but that does not mean that the Parliament cannot do so. There are some issues around this that require some clarification.

Part 2 of the bill gives the ministerial council the power to make a direction to a national board in relation to an accreditation standard for a health profession if it is of the opinion that the proposed standard will have a negative impact on the recruitment of health practitioners or on quality and safety. There are sectors of the health professions that believe there should be a public interest test applied to this. There is a strong suggestion that the ministerial council in exercising its power should provide a public interest test. The Royal Australasian College of Surgeons has written to me repeating its longstanding concern that, given that the recruitment or supply of health practitioners is by definition always an issue, this clause could be invoked for political purposes at any time. What it is suggesting is that because the ministerial council has the power to make a decision on an accreditation standard on the basis that it will have a negative impact on the recruitment of health practitioners and because this is an ongoing issue, it gives almost a carte blanche power to the ministerial council to make a decision on a standard at any time.

The next issue relates to mandatory reporting. This was referred to in the brief provided by the parliamentary library. The Australian Medical Association's concern is that mandatory reporting may reduce the number of doctors who seek help and treatment should they have issues. In his response the minister pointed out that the national boards will be developing guidelines for practitioners to ensure that reporting standards are understood and that they strike a good balance. The issues around mandatory reporting should ensure that no doctor in need of treatment is put off seeking treatment for fear that it will be mandatory to report him and he will be struck off the register. That issue can be dealt with, and I would like the minister to ensure that it gets proper attention at a national level.

One of the issues that was raised by members of the Chinese Medicine Registration Board relates to the capacity for practitioners to surrender their registration perhaps ahead of an adverse finding on their behaviour and avoid being struck off the register as a result. This is something they raised in a meeting I held with them. They believe such a person could reapply later and it would not be obvious from their registration that they had surrendered their registration because of an issue of performance or behaviour.

The Nurses Board of Victoria raised some concerns about the flow-on effect of this program in that it may lower the bar in relation to the scope of practice that it has achieved in Victoria. A couple of things it is proud of achieving and I have supported strongly are the registration of nurse practitioners and the administration of medication by division 2 nurses. They are hopeful that the standard that has been set in Victoria for their profession will be maintained at a national level.

Issues have been raised about the cost of this whole scheme. The intergovernmental agreement points out that initially the government will be putting in something like $20 million and then the scheme will become self-funding. The issue that we are looking at is in relation to a large scheme — one that has the potential to employ a large number of bureaucrats for

all the institutions I described earlier. There has been no indication at this stage as to what the costs for this will be to practitioners.

One question I would like to ask the minister to address is: what is happening about freedom of information? I understand the Victorian Freedom of Information Act will not apply to this law but that federal FOI legislation will apply. This was identified in the findings of the Scrutiny of Acts and Regulations Committee in relation to this bill. It said that the bill declares that a number of acts that generally apply to the Victorian acts do not apply to the national law, and the Freedom of Information Act 1982 is one of those acts. The federal act contains some sections which allow a federal minister to deny access to information on the basis that it might affect the relationship with another state. There are some issues around that. We need to ensure that Victorian MPs and others will have the power to gain access to freedom of information in relation to this whole area.

The Chinese Medicine Registration Board raised a couple of other issues, and I think over the next two years it will want to address these things with the minister. One relates to the necessity of the chairman of the national board to be a practitioner. The board has pointed out that the person who has been its president since December 2000 is not a practitioner and that there are good reasons for that, so this is of some concern. It also believes the accreditation process is complex and will be difficult for some of the small boards. With those few comments, I end my contribution.

Ms GRALEY (Narre Warren South) — It is with pleasure that I rise to speak on the Health Practitioner Regulation National Law (Victoria) Bill 2009. I must declare at the outset that my husband is a registered chiropractor and has been for 20 years. His father, my father-in-law, Dr Douglas Graley, was one of the first chiropractors in Australia and had a long and distinguished career serving many people to improve their health.

This bill stems from an agreement between the commonwealth and the states and territories to create a single national registration and accreditation scheme for the health professions, and it is long overdue. This system, the national law, is a demonstration of federalism at its best. The bill seeks to implement the federal Health Practitioner Regulation National Law Act 2009, which sets out the regulatory framework for the new national registration and accreditation scheme for the health professions.

The national law implements the commitment made by the Council of Australian Governments on 26 March on the signing of the intergovernmental agreement to establish the national scheme by 1 July 2010. This national scheme is a significant milestone, a landmark in the reform of the Australian health-care system. As I said, it creates a single national registration and accreditation scheme for 10 health professions. They include chiropractors; dentists, including dental hygienists, dental prosthetists and dental therapists; medical practitioners; nurses and midwives; optometrists; osteopaths; pharmacists; physiotherapists; podiatrists; and psychologists.

Most importantly this bill will allow professionals to work across state lines. As I said earlier, that is very much overdue. This bill and the national law are all about protection of the public and enhance that protection of the public in a number of ways. This is very important for patients who are coming into contact with a variety of health practitioners these days. It will mean that a health professional who, for example, engages in misconduct in one state cannot leave to work in another state because he or she would be registered nationally. In addition, complaints information will be shared between jurisdictions.

The national law better defines the role of the state or territory complaint bodies, and that is a very good thing for consumers and patients. They will have to inform each other of any complaints received as well as consult each other on the handling of complaints. Cooperative measures are being taken to ensure that patient health is of foremost importance. Serious complaints will continue to be dealt with by the Victorian Civil and Administrative Tribunal.

The bill and the national law offer additional public safeguards. Health professionals who register for the first time in Australia will be subject to mandatory criminal history and identity checks, while other registrants will be required to declare criminal history matters annually. Students in the health area will also be required to register, and that is a very good thing.

There will be a requirement that practitioners and employers report a registrant who is placing the public at risk or harm. In 2002 Victoria became the first jurisdiction in any western country to regulate Chinese medicine practitioners. They will be brought into the national system in 2012, and that is a very good move as well. Medical radiation practitioners, Aboriginal and Torres Strait Islander health practitioners and occupational therapists must also be brought into the system at that time, so we will have one national system covering most of the health practitioners.

I also commend the Minister for Health on the transitional arrangements that were put in place for privately practising midwives who attend homebirths. I am sure that insurance cover for midwives would have been an issue of some concern during the very wide-ranging consultation that was conducted. I am really pleased that this transitional period has been put in place in order to find a solution to this important matter for so many women.

As I have already said, this is cooperative federalism at its best. I note the Australian Medical Association has said that the national registration is most welcome and overdue, and it is very glad to see this happening. I believe the reason it is overdue is that federalism did not work as well as it should during the 12 long years of the Howard government. As is the case in so many areas, it has taken the election of a Labor government for action to be taken on this important health issue. This new national system will enhance protection for the public, and that is a very important milestone for all patients and practitioners. Without further ado, I commend the bill to the house and wish it a speedy passage.

Mr CRISP (Mildura) — I am pleased to make a contribution to the Health Practitioner Regulation National Law (Victoria) Bill 2009. The Nationals in coalition are not opposing this bill. The purpose of the bill is to provide for the adoption of the Health Practitioner Regulation National Law Act, known as the national law. The legislation was hosted and passed by the Queensland Parliament. This national law is set out as a schedule in the appendix to this bill. The national law gives effect to the intergovernmental agreement for the national registration and accreditation scheme for health professionals. Under the scheme a single national registration and accreditation system will be created for 10 professions currently, to be expanded to 14 in 2012. It was signed off by the Council of Australian Governments in March 2008.

The bill comprises seven clauses, so it is a remarkably small bill to do a very large job. However, as mentioned by the member for Caulfield, the detail is all in the schedules contained in the appendix to the bill. The initial piece of legislation was passed by the Queensland Parliament — the Health Practitioner Regulation (Administrative Arrangements) National Law Act 2008 — and set up the national scheme to comprise: the ministerial council, which sets the policy direction for the national agency and the national boards and approves registration standards; the Australian health workforce advisory council, which will provide independent advice to the Australian Health Ministers' Advisory Council and will be appointed by the ministerial council; the national agency, the Australian Health Practitioner Regulation Agency, which has the responsibility for administering the scheme and assisting national boards to fulfil their functions; and a national board for each of the health professions under the scheme, which will be 10 initially, with offices in each state and territory.

The provisions of this bill are really about the regulation of our health professionals. It also introduces the registration of students who are undertaking programs of study that provide a qualification for registration as a health profession or clinical training in the health profession.

The background to this bill is interesting, because each state over time has developed its own health professionals registration board, and they have varying accreditation requirements. This has been a source of great frustration to communities who find that health professionals cannot move easily from one state jurisdiction to another. Each state believed that its accreditation was superior to the others — and it is not unusual to have parochialism — thereby safeguarding better health standards in the state of responsibility.

Long delays in registering health professionals have finally been dealt with by the national scheme. The scheme also assists in cross-border regions where health professionals have had to maintain multiple registrations, multiple accreditation schemes and also be wary of multiple disciplinary schemes.

The flip side of that easy movement from one state to another is that if for some reason a health professional commits an offence and loses registration in one state, it will be lost in all states. This creates the reversal of border hopping, and being able to avoid a previous infringement will no longer apply.

There are continuing shortages of health professionals in country Victoria, and one can only hope that a national registration scheme can address that shortage. Many communities in my electorate have endeavoured to recruit doctors or other health professionals, and in doing so have found that they either go somewhere else or the delays mean that the community is without some key health services. The Tristar clinic in Mildura has experienced such difficulties and no doubt will be relieved by these arrangements.

The Australian Medical Association has forwarded some comments. I think they are worth reading into the record. I also thank the AMA for its comprehensive briefing on this. Basically the AMA supports this legislation and believes it is overdue. It has some

concerns about the cost to professionals, as this is a bureaucratic system that has been set up. We will just have to wait to see how that turns out. The association made a couple of suggestions about amendments, which the member for Caulfield spent some time outlining. It sought an exemption around the difficult issue of mandatory reporting rules and for medical practitioners providing services through the Victorian doctors health program and similar programs which are difficult to operate. We need to take care that, as in any profession, the professional you have got is the most valuable one you have. If they are in trouble, you need to help them.

Some of the difficulties found at the moment at our local hospital in Mildura include the lengthy vacancy list. I am hoping this bill will help. We are currently advertising for a mental health clinician specialising in childhood and adolescent health, a mental health clinician in primary mental health, registered nurses for the emergency department, midwives, a general physician, an obstetrician, a gynaecologist and several physios. We have had a very difficult time in Mildura, where our rehabilitation unit, general physio and occupational therapy areas have had an extensive closure or restriction of services.

The issues raised by the Scrutiny of Acts and Regulations Committee, particularly over freedom of information, are quite interesting. I support what the member for Caulfield said on that. I hope the minister can clarify that in his summing up of the bill.

Other difficulties are being experienced at the Mildura Base Hospital. Not only are we struggling to attract and retain the health professionals we need to provide appropriate service standards to our community but we have also outgrown the physical facility. In particular our accident and emergency department is struggling. Our midwifery section is struggling as birth rates climb in Mildura. Post-operative care is also an area that needs some work. The master plan is being prepared, and it has stalled. Action is needed.

We can also add to the list, particularly as we are now registering students under this act, that resident doctors expect a certain standard of accommodation. In many country areas we struggle to provide the level of accommodation that is likely to encourage doctors to seek a country placement once they have finished their residency.

The master plan for the Mildura hospital has been stalled and needs to be addressed by the Minister for Health. Country Victoria deserves better from the Mildura hospital. We have had 10 years of hard Labor and we have seen increases in the shortage of health professionals. Victoria may be a great place to live, work and raise a family, but you would not want to get sick in country Victoria.

Ms DUNCAN (Macedon) — I rise in support of the Health Practitioner Regulation National Law (Victoria) Bill 2009. As has been said, this is a monumental breakthrough in health services across Australia. I suspect a country like America, which is grappling with a whole range of health issues at the moment, would be struggling to establish something like this, so it is a tribute to the federalism of this country. It does not hurt to have the majority of governments of the same political persuasion. It encourages people to sit down and nut out some of these often difficult issues.

Just to give a bit of context to this, the chamber may remember that in 2005 the commonwealth government asked the Productivity Commission to undertake research to examine issues impacting on the health workforce, including the supply of and demand for health workforce professionals, and to propose solutions to ensure the continued delivery of quality health care over the next 10 years. This report was delivered in January 2006. It has taken some time to get to where we are, but these things take time and it is important that we get them right.

The report recommended that there should be a single national registration board for health professionals as well as a single national accreditation board for health professional education and for training. The board would deal with workforce shortages and pressures faced by the Australian health workforce, and would increase their flexibility, their responsiveness, sustainability, mobility and also reduce red tape.

The member for Mildura, as he often does given the location of his electorate, was able to give an insight into those issues that impact particularly on towns that are further away from regional centres. Within Victoria you cannot get further away than Mildura. He highlighted some of the issues that we face in our health services. We know that the issue of health services is going to be increasingly difficult as we all age — except for the member for Yuroke; she is not ageing at all.

In a lot of areas advances in technology result in reduced costs, speed and efficiency, whereas in health increases in technology mean that we do more things because we can do more things. We are treating things now that we probably would not have been treating even 15 years ago, which increases costs across the

board for health services. These sorts of bills and this sort of cooperation between states are really critical.

At the centre of all this is the protection of members of the public. Other members have gone through some of the features of the bill. The cornerstone of this is the protection of the public. There will be improved complaints processes and, as we have heard, the introduction of mandatory reporting, for example, so that there is now a requirement on practitioners and employers, such as hospitals, to report a registrant who is placing the public at risk of harm. This can include practitioners who are practising while under the influence or suspected of being under the influence of drugs or alcohol. Practitioners who have engaged in sexual misconduct must also be reported.

We have heard stories previously, and there was a classic one reported in Queensland. It was clear a lot of people had grave reservations about the way in which that doctor was practising and, for a whole variety of reasons, may have said something, but generally it was not highlighted at that time. I hope that these sorts of national measures — a national board and a national law — will help to ensure that those sorts of things do not happen in the future.

I highlight also the fact that privately practising midwives who are attending home births have been given an exemption for the moment from the requirement to hold appropriate professional indemnity insurance in order to be registered under the national scheme. While we would all say that practitioners should have indemnity insurance, and that is a very desirable thing, we were facing a situation where midwives who attended home births would be acting illegally. I do not think anyone wanted that to be the outcome of this legislation. We still want to find a way for women, if they so choose, to have their children born at home if there is a suitably qualified midwife in whom they have confidence. For that not to have continued would have given a whole new meaning to the term ‘throwing out the baby with the bath water’.

We did not want to see that happen. It is terrific that this exemption has been allowed. It is not intended to be a long-term exemption. It is hoped that within about two years some of those issues surrounding that insurance will be rectified and privately practising midwives will be able to continue to attend home births. It is in everybody’s interests, and it will continue to give women the choice of how and where they deliver their babies. With those few words, I commend the bill to the house.

Mr MORRIS (Mornington) — I was interested in some of the earlier comments from the member for Macedon who suggested that it was helpful to have parties of the same political persuasion in government at federal and state level to put these things through. Then she went on to say that the initiative for the national law came from the commonwealth government in 2005 which, if memory serves me correctly, was a coalition government. The coalition certainly has a part in getting this scheme established.

Essentially we are dealing with five pages of Victorian legislation — and one of those pages is blank — together with the incorporated appendix of 236 pages of legislation enacted by the Parliament of Queensland. So there are seven clauses to enact legislation which will create a national law. It is certainly harmonisation writ large.

The legislation will establish a structure for the National Registration and Accreditation Scheme for the Health Professions. At the top of the pile is a ministerial council and underneath that is an advisory council. Then there are national boards with national committees and subsidiary state and territory boards, committees and panels, and the agency management committee with a national office and state and territory offices. There has been argument, for which I have some sympathy, that in agreeing to this legislation we are handing over our sovereignty in the regulation of health practitioners. There is widespread support for the process among the professions, albeit with some reservations. Given that view, as I am sure the member for Caulfield mentioned in her encore performance, the coalition will not be opposing the bill.

I want to express my concern, though, with the process. I am not saying this is an awful process and we need to do it again, but every time we do something like this we chip away unnecessarily at the integrity of the state government in the sense of the whole and the integrity of the Parliament as a whole. I am sure there is a better way for us to deal with this issue without selling our souls in the process.

The legislation flows from a decision of the Council of Australian Governments in May 2008. To the best of my knowledge, at the time there was little or no comment about it. There may have been a press story here and there, but there was certainly no great debate. I do not recall any election promises from the current government to implement the legislation for the scheme. Given that I am not a health professional or a health administrator and I have no direct experience in the area, and given the concurrence of the professions with the plan, I want to concentrate on just a couple of

areas which are more about the principles of the thing than the detail.

The first is the issue of privacy. The second is the difficulties of template legislation and the third point is the impact on our ability to control subordinate legislation and on some of our other acts.

Prior to consideration of this bill, the Scrutiny of Acts and Regulations Committee received a submission from Dr Anthony Bendall, the deputy privacy commissioner. He raised a number of issues, particularly concerning the criminal history checks and the use that may be made of those checks in the process of registration. He made the point that criminal history is defined as including all convictions, every plea of guilty or finding of guilt for an offence whether or not a conviction is recorded and every charge made against a person for an offence whether or not the charge is proven. He also expressed concern about criminal history law, which is probably more relevant to other jurisdictions.

Dr Bendall made the point that the criminal history checks go to the board in their entirety and then the board makes the decision as to what is used — what is relevant — and what is not used, rather than simply having made available to it the information that is considered relevant. He suggests an alternative approach, which would be consistent with the Victorian charter of human rights, would be to legislatively establish relevant offences and charges and then collect only that information. Of course effectively we do not have the opportunity to do that given the way this legislation has been presented to us.

As I said, Dr Bendall expressed concern about the operation of criminal history law. We do not have spent conviction schemes in the state of Victoria, but in the wider sense it may be a concern in other jurisdictions. He also made a very valid point that there is evidence that recorded criminal history information is not always accurate and referred to the Auditor-General's identification of difficulties with the police law enforcement assistance program (LEAP) database and also an Institute of Criminology review of LEAP and the not necessarily accurate information contained therein. I am not having a shot at LEAP in saying that; it is simply a function of databases. Unless they are managed absolutely scrupulously and consistently at all times there is the likelihood that that sort of information problem may arise. When that impacts upon the reputations and livelihoods of professionals it needs to be considered very carefully.

Dr Bendall also raised issues about proof of identity and the potential misuse of documentation if it is retained. He referred also to the proposal that public registers, which will include a practitioner's unique identifier, be available for public inspection and search on the national agency's website.

Under the bill extracts have to be provided, for a fee, and the entire contents of the register can be obtained, for a fee. Again why that situation needs to exist at all, except in terms of a marketing opportunity for appropriate companies, is unknown. I would like to think that sort of thing could be picked up.

The Scrutiny of Acts and Regulations Committee (SARC) raised for the consideration of Parliament the issue of whether the bill insufficiently subjects the exercise of legislative power to parliamentary scrutiny, and there are similar difficulties with the various legislative oversight committees around the nation in dealing with this template, and whether those committees can in fact discharge their duty to their respective parliaments adequately when there is effectively no opportunity to vary the legislation that is before the house.

Finally, I want to comment on clause 7 of the bill, which will exclude a number of Victorian acts from operating in this area: the Freedom of Information Act, the Health Records Act, the Information Privacy Act, the Ombudsman Act and the Subordinate Legislation Act. The Subordinate Legislation Act will operate, but we can only disallow regulation when a majority of other jurisdictions around Australia disallow that subordinate legislation. That is potentially an issue as well. There are some significant issues with this bill, and I would like to see them addressed.

Mr BROOKS (Bundoora) — It is a pleasure to rise to speak on the Health Practitioner Regulation National Law (Victoria) Bill 2009. This is a significant and historical piece of legislation. It is a piece of legislation that will introduce reform across this nation and that will be seen in the future as something of a watershed. It is great reform and it shows what can be achieved when the federal government works cooperatively with state governments to improve both public safety and also the efficiency of the health system.

While this momentous piece of reform legislation is before the house it is somewhat sad to hear, through its contribution to the debate, particularly from its lead speaker, that the opposition seems to be focusing on small negative points, almost hoping or wishing, it seems, for some problems to occur with this national scheme. This debate today has demonstrated that the

Liberals and The Nationals have a health policy vacuum. They have indicated that they are not opposing the bill, but they have certainly not put forward a positive policy position themselves. They think there might be a better way to do what this bill seeks to do, but they do not know what it is.

As previous speakers have said, the Health Practitioner Regulation National Law (Victoria) Bill will see the reform of the currently 65 separate laws that establish 83 statutory bodies across this country into one national scheme. That is a good thing. The legislation has its origins in a Productivity Commission report of 2005, which members opposite proudly claim credit for. That Productivity Commission report outlined a number of problems with the health workforce in Australia, particularly shortages in particular areas of health professionals, and the demand for the health workforce continues to grow for a number of reasons. The extraordinarily complex and interdependent nature of Australia's health workforce arrangements was identified as a significant factor detracting from the productivity of the health workforce.

Amongst the recommendations of the Productivity Commission was a recommendation for the establishment of a national accreditation registration scheme, which we see outlined here today. This is a significant piece of national reform, and I commend the bill to the house.

Sitting suspended 6.30 p.m. until 8.02 p.m.

Dr NAPTHINE (South-West Coast) — I rise to speak on the Health Practitioner Regulation National Law (Victoria) Bill. The purpose of this legislation is to facilitate the national regulation of health professions. Despite the rhetoric of previous speakers, this initiative originally came from the former federal Howard coalition government.

I and those members on this side of the house agree in principle with the need to achieve Australia-wide standards and increased flexibility and movement of health professionals across Australia. Despite some concerns and misgivings, most professions agree with this approach. This provides for the national registration initially of chiropractors, those in the dental profession, medical practitioners, nurses, midwives, optometrists, osteopaths, pharmacists, physiotherapists, podiatrists and psychologists.

From 1 July 2012 another four professions — Aboriginal and Torres Strait islander health practitioners, Chinese medicine practitioners, medical radiation practitioners and occupational therapists — will also come under the scheme.

I express some concern about the bureaucratic complexity and the cost of the structure that has been put in place. The legislation before us today is a very simple bill of seven clauses. But it fundamentally establishes that the Health Practitioner National Regulation Law Act 2009 of Queensland will apply as law in Victoria. Some of the things in that act, which outlines the national approach, have a degree of bureaucracy and complexity which is quite interesting, if not staggering.

Page 20 of the bill we have in front of us deals with the ministerial council which will provide policy directions and, interestingly, approve registration standards. It is interesting that we are going to have the ministerial council, which is made up of politicians, approving registration standards for health professions. I am not sure that is the right direction we should go in.

Page 24 details the establishment of an Australian health workforce advisory council to provide independent advice to the ministerial council.

Page 25 details the establishment of another new body, the Australian Health Practitioner Regulation Agency, which is to provide administrative assistance to the national boards. On page 29 there is another new group called the agency management committee. On page 30 there are the national boards for all of the professions. As if having national boards for all of the professions is not enough, page 35 details the opportunity for there to be state and territory boards for each of the professions. We have a complex situation.

I ask the minister — and I would be interested in his advice — what is the future role of the current health profession boards in Victoria, such as the Nurses Board of Victoria, and in particular what will happen to their assets as their role and function are absorbed into the national system? For example, the Nurses Board of Victoria, according to its latest annual report — and it is only one of a number of boards in Victoria that would be potentially affected by this — has $11.5 million worth of net assets. They are assets that have been contributed to by nurses through registration over many years.

It is also of interest that we have this mix of national and state-based approaches. Although we will have a national system, serious complaints and, as I understand it, appeals against various decisions will be heard by the respective responsible state judicial tribunal. Clause 6 of the Victorian bill says that will be the Victorian Civil

and Administrative Tribunal. I understand that decision, although a number of people in the health professions have raised some concerns about some recent decisions by VCAT with regard to overturning decisions by the Medical Practitioners Board of Victoria and other practitioner boards in terms of fitness to practise regarding some people who have been involved in serious behavioural issues.

There are a couple of other issues I would like to take the opportunity to raise in relation to the context of a national system. We agree with the concept of a national system. I just want to pose some issues with regard to whether we are going to have a completely national system. What is the ongoing role for state jurisdictions and even the state Parliament?

Let me give an example relating to the administration of medications in aged-care facilities in Victoria. I quote from a letter of 24 September 2007 from the Department of Human Services which states:

> … drugs, poisons and controlled substances legislation, enacted in 2006, requires approved providers of residential aged care to ensure that administration of medication to all high-care residents is managed by a registered nurse division 1, 3 or 4.

That is a decision that we have made as a Victorian Parliament, but it is not the same across all jurisdictions across Australia. What will be the future of the Victorian Parliament setting rules that we think are appropriate for the division of health services in Victoria that do not apply in other states?

The matter of concern is that if you have a low-care resident with a battery of medications a personal carer can administer them, but if you have a high-care patient or resident they need a division 1 nurse to administer even a simple Panadol! There are real issues there, particularly when it is difficult to attract and retain division 1 staff in regional and rural areas.

I understand DHS or the commonwealth Department of Health and Ageing has already provided 99 ongoing exemptions from this very law to various aged-care facilities across Victoria. We have the situation where commonwealth aged-care funding is based on the models of staffing across Australia that do not take account of the costs of additional legislative rules that might apply through the Drugs, Poisons and Controlled Substances Act in Victoria. So Victorian aged-care facilities have to meet Victorian staffing rules that flow from that, but they are only funded according to the national level. That puts our agencies at a disadvantage.

One issue that will affect many agencies involved in health and aged care is that if we have this national approach to health professional registration we must have a national approach to the way these rules for administration of drugs and other things must apply; otherwise we will get ourselves in an awful position.

There are two other issues I want to raise in the context of this debate. One is the fundamental issue that one of the arguments for the national registration is that we will get better access to more qualified health professionals. That is a serious issue. On Friday, 6 November, the *Portland Observer* reported that Portland District Health once again had to shut down its obstetric services, and expectant mums were forced to rearrange their births to go to Warrnambool at short notice due to so-called unexpected staffing constraints and concerns.

Mr Andrews interjected.

Dr NAPTHINE — I understand the issues.

Mr Andrews — It is not so-called, is it?

Dr NAPTHINE — I understand the unexpected staffing issues. I understand there are some ill-health issues, but here is the challenge for the Minister for Health: it is absolutely vital that a hospital the size of Portland is able to provide 24/7 obstetric services for that community. The Minister for Health ought to have in place a system whereby when there are illnesses and unexpected staffing constraints it would be able to get appropriately qualified staff to come from other regional and Melbourne hospitals out to Portland and other hospitals in country Victoria to maintain a 24/7 obstetric service. If the Minister for Health was worth his salt, that is what he would be delivering, instead of forcing expectant mothers and young families to travel an hour and a half to Warrnambool simply to have their babies. We need a better system of backup and support in this modern day and age for those regional and rural hospitals.

Similarly with respect to Portland District Health, we need proper funding for the emergency department. There were 9500 presentations last year, a 12 per cent growth in the last 12 months, with many sicker and more severe cases. Forty-three per cent of the workers in the Portland area work in high-risk industries, but the emergency department is only funded for nurses. What we need is $480 000 a year to provide 24/7 medical coverage. That is the sort of thing we think should be expected from a national registration system.

Debate adjourned on motion of Mr FOLEY (Albert Park).

Debate adjourned until later this day.

PERSONAL EXPLANATION

Minister for Housing

Mr WYNNE (Minister for Housing) — I desire to make a personal explanation. In question time yesterday I cited that a petition tabled by the member for Ferntree Gully 'was phrased to read "Do you want this type of housing on your doorstep?"'. This statement is not correct, and the petition did not include these words.

PARKS AND CROWN LAND LEGISLATION AMENDMENT (RIVER RED GUMS) BILL

Second reading

Debate resumed from 15 October; motion of Mr BATCHELOR (Minister for Community Development).

Mr WALSH (Swan Hill) — I rise to speak on the Parks and Crown Land Legislation Amendment (River Red Gums) Bill 2009. The primary purposes of this bill are to amend the National Parks Act 1975 and the Crown Land Reserves Act 1978 to create new and expanded parks in the river red gum area of northern Victoria, amend the Forests Act 1958 to insert four strict liability offences relating to campfires and barbecues and amend the Conservation, Forests and Lands Act 1987 to provide for traditional owner majority boards of management for areas of public land.

I suppose if you think about this particular piece of legislation, what we have here tonight is the culmination of a number of years' work, a huge amount of public debate and a lot of trees being cut down to produce reports; if you think about the environment, a lot of paper has been produced over that time. I suppose the real start of this debate was probably in October 2006 when the document entitled *River Red Gum Forests Investigation — Discussion Paper* was released. There are something like 400 pages in that discussion paper. I will come back to this issue as I keep going through the issues, but one of the sentences from the message from the Victorian Environmental Assessment Council (VEAC) in starting this — it is useful to get it on the record — was:

> However, the most significant threat to the river red gum forests and wetlands is insufficient water to maintain the natural flood regime.

That water theme will start to come through as I continue my contribution.

In July 2007 a document entitled *River Red Gum Forests Investigation — Draft Proposals Paper for Public Comment* was released. I suppose there were a number of contentious issues in that particular report. If you go again to the issue of water, one of the first things in that paper was a recommendation that:

> To achieve sufficient flooding and maintain ecological connectivity between the rivers and their flood plains, a volume of water in the order of 4000 gigalitres is required … every five years —

to create a major flood event. Four thousand gigalitres is a huge amount of water. When you consider that the water right in the Goulburn-Murray irrigation district is only about 1600 gigalitres, you realise 4000 gigalitres is a lot of water. It is effectively two and a half times the total water right of the irrigation districts across northern Victoria. It is a huge amount of water, so that issue created a lot of contention. At a community cabinet meeting in Kerang not long after this report came out the Premier ruled out that proposal because it was just so contentious and created so much angst there.

One of the other quotes in the draft paper that also created a lot of angst and discussion in northern Victoria was the following paragraph:

> The benefits of the proposed recommendations would accrue mainly to people outside the investigation area, especially Melbourne, while the costs would be largely borne within the investigation area particularly in areas near where public land timber harvesting and grazing are focused: the towns of Cohuna, Koondrook, Nathalia and Picola are likely to be most sensitive to these effects.

Mr Jasper interjected.

Mr WALSH — As the member for Murray Valley interjects to say, we can understand that, because those of us who live in these communities know very well what goes on there. Going through to page 85 of the draft report that went out for discussion, this further expands on what I previously said:

> Overall the towns of Cohuna, Koondrook, Nathalia and Picola are likely to be the most sensitive to any job losses (and potential population losses).
>
> At an individual level there are also a range of potential impacts of the loss of employment for individuals and their families including poverty and financial hardship, reduced future work opportunities, reduced participation in mainstream community life, strains in family relationships —

and this is the biggest doozy of them all —

> and intergenerational welfare dependency.

A lot of people in northern Victoria were really upset to read those parts of that draft report. It motivated a lot of people. From my memory, something like 6000 submissions from individuals and organisations were made to VEAC on its draft report. The report has probably been one of the most commented on reports ever produced by VEAC, let alone any other government agency. The overwhelming majority of those submissions were against the recommendations and particularly against the recommendations that were going to have the sorts of impacts described within the communities affected by the report.

VEAC ran a number of community consultation meetings across northern Victoria which were attended by literally hundreds and hundreds of people. People were very angry about what the recommendations of this report would do to the communities they lived in if they were implemented. It motivated these communities which saw this report as a real threat to their future livelihoods and to their communities.

We now come to the July 2008 final report, *River Red Gum Forests Investigations*. If you read through that report, you see that some of the stronger wording of the draft report was scaled down. When I reread this the other night in preparation for tonight, the thought I had was that there were some weasel words in the final report — that is, in effect it said the same thing, but it said it a lot more softly. The impact on the communities of northern Victoria will be exactly the same.

If you go through the report, you find that it talks about the need for environmental water. However, as I said before, we have already made the Premier rule out the suggestion about the amount of water that was there; it was in effect going to be left to negotiations between the state and the commonwealth, with other programs to provide the water for this particular area. However, the report still talks about the fact that:

> the environmental benefits therefore would accrue mostly to people outside the investigation area … The costs would be largely borne within the investigation area particularly in those areas where public land timber harvesting and grazing are focused.

The report sets out the towns I mentioned before as being the most sensitive to those effects. That was still in the final report, and if you read the legislation, you see that the legislation does those things.

Another thing commented on in the final report is the fact that in their submissions a lot of people expressed a view generally expressed by members on this side of the house about national parks — that is, that there are not enough resources to manage the public estate we currently have, let alone if we added to it. The report said:

> Many submissions put the view that existing parks are already underresourced and expressed the concern that adding to the area of parks may exacerbate this perceived problem.

A lot of people were very concerned that just adding to the bank of national park land would not necessarily achieve an environmental outcome. It is how you manage that land and put resources into it that gives you an environmental outcome; that does not happen through just shading an area pink on a map and including it in the national park register. A lot of people were very concerned that the government was setting up these parks but was not going to put in the resources needed to actually achieve a good outcome.

That final report goes on to talk about the fact that people may need to relocate from the area because there would be no employment opportunities there. It also talks about those towns I mentioned before, which will be the most affected by that. It says, and I find this rather interesting, that:

> These small towns (including Nathalia, despite its growth) are already likely to be experiencing 'backwash' effects of growth in surrounding larger towns …

In effect this is saying that if Shepparton and some of these other towns grow, hopefully Nathalia will get some benefit, even though it will be disadvantaged by what is going on. The final report also states:

> A significant number of submissions to VEAC made much of the potential impacts on individuals that were described in the consultants' draft report …

But they said that because we left a paragraph out, people were more frightened than they actually needed to be. The paragraph that was left out, which they say should actually appease people, reads:

> For these reasons it is important that the implementation of any approved recommendations that result in loss of economic activity be accompanied by a structural adjustment package containing elements for addressing impacts on businesses, employees and towns.

We now know that there is a structural adjustment package. Of the people I have talked to who are affected by this particular legislation, I cannot find anyone who is happy with the structural adjustment package. At the Gary Hulls Sawmill in Koondrook, where 11 people have lost their jobs, I know they are not very happy with the structural adjustment package and they are not very happy with the outcome as a whole. I do not think the things that have been done have actually helped.

Because of the contentious issues in this report, government members decided they had a political problem. What was their solution? They had had a discussion paper, a draft report and a final report; so what did they do? They set up a river red gum community engagement panel as a political fix. It was chaired by Craig Cook, John Brumby's ex-chief of staff, and the other principal committee member was John McQuilten, a retired Labor Party member of the upper house. This was the political fix for the question of how you take all these hundreds of pages of reports and turn them into something you can get the community to live with politically.

This particular community engagement panel was not going to meet with members of the public; it met with particular interest groups. The member for Rodney and I went along and met with the panel. In effect the discussion was that it was going to do this anyhow. It asked, 'What can you live with and what can you not live with?'. It was out there in effect buying off with appeasement any particular groups that it came across. As I understand it, some of the groups that thought their recommendations were going to be accommodated in some of the changes are now struggling because they do not have commitments in writing. They have words from the minister's office which say one thing and they have an interpretation from Parks Victoria which is different. They are starting to question whether there is a real commitment from this government to honour the commitments that it actually gave to some of those particular interest groups.

Again, the community engagement panel talked about the need for water and the stress of climate change on red gum harvesting. It was more about the lack of water, particularly with the lack of floods. The regrowth in some of the areas is now too thick and needs to be managed, and I will come back to some of those particular issues.

Every time a national park is set up the government says that timber harvesting — in this case — or cattle grazing or some other things are going to be lost, but tourism is going to be the saviour of the area. Tourism is good. No-one is arguing against tourism, but a recommendation from the community engagement panel talks about a fund being set up 'to drive investment by local government and the private sector in the tourist capacity of the region'. The government talks about how there needs to be a change in tourism, but it is going to force it back onto local government and the private sector to actually achieve the outcomes the government wants in order to help people in those particular areas.

That is the background. If you actually look at the bill, you see it sets the following new national parks up: Barmah, Gunbower, Lower Goulburn, Warby-Ovens and the national parks on the Goulburn, Murray and Ovens rivers. It also creates the Gadsen Bend, Kings Billabong and Nyah-Vinifera parks on the Murray River, expands the Hattah-Kulkyne, Mount Buffalo and Murray-Sunset national parks, the Leaghur State Park and the Murray-Kulkyne Regional Park, and there are additions to the Terrick Terrick National Park where there are significant remnant native grasslands, particularly to the east of the national park. It also sets up the Kerang and Shepparton regional parks and the Murray River Park. What this side of the house finds offensive, I suppose, is that the Murray River Park is not defined. That park is going to be done by government gazettal at some time in the future. We have a national parks bill in front of the house that has defined areas on maps for all the parks except the Murray River Park. I do not know about the people on the government side of the house, but I think if we pass legislation in this place, we should actually know what we are passing. We should not be in effect setting up a situation where in the future that particular national park will be done by government gazettal and not by something that is introduced into this house.

One of the things that I think everyone on this side of the house, and I assume the other side of the house, is very keen about is to have good environmental outcomes for all of Victoria and particularly for our public estate here in Victoria.

Mr Crutchfield interjected.

Mr WALSH — I said that. I do not think there would be any argument about that. The key things that are needed, particularly for the red gums, are water — there is a real issue around water — and resources; they need to be put in to actually manage the area.

If you look at the issue of water — and I said I would come back to this — you see the final report significantly softened the words around water. If you look at the commitments that have been made in relation to water over the last five or six years, you see the Living Murray first step commitment to find 77 gigalitres was made a number of years ago by this particular government. Then there was the Living Murray icon sites project which was to find another 500 gigalitres for the Murray — we would all agree that is a good idea — and that was going to be found through savings. That water would have gone particularly to help quite a few of these red gum parks.

We have heard the announcement by this government, we have read the press release, seen the media events and all the spin and hoo-ha about all this water being found for the Murray River, and particularly for the red gums, but what will happen with the first bit of water that is actually ever going to be around to do this? The Wimmera–Mallee pipeline is nearly finished, the Goulburn entitlement is not needed any more for the Wimmera-Mallee people, so there is 14 000 megalitres of water that was destined for the Goulburn, Loddon and Murray rivers that could have been used to water these particular trees.

The first lot of water has come out of the savings and could have gone to these trees which desperately need a drink. However, where did that water go? The minister wrote a letter to Grampians Wimmera Mallee Water saying he was going to take that water down the north–south pipeline to Melbourne. He said he was not going to let it go to the red gums, but was going to qualify that right. We are setting up these red gum parks, and all the reports have said that one of the key things you need is water. The government's environmental credentials are in tatters, because it is going to take the first bit of water that is available down the north–south pipeline to Melbourne. At the first hurdle, this government has fallen.

The other issue I want to touch on is the issue of fire. Red gums are a fire-sensitive species of tree. They are very different to the mixed species forests further south where you can use prescribed or controlled burns to reduce fuel loads in the forest. Red gum forests are very different to the mixed species and need to be managed with a different regime from the point of view of fire management and lessening the fuel load. Again, what does this government do? Last October there was a prescribed burn at Browns Camp in the Barmah forest.

Mr Jasper — Tell us about it!

Mr WALSH — I intend to.

The ACTING SPEAKER (**Ms Beattie**) — Order! Interjections are disorderly.

Mr WALSH — The Department of Sustainability and Environment had a prescribed burn at Browns Camp in the Barmah forest. Some 25 hectares was going to be burnt there. It was in October and it got too hot. If you are going to have a burn in a red gum forest, you have to have a very cool burn otherwise the red gums catch on fire — and especially where the fuel load is on the floor. The government has said that 12 trees were burnt. The Rivers and Red Gum Environment Alliance and Professor Peter Attiwill have been in there and used a global positioning system to identify the number of trees burnt. They have identified that something like 80 trees — mostly habitat trees — were burnt in this particular area. Those trees are quite often the nesting place for the superb parrot — and there is a lot of publicity around the superb parrot. We have now had a prescribed burn that has had an impact on the superb parrot's breeding ground.

If you are going to manage the red gum forests and particularly manage them from a fire point of view, you have to be very careful, particularly if you are going to have prescribed burns. Other alternatives can be used to reduce the fuel load on the forest floor. There has been some ongoing debate backwards and forwards between the office of the Minister for Environment and Climate Change and the people of northern Victoria as to who is right and who is wrong on this particular prescribed burn.

The Rivers and Red Gum Environment Alliance has put its hand in its pocket and brought out a cheque for $10 000 to be donated to the charity of Minister Jennings's choice if he is prepared to have an independent study and it finds that more trees were burnt than what he originally said. The people of northern Victoria who care about the area have actually put their hands in their pockets and put the money up there as a challenge to Minister Jennings to go there and conduct an independent study to identify how many trees have been burnt.

What I find interesting about this issue of how to reduce the fuel load in the forest is that we currently have legislation before us that says there is to be no grazing and no timber harvesting in the forest. This government has previously taken cattle out of the high country, which has increased the fire risk and caused some horrendous fires there.

We remember all too well the fires in the Australian Capital Territory some three or four years ago in which people lost their lives and something like 600 houses were burnt. What is the ACT's Stanhope Labor government doing to reduce fuel loads in its area? It is introducing cattle to reduce the fuel load and stop bushfires. A *Canberra Times* article of 21 October says:

> In a creative attempt to explain the work cattle play in grazing grass to assist bushfire preparedness, 20 cattle in pasture have been branded with a spray paint stencil to read the slogan: 'grazing fuel management'.
>
> With bushfire season around the corner, the ACT government is beefing up efforts to keep grass low by using four-legged lawnmowers.

Obviously the ACT government is a lot more visionary than the government we have here in Victoria. I quote further from the article:

> Fire management unit manager Neil Cooper said, 'Grazing is a critical, if oft forgotten, component of the ACT's hazard-reduction program'.
>
> …
>
> Bushfires will burn at a lower intensity in grazed areas and as such are much more readily controlled', Cooper said.

We have legislation in this place that will take cattle out of the areas where we are trying to reduce fuel load, but we have a government in the ACT that has finally realised — surprise, surprise! — that cattle can play a useful part in fire management. The concern I, and a lot of people in northern Victoria, have is that if we exclude cattle, timber harvesting and timber management, we set those forests up for a megafire from which they will never recover if it gets going and there is anything like the burn at Browns Camp.

The other issue I touch on is the need for the proactive management of these forests. To achieve an environmental outcome, particularly given how red gums regenerate if there is water around, you need to manage the area by thinning them out. If you talk to the people who have been in the area for a long time, you hear that the forests are now thicker than they were when white man first came here — that is, than they have been for a long time. Apart from the fact that they have not had water, the other issue that is putting a lot of stress on these forests is that they are actually too thick.

All members know their own areas better than others. In my case if you look at the history of the area that has been written and the photographs from years ago, you see that the Nyah-Vinifera forest was once an open woodland with not so many trees per hectare. It is now a very dense forest with a lot of small, 4 inch to 6 inch thick trees choking each other out — they are all dying because the forest is too thick. There is also ground cherry, which is a parasite that lives on the roots of the trees. Because grazing has been excluded, ground cherry has taken over and it is also putting a lot of stress on the trees in that forest.

I will finish off on the areas in my electorate that are affected by this legislation. The Leaghur State Park will be expanded. I farmed right along the eastern border of that forest and knew a lot about it. It used to be grazed by sheep. It was very well managed by the Stringer brothers, who used to run sheep there. They have been excluded from the area for a number of years now. That forest is now riddled with golden dodder, which is a noxious weed of huge proportions — a parasitic weed that gets into the summer crops. This area will now be locked up, but there are no resources or money to manage it, so it will potentially go backwards.

Some additional land to the east of the Terrick Terrick National Park has been purchased by the Department of Sustainability and Environment and will be added to the park, particularly because it is the habitat of the plains wanderer, a little bird. The Kerang Regional Park is being set up. I have already talked about the Nyah-Vinifera forest. The other one I have also talked about, but I want to come back to it for a minute, is the Murray River Park. If you look at maps along the section of the Murray in my electorate, you will see that area has been shaded, but it is yet to be surveyed because, as I said before, that park will be set up by gazettal, not by this piece of legislation. I think it is wrong that we are passing legislation about establishing and expanding parks when that park is to be set up at some time in the future by *Government Gazette*.

This side of the house is very much about achieving good environmental outcomes, managing our public estate well and putting resources into the public estate to make sure we get these good outcomes. If you look back in history to the start of the parks system in Victoria, you will see it goes back to Henry Bolte and Rupert Hamer. Those two premiers started establishing quite a few of Victoria's parks. If you look at the list of parks in 1971 — I got from the library a list of all the parks at the time — you will see that there was a quite substantial area of parks. They were actually well managed and the resources were put in to make sure a good environmental outcome was achieved.

Members of this government think that if you issue a press release, hold a media event or add an area of land to legislation, you will achieve an environmental outcome, but that is not the case. You achieve an environmental outcome for these pieces of land by managing them well and putting resources into them. This legislation does not put resources into or commit the government to achieving a good environmental outcome. All it does is commit the government to setting aside an area of land, so that its members can say, 'We have done something good'. This side of the house — the coalition — is very much about achieving good environmental outcomes, making sure we have a healthy red gum forest, not one that is locked up, with the risk of it being destroyed by a megafire in the future.

As such, the coalition is regretfully opposing the legislation. We do not believe it will achieve a good environmental outcome for these parks in northern

Victoria. What will achieve a good result for these parks in northern Victoria is actually putting in the resources to manage them well and actually delivering the water that was promised. How can members opposite put their hands on their hearts and say they care about the environment when with the first bit of water that becomes available they say, 'No, the red gums cannot have it. We will take it to Melbourne'? That makes them absolute hypocrites and it makes a mockery of them as environmental managers. Unfortunately we have to oppose this legislation.

Mr CRUTCHFIELD (South Barwon) — It gives me particular pleasure — it is one of the most pleasurable moments in my seven years in this house — to speak on this particular bill, the Parks and Crown Land Legislation Amendment (River Red Gums) Bill 2009. It gives me pleasure, too, to respond to the member for Swan Hill and correct a few of his historical inaccuracies. Unfortunately I am not aware of where members of the Liberal Party are going on this bill, but judging from the nods from the back bench I suggest that they are supporting The Nationals, which is intriguing to say the least.

An honourable member — Coalition, mate, coalition!

Mr CRUTCHFIELD — Coalition of evil! The historical context in which I want to put this debate was touched on by the member for Swan Hill. We do have to go back to the beginnings of VEAC (Victorian Environmental Assessment Council), which was the LCC (Land Conservation Council). As the member for Swan Hill quite correctly indicated, the LCC was established by the former Liberal government of Sir Rupert Hamer. Why did that government establish an LCC? Because it wanted an independent process to actually investigate and consult about and decide what areas of land in our public estate should be significantly protected for future generations and our natural heritage.

The LCC received bipartisan support in those days, and its offspring, if you like, VEAC, has also, certainly from my recollection, received bipartisan support for all its recommendations. That has been because there has been recognition at least by the Liberal and Labor parties that there was a need for an independent system of investigation of public lands to determine which were the most viable. Unfortunately it appears this has changed, although other members who speak after me will certainly be able to comment directly about the Liberal Party's apparent lurch toward the dark areas to the extreme right. I suggest that Rupert Hamer, in particular, would be rolling in his grave about where the Liberal Party seems to be heading. The redirection of its environmental views started off with Cobboboonee before the 2006 election when the dial-a-sook member for South-West Coast contradicted the then opposition leader in a vitriolic attack on city people and anyone who enjoyed a chardonnay.

Ms Asher — A latte! Get it right.

Mr CRUTCHFIELD — And it was a chardonnay, too. The Liberal Party policy of supporting the establishment of the Cobboboonee National Park near Portland was reversed. It appears that that general policy view has imbued the new members of the Liberal Party and they are going down this path of objecting to what has been a fine independent process based on good science.

In 2005 the government gave VEAC the brief to investigate river red gum forests on the River Murray and its tributaries. That investigation commenced in 2006 and we made an election commitment that if the independent assessment council recommended the establishment or extension of national parks, other parks and other parkland along the River Murray, we would support that. That was an election commitment in 2006.

VEAC has spent some three years on what have been at times very interesting consultations. A very small minority of people have been extraordinarily poor — to put it in a subtle way — in the presentation of their arguments. They have been geed up by elements of The Nationals, they have been scared and they have certainly been encouraged to be intimidatory of people in these consultations.

Honourable members interjecting.

The ACTING SPEAKER (**Ms Beattie**) — Order! Can we have a little less noise in the chamber, please.

Mr CRUTCHFIELD — I stress that it has been a minority, a very small percentage, of individuals. Some 9000 written submissions have been received in this process. I stress again that a very small number of people have conducted themselves in what I believe is a very poor way. We have had legislation in this house about alleged environmental extremists — —

Mr Ingram — Environmental terrorists.

Mr CRUTCHFIELD — Environmental terrorists, at whom the other side of the house took great glee in pointing the finger. With respect to intimidation, the behaviour of some people in this debate has approached that of those individuals. Thankfully, they have been a

minority. Members of the local governments, community groups, industry groups, recreational groups and the majority of conservation groups have conducted themselves in a very professional way.

VEAC should be congratulated. I say publicly to VEAC members that they have done an absolutely sensational job. Clearly there were diametrically opposed views. Clearly they were not going to appease extremes at either end of the debate. The Nationals made no secret of the fact that they were geeing up the extremes at one particular end of the debate into some sort of hysterical mass, making extraordinary claims about losses of jobs.

I will give an example. I went to Barmah and camped there, as I have done a number of times, being a country boy. On this occasion I was camping there with my wife on the weekend, and I woke up to the sound of logging trucks and chainsaws. At that time it was a legitimate activity.

An honourable member interjected.

Mr CRUTCHFIELD — It was on a Monday morning. I was then confronted by a logging worker who wanted to re-educate me about our indigenous brothers in terms much less than anyone in this house, I would hope, would countenance — in other words, along the lines of 'boongs', et cetera. He also pointed out that in that area there were trees with 'KKK' — —

Mr Walsh — What about your union mates?

Mr CRUTCHFIELD — The member for Swan Hill would know what that means. 'KKK' was painted on the trees. I went to areas where there were trees all the way along the river bank that had been chainsawed. I have been to areas — and this is the same trip — where there was toilet paper, defecation, rubbish and bourbon cans, not surprisingly. I went on a drive and found animals that had been shot and left on the track. We woke up one morning and found someone clearly having some fun with a .22 rifle. He shot probably 200 rounds of .22 ammunition into a wetland area where I had been birdwatching the previous day.

Honourable members interjecting.

Mr CRUTCHFIELD — Someone might find that amusing, but I do not. That general behaviour is something that we need to educate people about. There has never been a member of The Nationals who has suggested that these sorts of behaviours are not acceptable, and that is one of the reasons that we need some further — —

Mr Crisp — I presume you made a police report.

Mr CRUTCHFIELD — I did actually, yes. I did pass on the information to the responsible authorities in that respect. The debate has been long. It has come, thankfully, to a finality, and the Brumby Labor government will be congratulated on it for decades. Yes, there have been some transitions, and there will be some further transitions. Yes, there have been considerable amounts of resources that have been put in. Some $38 million have been put in over four years for an assistance package, which involves some 30 new Parks Victoria positions. My understanding is that it involves at least 10 affected forest workers, and 9 of them have got jobs in those particular areas.

Ms ASHER (Brighton) — I would say that, in relation to the contribution of the member for South Barwon, individual instances of bad behaviour have nothing to do with the fundamental debate about public policy and equity in relation to the environment and economic certainty in regional communities. This bill creates four new national parks: Barmah, Gunbower, Lower Goulburn and Warby-Ovens. On top of that, there is provision in this bill for the creation of other park areas and the expansion of other national parks and parks. The area involved is 140 000 hectares. The bill provides for the creation of two additional regional parks and a Murray River Park, and it sets up a management structure to include traditional owners.

The bill in fact spells out what is and what is not allowed. The bill provides an adjustment package in terms of what the government wishes and also the phase-out times for certain activities. I would say at the outset that those in favour of the legislation are passionately in favour, and those against this legislation have an equally strong view, backed up by the economics of their regions.

As has already been indicated, the coalition opposes this bill. I wish to outline a number of comments in relation to why the coalition — the Liberal and the National parties — opposes this bill. Firstly, the Liberal Party over many years has been a strong supporter of national parks. I note that we voted as a coalition in favour of the Point Nepean National Park only a matter of months ago. This is a circumstance where we will judge the proposal on its merits before the house, not as a blanket consideration.

I also want to make reference to Sir Rupert Hamer, an outstanding Liberal Premier. He was in fact the first environment minister ever — ever! — in this state.

Mr Andrews interjected.

Ms ASHER — I was pleased to hear the Minister for Health say that Dick Hamer was an outstanding Premier; I agree with him. The Liberal Party has a strong track record on national parks. As I indicated, the coalition voted for a national park a number of weeks ago. We support strong environmental outcomes. What we are seeing tonight is the difference in how strong environmental outcomes can be achieved. In particular I want to refer to the interim report, the draft proposals paper on the river red gum forests investigation dated July 2007. This is pivotal, as the member for Swan Hill, the Deputy Leader of The Nationals, indicated in his contribution. The draft report indicates that the key issue to preserve the river red gums is water. It states on page 10:

> The river red gum forests investigation discussion paper highlighted the long-term environmental impact of insufficient flooding on the survival of wetlands and riverine forests in the investigation area.

The Victorian Environmental Assessment Council even said:

> Changes to public land use categories alone will do virtually nothing to avert this problem.

VEAC said a change in public use — that is, this national park bill before the house — will do nothing to protect these trees. That is what VEAC said in its draft proposals in this report before me. The key issue of course is water. The draft proposals indicate clearly on page 11 that the estimated amount of water needed to protect these trees, because they need flooding occasionally, is between 1950 and 4000 gigalitres around about every two to five years. As the member for Swan Hill has indicated, the government not only had the Premier say this would not happen but has taken away allocated water. VEAC said the classification of land use has nothing to do with protecting these particular trees.

The third point I wish to make is that the government has not managed national parks well. As a city-based member of Parliament, I am aware that even city people are now understanding that this government has not managed its national parks well. It is a foul neighbour, and in terms of fuel reduction and bushfires and the like — country people have always known this — city people now understand this government does not manage national parks well.

The next point I wish to make concerns cattle grazing, which was also touched on by the Deputy Leader of The Nationals. The government has made it clear that fuel reduction burning is its only option to prevent bushfires. Peter Attiwill, who is an expert on this matter and a well-respected person, has already said in writing that the targeted grazing of cattle is indeed a good bushfire mitigation strategy. The government wishes to phase this out by 2014, but in fact this is something that scientists are indicating that the government should consider.

I am conscious in my debate on this issue that I am the member for Brighton and represent a very well-off city electorate. What the government is asking the Parliament to do is endorse the economic decimation of particular country communities. I cannot go along with that.

I refer government members to the *River Red Gum Forests Investigation — Socioeconomic Assessment* final report dated May 2008. As someone who has also gone to the trouble of reading the draft proposals paper for public comment, which was the report issued in July 2007, I can say that the socioeconomic assessment also forecast similar concerns. I refer members to page 137 of the *River Red Gums Forest Investigation* report headed 'Summary of regional impacts' which are itemised in a table. In short the net effect of this proposal is the loss of 64 jobs, the loss of $11.2 million of output in the area and the loss of $2.8 million of income in the area, and that is untenable. As the report says:

> … based on the location of affected forests and mills it is anticipated that the effects will be mainly seen in Echuca, Picola, Nathalia, Koondrook, Cohuna and Shepparton.

I ask city-based members of the Labor Party, particularly those who represent areas of high income, whether they are comfortable with the fact that these communities will bear all the economic impact. The benefit goes to Melbourne but these communities will bear all the economic impact. I ask members of the Labor Party whether they are comfortable with imposing this economic burden on country Victoria.

I move on to refer to page 141 of the final report, the economic impact statement as part of the Victorian Environmental Assessment Council report, which says:

> In the absence of government intervention, most of the direct costs of VEAC's recommendations are likely to be borne by those living in the study area, particularly those in the timber and grazing industries. The potential recreation and tourism benefits will take some time to be felt in the study area.

The report goes on to comment:

> … the benefits of the VEAC recommendations are widely dispersed whilst the costs are localised.

In conclusion, I have seen these gums and they are magnificent. As has been said to me over the table, I was the tourism minister under the previous

administration. The gums are superb and they have superb tourism value. But I was also the Minister for Small Business and I am now the shadow Minister for Small Business, and I have a keen interest in employment in the state of Victoria. I cannot support a proposal which is going to impose all the economic costs on the communities in which this is going to be perpetrated and benefit only Melbourne. In the interests of a fair outcome I believe we can get good environmental outcomes without this particular proposal. I honestly believe VEAC thinks this is the case as well, otherwise it would not have reported as it did.

Ms ALLAN (Minister for Regional and Rural Development) — This is a historic day, and it is a historic day for two reasons. Firstly, we are seeing the introduction and hopefully the passage through this Parliament of a bill that will not only protect the majestic river red gums in northern Victoria but will also provide the right balance between all the various considerations that need to be made when governments make difficult decisions such as this, and I will come back to that in a moment.

Secondly, we are seeing a historic day for another reason. We are seeing the day when the coalition, the Liberal Party in particular, walk away from a history of bipartisanship when it comes to supporting the recommendations from, not just the Victorian Environmental Assessment Council (VEAC) but its predecessor, the Land Conservation Council. This has been an organisation with a history built on bipartisanship, a history in the state of Victoria where we have got to think about the fact that we have a unique environment.

It is incumbent on governments of all persuasions to make sure that we not only protect our natural environment but take measures to make sure that in those moves to protect the environment we get the balance right in terms of the impact on the surrounding communities. Today the Liberal-Nationals coalition has walked away from that approach. It has walked away from decades of support for these organisations and it has walked away from the support of communities in northern Victoria, which is a tremendous shame.

This is a bill that continues the hard work, and it is hard work to put in place legislation, to put in place the processes that result in legislation and the ultimate protection of the unique forests and the unique environment we have in Victoria. I am proud to stand here as part of a government that has in its time in government created more national parks than any other government in the history of the state.

I was particularly close to the debates about nine years ago to do with the creation of the box-ironbark parks. That too was a tough decision. That too was about making sure that we got the balance right, but we did, and about nine years later you would be hard-pressed to find a critic of that decision to make sure that we support the box-ironbark parks, to make sure that we got the balance right in supporting and protecting those forests, but also enabling, where appropriate, their ongoing sustainable use, be it for industry or for tourism opportunities.

I am proud to stand here today to support this legislation that creates the river red gums national parks and I do so having been through, like many of us in this chamber, the challenging process that accompanies the VEAC process. I do not think we should be shy in admitting that it is a challenging process. A proposal is put out that we know not everyone will like. We know it will have its critics, but it needs to be worked through in terms of consultation with the various community groups.

I come to this debate particularly as a representative of the community of Bendigo East where there were many members in my community who are incredibly fond of and incredibly attached to the river red gums forests along the Murray River. They may not live day-to-day in those areas but they are regular visitors. They may be part of a family that for generations has gone up to the river for their camping holidays. They are not well-off people. They are not the sort of people who can go down to Portsea or Sorrento and hire a beach house for their Christmas holidays. They are the salt-of-the-earth sort of people who love the forest and love the river and want to make sure that their opportunities to continue to camp there are maintained. This bill does that.

There are also the sorts of people in my community who like to make use of the forest for its hunting opportunities. This is also a particularly challenging issue that has been presented through this process. There are those on one side of the debate who think we should wipe out hunting altogether. There are those who say we have not gone far enough. However, on this point we have got the balance right. That is what this bill is about. It is about getting the balance right and making sure that we are protecting these iconic features of not just our state's past but our state's future. It is about making sure future recreation uses are available for people from my electorate and people from northern Victoria more broadly. It is about making sure that new opportunities will come as a result of the creation of these national parks, particularly in the areas of nature conservation and tourism.

This is where I come to this debate not only as the member for Bendigo East but also as the Minister for Regional and Rural Development, because like many members of the house, I too am concerned with the impact on local communities and the impact on industry development in those areas. Through the consultation process I met with many people, particularly people involved in the forest industry and the timber industry around Koondrook, around Echuca. I know that they are continuing to work with the government as we stand by those workers who have been affected as a result of these decisions. I do not deny that these are tough decisions for those communities and for those people who are directly affected. That is why as part of the transition package we have provided support for those workers who have been displaced. I commend those workers, and I commend those people from industry for the way they have worked with the government on this transition package.

The opportunities are there for the future. That is why I mentioned before that these forests are going to be part of our state's future. There are many people who have already grasped the opportunity and are already moving down the path of opening up northern Victoria to more opportunities, to attract more visitors not just from Bendigo East and Melbourne but from around Australia and around the world — people who want to come and visit, who want to stay and who want to enjoy a quite special and unique natural environment.

There are many local councils in northern Victoria that are grasping the opportunities that are before them. I have spoken with the Campaspe shire, and it sees there are opportunities in the tourism area that are part of its future. I have spoken with Gannawarra shire, and it too has plans for areas like Koondrook where it can see there are opportunities to bring more visitors and more tourists to the region. We should not just see tourism as something to be sniped at or as something to be laughed about as not a real job. These are real opportunities, because they bring with them people who are passionate about and committed to these areas.

I have talked to people from the Moira Shire Council about what they want to see in that area. I use the example of the recent announcement of $300 000 in funding from the Brumby government which will provide for the Barmah heritage centre, which is going to house an interpretive centre and tourism information centre, focusing particularly on the flora and fauna of the Barmah National Park. This is a project that is not only going to help with 10 jobs during the construction phase but also 6 ongoing, important jobs for the Barmah community.

I want to quote from the mayor of the Moira Shire Council, because I think his comments are instructive in this debate. He has welcomed this funding, and he said:

> When the decision was made to halt red gum logging, the resultant job losses hit the Barmah community hard.
>
> With the announcement —

of this funding —

> we can see some of those jobs return.

He can see, like people in this community and many others can see, that there is a future here when you create these national parks that protect the iconic river red gums in northern Victoria.

We are seeing a clear difference emerging between those on this side of the house and those opposite. On this side of the house we are interested in getting the balance right. We are interested in getting the right policy outcome. Whether it is in terms of the environmental outcomes or whether it is in terms of supporting communities through these difficult times, whether it is supporting industries of the future, particularly in the tourism area and particularly in supporting other industries across northern Victoria, we see the future opportunities that are going to come from the protection of the river red gums along the Murray River.

What we are seeing from those opposite, though, is a clear difference. Opposite, there are no policies, there are no ideas and there are no alternatives about how they would do things differently. All we have is outright opposition for opposition's sake. To please a few people in the Swan Hill electorate, to please a few people in the Rodney electorate, the Liberal Party has sacrificed its principles of supporting the environment. It has sacrificed decades of support in this area, and that is a great shame for the — —

The ACTING SPEAKER (**Mr Jasper**) — Order! The minister's time has expired.

Mr WELLER (Rodney) — Today will go down as a day that will be remembered. On 27 November next year the people of Victoria will remember today as the day the government insisted that one way of managing the environment fits all. Victoria is made up of diverse environments, and one form of environmental management does not suit all of Victoria.

I am not the only member who is qualified to talk on the environment, particularly in northern Victoria. I have lived on the land and had an interest in the environment all my life. In 1999 I became the chairman

of the Farm Tree and Landcare Association, which has been one of Landcare's successes. Even members on the other side hold up Landcare as the greatest environmental success in Australia, and it has been exported all around the world.

Tonight in the gallery we have the chairman of the Barmah Forest Preservation League, which is made up of the people who have been living in the forest, looking after the forest and maintaining the forest. They, too, want the forest and the environment enhanced. However, making it into a national park is not the way to go with the current management of national parks.

It is not just me and the locals up there who are saying this. The Rivers and Red Gum Environment Alliance have had Peter Attiwill, a principal fellow in Botany and a senior fellow in the school of historical studies at the University of Melbourne, who lectures in ecology and management, prepare a report on the burn at Browns Camp in the Barmah forest.

Mr Hudson interjected.

Mr WELLER — He had a look at the burn at Browns Camp some 12 months ago and concluded that:

> Fire is not so much of a dominant feature in river red gum (RRG) forests as it is in the mountains and foothill forests of Victoria where these forests typically develop far denser, shrubbier, more flammable understoreys. Unlike many other eucalypts, river red gums are quite sensitive to fire and easily killed.

He went on to say later in the report that:

> Proper fire control through grazing can be achieved with small herds of cattle — it can be done effectively in the bush, just as it is done on the farm, as in the advice given by the Department of Primary Industries …

The government's own department says that grazing can reduce fuel and will help to reduce the fires. It went on:

> Prior to the fire season, strategic preparation of targeted spring and summer grazing is a simple and effective way to ensure there is a low fire-risk area on your farm.

Or on your Crown land or in a national park. Dr Attiwill went on to say:

> At the same time, grazing can be managed so that it is not in conflict with management programs to enhance ecological values.

So grazing can enhance ecological values.

> For the river red gum forests of Barmah, Kemp identifies — and David Kemp is one of the government's hired guns —
>
> > the priorities (apart from fire protection through fuel reduction) as restoring and protecting native grasses and ground cover of herbaceous species, control of weeds and of feral horses and pigs, and maintaining grasslands against invasion by river red gums. The government can achieve all of this by working with local farmers and communities.

So it can be achieved by not locking it up and making it into a national park, and that is the advice of Dr Peter Attiwill.

I note the member for Bentleigh has quite rudely interrupted and talked about a hired gun. One of the government's hired guns is Dr Tolhurst, who was brought in to prepare a report on Browns Camp. He made three points and said that fears that safe fuel load levels of 50 tonnes a hectare recommended in the Victorian Environmental Assessment Council river red gum report could cause a fire that would decimate the forest were not entirely unfounded. In other words, he said that if there was a fire where there were 50 tonnes of fuel load per hectare, it could decimate the forest. He said further:

> If the fuel load of 50 tonnes per hectare is made up of a lot of smaller material when the fire goes through it will cause enormous damage.

Then he went on to say:

> Heavy fuels make fire much more difficult to put out and it certainly does make fire suppression much more difficult so … it is possible if a fire takes hold the entire forest could burn.

This is the management track that the people in government are wanting to take us down. The report continues:

> Although Dr Tolhurst did not advocate the practice, he said that grazing was useful as a fire suppression tool and different entirely to the high country where it has been banned. 'It's worth considering in some areas when it's relatively restricted'.

That is the government's hired gun saying that grazing should be allowed in the Barmah forest.

I will touch on some other points. Members heard that tourism is the answer — and tourism is very important in my area. We heard about the box-ironbark. Not one extra tourist has gone to the box-ironbark areas since they have been made a national park, and not one extra tourist will go to the Murray and river red gum national parks unless the government makes some investment, which it has not done. It has not committed one extra dollar to promoting the River Murray region and current business.

I have talked to the operators of Kingfisher Cruises. Most people will have taken a ride on the MV *Kingfisher* that goes up through the narrows in the Barmah forest, between Barmah and Moira. Kingfisher Cruises have made representations to my office saying they are most concerned about the government's policy of encouraging other people to come in for tourism in competition with them. We all know the best way to get growth is through natural growth in the businesses that are there. They need to be supported to grow. We should not rule out supporting them if we want to get an outcome.

The member for South Barwon, in his usual form, brought out the racist tack but I will not go down that track. I will not use the terms that he used because they are beneath me. However, what I will say is that the Bangarang people are great supporters of the current management of the Barmah park as it is. Uncle Sandy and I have travelled through the park and he has shown me many sights; we work very well together. The Bangarang are members of the Rivers and Red Gum Environment Alliance. They were here in Parliament House in the Legislative Council Committee Room when members of the Rivers and Red Gum Environment Alliance put forward their alternative management plan of a Ramsar wetland for the Barmah forest. Uncle Sandy of the Bangarang was there. The Bangarang people are quite supportive of the position that we in the coalition are taking. They believe it is the best way to manage the river red gum forest going forward.

I note also that the government talks about supporting the indigenous people. The Dungala Gallery in Echuca, which will be a tourist attraction where the local Aboriginals — the Yorta Yorta people — can do their paintings and put them in the courthouse, where they will run a cafe serving their traditional foods and have tours alongside it, was offered funding by the government two years ago. In June this year, $700 000 worth of funding was pulled. Those on the other side speak with forked tongue. They make promises and then pull them. They say they support the indigenous people and tourism. In reality they pull the funding. In June they pulled the funding on the Dungala Gallery and I have had to make extensive representations to the Minister for Aboriginal Affairs in an effort to get funding back on the table. He is looking into it and is encouraging them to apply under another program. It is all about management; it is not about national parks.

Mr HUDSON (Bentleigh) — It is a pleasure to speak on this bill because it represents a major advance in protecting our iconic river red gums, and it will ensure that those iconic ecosystems will be protected well into the future. This process has been subject to an enormous amount of community consultation. It has been subject to independent investigation by the Victorian Environment Assessment Council (VEAC), a body expert in undertaking this work. It has been subject to the work of the community engagement panel, whose members spoke actively with the communities about these recommendations. It is a bill which, when it is passed, will see the delivery of $38 million over four years to actively manage and support these new, magnificent river red gum forests.

Today the government is creating a whole set of new national parks: Barmah, Gunbower, Lower Goulburn and Warby-Ovens national parks. It is expanding existing national parks: Murray-Sunset, Hattah-Kulkyne, Terrick Terrick and Mount Buffalo. The bill provides for the expansion OF conservation areas to about 160 000 hectares. These are things to be proud of. But what we are seeing today is the culmination of a process over the last four years where The Nationals have been running the Liberals' environmental policy for them. That is what has been happening; The Nationals have been running it for them.

This is truly a shameful day. The last Liberal to actually say something about this Victorian Environmental Assessment Council investigation was Graeme Stoney back in 2005. He is not even in the Parliament anymore. There has not been a single Liberal who has put out a media release or been prepared to say anything about the VEAC investigation and the implementation or otherwise of those recommendations or about the community engagement panel. All we have had is the policy run by The Nationals.

The member for Shepparton in 2007 — two years ago — called on the Premier to abandon the entire VEAC investigation and said it did nothing to protect our river red gum forests and disadvantages those who want to share our forests. That was before the VEAC report was even finalised. The Nationals were already out there opposing it at the time.

What have we had from the Liberals over that period of time? An absolute silence of the lambs. While we have had Hannibal Lecter in The Nationals over there cannibalising the environmental policy of the Liberals, we have had complete and utter silence from the Liberal Party. The Liberals are silent and The Nationals are running the coalition's environment policy. That is what is going on here. The Nationals are completely running this policy and overturning the bipartisan support we have had for many, many years in relation to the recommendations of the Victorian Environmental

Assessment Council. The council was originally set up as the Land Conservation Council by the Hamer government. Virtually every recommendation since then has been supported by the Liberal Party and the Labor Party. The Nationals have always been consistent.

But here we have the Rubicon. Here we have the Liberals baulking at the recommendations, kowtowing to The Nationals, caving in, knowing what is good environmental policy but not implementing it because they know they could not possibly hold this ramshackle coalition together with any shred if they supported these VEAC recommendations. Rupert Hamer would be ashamed of this Liberal Party.

Today we heard a contribution from the member for Swan Hill. At least he has put out press releases for a couple of years; at least he has been consistent. He is saying, 'Let's allow stock grazing in a national park'. What he fails to mention is that every expert will tell you that stock grazing in general adversely affects habitat. It damages biodiversity, it ruins water quality, it compacts soil, it increases erosion, it spreads exotic plants, it inhibits native vegetation and growth, and so on. It does an enormous amount of environmental damage. It has a huge impact on the river and dryland red gum habitats. That is demonstrated in the VEAC report and is supported by every credible scientist.

In 2003 grazing was removed from Neds Corner and since then there has been an increase in biodiversity in vegetation and native animals in that area. Landowners and catchment managers have been — —

Ms Wooldridge interjected.

Mr HUDSON — The member for Doncaster is finally raising her voice. She has not spoken in the debate yet. She is the part-time environmental spokesperson. We have had a raft of Nationals running the debate. We have not yet heard a squeak from the member for Doncaster, and it will be very interesting when we do.

Those landowners and catchment managers have been hard at work. They have taken part in projects which exclude stock from river banks, they have revegetated and fenced stream frontages, and they have installed off-stream watering points for stock. The coalition says, 'This isn't the right thing to do'. The farmers themselves are doing it! The farmers themselves recognise that grazing wrecks and ruins the river banks and it has to be removed to protect these native ecosystems. But of course The Nationals do not think that.

Then there is the member for Rodney, who at least has been consistent, again over a couple of years, saying, 'We should extend and allow commercial and individual timber licence-holders to remove wood from the floor of the Barmah forest before fuel reduction burns are carried out'. He says, 'Look, we do it on roadsides, why don't we do it in national parks?'. The answer is that national parks have a completely different set of ecological values than roadsides. I think most people would accept that a roadside is not really like a national park, and that the forest floor is a natural habitat where the wood on the natural floor actually plays a role in supporting that natural habitat, and that allowing the removal of that wood would actually reduce that natural habitat for animals.

We have the two Ws over here, Walsh and Weller, running the environmental policy. We do not have Wooldridge running the environmental policy — not at all. And she is going to be the part-time environmental spokesperson.

The ACTING SPEAKER (**Mr Jasper**) — Order! The honourable member will address the Chair.

Mr HUDSON — The member for Doncaster, of course. The fact is that Liberal Party members really need to hang their heads in shame because they have caved in to The Nationals. We can understand what The Nationals are about; they have been consistent on this for four years. We have had complete silence from the Liberal Party for four years. There was a last-gasp statement four years ago by Graeme Stoney, who was then a member of the upper house; he is not even in the Parliament. We have not had a media release since from the Liberal Party. Now, finally, today this bill comes before the Parliament and they have been flushed out and they have caved in. I can tell you that this is a very, very sorry day for the Liberal Party.

We heard the member for Brighton, most of whose constituents I would guess would be really pleased to see that we are going to protect these iconic river red gum forests. They would be pleased with that. But here she is, caving in to the woodcutters and the grazers who want to see this continue in our national parks, even though there is absolutely no evidence that grazing reduces blazing. There is none whatsoever that it has any significant impact on reducing blazes. But what it does do is cause significant damage to our national parks.

History will judge the Liberals very poorly on this. The Liberals will look back on this with shame, because we have put together a package that helps create new jobs, the jobs of the future — $38 million over four years —

in this national park. We have created jobs for indigenous people in this national park. We have promoted indigenous management of this national park. In the future tourism and those ecological values will be of far more value than a small amount of grazing and timber cutting. That is not the future. I commend the bill to the house.

Ms WOOLDRIDGE (Doncaster) — I rise to speak on the Parks and Crown Land Legislation Amendment (River Red Gums) Bill 2009. I want to say at the outset that the coalition has a long and proud history of supporting the creation of national, regional and state parks throughout Victoria. In fact it was under the leadership of Sir Rupert Hamer that Victoria not only became the nation's leader in terms of environment and conservation but also led the world in reform.

It was a Liberal government that set up the first national parks legislation in the 1970s, and it was Liberal and coalition governments, armed with long-term vision, that expanded and invested in our parklands. It is thanks to the previous coalition government, under Jeff Kennett, that Victoria now has the Yarra Ranges, Terrick Terrick, Chiltern Box-Ironbark, French Island and Lake Eildon national parks. I would particularly like to mention the Cape Liptrap Coastal Park — very close to my heart — which was developed thanks to the Kennett government. From my own personal perspective, I can honestly say that I have spent many occasions enjoying our magnificent public lands, particularly in country Victoria. I hope my young son and future generations will have the same opportunities to appreciate and experience all of our diverse and precious parks across this state.

But we need to address this specific bill. The bill creates four new national parks, as well as two regional parks, and it expands the boundaries of other park areas. The government claims this will be protecting the river red gum forests. However, unfortunately there are some fundamental flaws in the legislation, and the coalition will be opposing this bill. I will go through each of those concerns.

First and foremost we believe we must ensure that we have the resources and capacity to manage public land properly. We should be doing that with the land we have before we add more to it. The government has proven itself to be thoroughly incompetent regarding public land management. The red gum forests need active administration. The government has demonstrated it is not capable of managing Victoria's current parklands let alone any additional national parks. The Barmah forest, which is earmarked as a national park, is the largest river red gum forest in the world.

The woodcutters, the cattlemen and the local community have been instrumental in ensuring fuel loads remain low through controlled grazing and the collection of firewood. By restricting woodcutting permits and grazing permits, the government has essentially removed the effective land management strategy which has minimised the threat of bushfires for generations in that area. Let me give members an example of the government's management. Instead of putting land management in the hands of those groups, the government has shown it has been repeatedly unable to manage land. I will take the Brumby government's record on fuel reduction and ecological burning. Over the last 10 years the government has been 200 000 hectares behind the target. That is absolutely appalling. We have seen land management being taken out of the hands of locals, who have an excellent track record in managing the land, and put into the hands of the state government, which in contrast has an appalling record.

Importantly, there is also the water issue. This has been raised very well by the members for Swan Hill and Rodney. The bill comprehensively fails to address the issue of environmental water for the river red gums. The Murray River red gum forests are under threat due to a chronic lack of water, which is a result of our prolonged drought and the loss of winter flooding. The government claims this bill would protect the river red gum forests. However, this legislation does not guarantee the protection of forests, because forests need water.

The Victorian Environmental Assessment Council draft report says the classification of land alone will do virtually nothing to avert this problem. Even prior to the release of the final VEAC report, the Premier ruled out any additional water allocations for the river red gums. The Premier is reported in the *Age* of 27 September 2007 as saying:

> I have made it very clear that proposals in relation to water, if they found their way into the final report, I can tell you would be emphatically rejected by the government …

Not only did the Premier dismiss the need for additional environmental flows, but in September this year the Minister for Water revealed that 14 000 megalitres of environmental water from the Wimmera–Mallee pipeline would be diverted down the north–south pipeline to Melbourne. If the government was totally genuine in its attempts to save the river red gums, it would ensure that sufficient water is sourced and

allocated specifically for the northern Mallee and these precious trees.

Given that insufficient flooding in our wetlands, combined with a relentless drought, has left our river red gums in a precarious condition, it is hard to see how this legislation will have an impact. The Premier has ruled out an allocation of water which would make a significant difference.

As yet we have undefined park boundaries. We have considerable reservations about a bill that fails to lay out its intentions in its entirety. The government has had years to consider this debate, as we have been hearing, and yet it has not even completed surveying. This legislation does not include the final boundaries for the Murray River Park. In addition, in terms of the Murray River Park, proposed section 47BA — supposedly an all inclusive new section to be inserted into the Crown Land (Reserves) Act — leaves the boundaries up to the discretion of the minister. We do not believe important bills should be addressed in this way. We are uncomfortable with the lack of clarity, and we will not be supporting this bill.

It is important that I talk about the impact of this bill on local communities. The coalition supports initiatives to invest in sustainable ecosystems. However, we oppose the government's unbalanced legislation which largely disregards the long-term financial security of local communities who are reliant on these forests for their livelihoods.

The Brumby government has a plan for the new national parks, including those at Gunbower and Barmah, but it would wipe out an estimated 55 timber industry jobs. It is clear that a government that is so city-centric does not understand the real implications this legislation will have for businesses, workers and local communities in northern Victoria.

The VEAC report, as previous speakers have outlined, says that the benefits are accrued by the areas outside the investigation area, while the costs are all borne by local communities. We have grave concerns about the implication of this legislation on local communities and their economies. This bill has grave ramifications for a number of communities such as those in Koondrook, Cohuna, Barmah, Nathalia and Picola which rely on the timber industry. The government has said residents can retrain; the government has said timber workers can find alternative jobs. However, in these areas job opportunities are minimal, and communities and individuals will be forced to move away from their local areas.

In conclusion, this bill will not achieve objectives that are set out to protect river red gums for future generations. As I have outlined, the government fails to manage the public land that it already has. It is not providing water for the river red gums, which is what they actually need to ensure their future protection. There is a lack of clarity about the final boundaries that will define the areas of one national park in particular. Critically there is a significant negative economic effect on the communities of northern Victoria. For all these reasons this legislation will not generate the best outcomes for the community, the industry or the environment. For these reasons I will be opposing the bill.

Ms MUNT (Mordialloc) — I am pleased to rise this evening to speak on the Parks and Crown Land Legislation Amendment (River Red Gums) Bill 2009. I would like to make a couple of remarks on the contribution of the member for Doncaster, then I will go through the content of the bill. I was a bit perplexed about how the creation of a national park will have an impact on the availability of water. It is as if the non-creation of a national park would make more water! I do not think so, and I will go through the reasons for that a little more during my contribution to the debate.

The bill amends the National Parks Act 1975 to create the Barmah, Gunbower, Lower Goulburn and Warby-Ovens national parks on the Murray, Goulburn and Ovens rivers. It will create the Gadsen Bend, Kings Billabong and Nyah-Vinifera parks on the Murray River and expand the existing Hattah-Kulkyne, Mount Buffalo, Murray-Sunset and Terrick Terrick national parks, the Leaghur State Park and the Murray-Kulkyne Regional Park, with additions to the Terrick Terrick National Park which also include remnant native grasslands in the northern plains. The bill also amends the Crown Land Reserves Act 1978 to create the Kerang and Shepparton regional parks and establishes the legislative framework for the creation of the Murray River Park by order of the Governor in Council when the detailed survey work of the park boundaries is completed. That is the outline of the national parks created under this bill.

I am pleased to speak on this bill because I spent my childhood largely in the Barmah forest. That is because all of my family hails from that area. We would camp every school holidays in the Barmah forest on the Murray River. I recall from that time — as much to my satisfaction I spent every holiday camping in the Barmah forest with my parents — seeing the damage that was done by the cattle in the park. During winter the park would be churned up completely.

Mr Weller — You've never been there.

Ms MUNT — I have been there many, many times — and many times I have walked through the mud churn that was created by the cattle in the Barmah forest. This will protect the forest against that sort of damage. Also, as it happens I am perhaps the only person in this chamber — I do not know, you can tell me — whose grandfather was a woodcutter in Echuca and in the Barmah forest. He was actually one of the great conservationists in our family, and a woodcutter. He would go out from Echuca — it was his life's work — and fell the river red gums and float them down the Murray to the Echuca wharf. It is good, honest work, and I cannot see any problem with doing that at all. His particular conservation activity was to use a lifetime's experience to choose very carefully which trees should be felled and sent down.

Mr Weller interjected.

Ms MUNT — Precisely, that is probably what happens now. I have no objection to that. However, we have very special areas — Barmah is one of them — that we have to protect for future generations. I say again that I do not object to the creation of this national park. The time comes when you have to look to the future — you cannot look to the past. I think what we are doing here is looking to the future. There is extraordinary beauty in that area along the Murray River. There are extraordinary trees, such as ancient trees from which canoes were cut by the Aboriginal people who lived along the Murray River. I do not know how many of those trees are now left, but they were very special. There are great treasures along the Murray and in the Barmah and Murray forests themselves.

Perhaps my view comes from being at camps, where I see that the timber cutters do care for that area, as my grandfather certainly did, but also see there is a need to protect those areas for future generations. As I said, I saw damage when I spent time in the Barmah forest as a child growing up. I spent that time camping with my relatives from Echuca, who have much the same point of view as the opposition and the people in the public gallery here this evening, who probably would not welcome the creation of this national park because they want to preserve the way the generations have lived there and cared for the land — and they do care for the land. However, as I said, the time has come when we have to look at further protection, particularly in times of drought. That is why I support this bill.

Where national parks have been created in other areas — I will not go through all the other national parks that have been created, but I instance particularly the Great Otway National Park and Otway Forest Park, where there was a similar situation, except of course that it was a rainforest and not a river red gum park — timber cutters and forest workers did lose their jobs. Job loss is always a terrible tragedy for those communities and those families, but things have moved on and those areas have been protected. I think it is incumbent upon us to support all of those people and all of those communities as we go along this path to creating national parks and national forests. This government has been very proactive in doing that.

The member for Barwon South spoke about the Otways and how that has worked out. I note there are packages here to support the Victorian Environmental Assessment Council recommendations on the creation of this national park, which I hope will support the local people. In contrast the then federal government was intending to sell Point Nepean. However, that was saved by the state government and has become another national park. We are setting up a framework of national parks in Victoria for future generations to enjoy, including the Nepean National Park, the Otways, and now the river red gums.

Honourable members interjecting.

Ms MUNT — Opposition members can interject, but I have shown that I come from a fairly reasonable place on this. I truly hope the communities are supported during this transitional period; it is the right thing to do in the end. There are transitional arrangements through to 2014, I believe, to soften the impact on those communities.

Honourable members interjecting.

Ms MUNT — After listening to the contributions of opposition members, who did have a visionary Premier in Premier Hamer, it is a shame that they cannot bring themselves to that small-l liberalism and broader way of thinking than has happened in this chamber tonight.

Ms Asher — I am small-l; I don't like unemployment.

Ms MUNT — The member for Brighton is interjecting. I support this bill. It is a good piece of legislation, and I commend it to the house.

Mr MORRIS (Mornington) — The river red gums bill is a totally wasted opportunity. We had the opportunity tonight to address issues that will come before us again and again in the next century, to change the way we approach these problems, to change our thinking, to introduce new thinking and to introduce a

new approach and a new way of protecting these iconic forests. We had the opportunity of working with the people in the community right along the river throughout the north of the state. We had the opportunity to work with everyone who has a connection with these forests, which clearly is a lot more people than actually live in the area. Sadly, that opportunity has been lost.

What is perhaps worse, is the total hypocrisy in the way this package has been presented. It has been presented as the definitive method to solve the problem. It has been presented as the definitive and only way of protecting these ancient forests. They are a precious resource, a precious natural system and a precious natural ecosystem. This bill is not about action that will protect forests. This is a bill which will, in all reality, hasten their end. This is a bill about diversion, about feint and about distraction. It is an effort to draw attention away from the inaction we are seeing from the government on this issue. Government members are hoping the inadequacy of their response to this challenge will be lost in this sense of action. They are hoping that by the time the lack of results actually shows, they will be long gone. Unfortunately I suspect that by the time the inadequacy of their actions becomes apparent, the forests will be well on the way to being long gone as well.

What does the bill achieve? It creates a number of parks, including Barmah, Gunbower, Lower Goulburn, Warby-Ovens on the Murray, Goulburn and Ovens rivers, Nyah-Vinifera, Kings Billabong, Gadsen Bend on the Murray, and regional parks at Kerang and Shepparton. It expands existing parks, including Hattah-Kulkyne, Mount Buffalo, Murray-Sunset, Terrick Terrick, Leaghur and Murray-Kulkyne parks. It also establishes the framework for the proposed Murray River Park.

When you look at the provision of the bill that relates to the proposed Murray River Park, clause 30 of the bill, you can see that it is — and I am sure this has been remarked on by previous speakers — simply an enabling clause to allow the minister to make a recommendation to the Governor in Council. This means that any land that is reasonably required for the purposes of the regional park to be known as the Murray River Park will be incorporated on the basis of a recommendation of the minister to the Governor in Council.

This is a significant park in its own right. It is 35 000 hectares or thereabouts — virtually a quarter of the total land we are talking about in relation to this bill. Yet the boundaries are not fully surveyed; the mapping is not complete. We should in principle not accept any legislation that does not define or make available to the Parliament the precise boundaries to be incorporated in the park. There is absolutely no reason why this could not come back in a few weeks time, once the necessary work is done, and be dealt with by the Parliament. It should not be dealt with by the Governor in Council.

That is the extent of the government's response to what is truly a crisis: new management arrangements and new titles for parcels of land. In the whole second-reading speech there is only one paragraph that talks about improved environmental outcomes. One paragraph — that is the sum total. It is instructive to look at what the Victorian Environmental Assessment Council had to say on page xv of its final report:

> The most urgent and serious environmental problem in the investigation area is the imminent loss or degradation of large areas of wetlands and riverine forests as a result of greatly reduced frequency of flooding. This reduced frequency of flooding is already having substantial negative impacts on natural values (especially biodiversity) … Many tens of thousands of hectares of forests and wetlands habitats may be lost without adequate water in the near future.
>
> Changes to public land use categories alone will not be sufficient to address this problem.

We have here a series of changes to the status of the land, but we have no environmental flows and no real plan to fix the problems.

The government came to this debate with a fixed view, with an agenda. It intended to impose this agenda on the community in northern Victoria, whether the community liked it or not. It had absolutely no regard for whether its prescription for the ailment was going to work. You only have to look at the appointments to the so-called community engagement panel to understand where this was coming from. These include John McQuilten, former Labor member for Ballarat Province in the other place and recipient of many other government appointments; Craig Cook, former chief of staff to the Treasurer and the Minister for State and Regional Development and recipient of many other government appointments; and, similarly, Bob Smith and Joan Burns. This was about imposing the government's prescription on the people of northern Victoria.

Many other coalition speakers have touched on the heritage that the Liberal Party and The Nationals bring into this debate. We understand land management and we have a long and proud history of protecting the environment of this state, going back to the establishment of the Land Conservation Council in the early 1970s and the national parks that were established

under premiers Bolte, Hamer and Kennett. I must say one of my earliest brushes with the state government was fronting up at what I guess was a forerunner of Information Victoria in St Andrews Place some time in the 1970s to pick up some of those early LCC reports. The LCC understood that you need to bring science to the management of public land. You need to put in place all necessary steps to protect the land and to do everything that needs to be done. You cannot simply change the title and hope for the best; you have to manage the land. It must be a scientific approach; it cannot be an emotive approach. Emotion is good, but it does not protect the territory.

We on this side of the house know that you need to provide resources. You need to provide the ability to manage and protect land properly — —

Business interrupted pursuant to standing orders.

Sitting continued on motion of Mr HOLDING (Minister for Finance, WorkCover and the Transport Accident Commission).

Mr MORRIS (Mornington) — As I was saying, we on this side know what we need to do in terms of providing the resources to manage public land. That is what is not in the bill before the house. There is no attempt to deal with the necessary fire prevention works or park management issues. Most of all there is no effort to deal with the critical issue of environmental flows. They were removed, as we have heard, by the express direction of the Premier.

To conclude, I paraphrase the words of the Victorian Environmental Assessment Council report: you can change public land categories, but without adequate water that will not be sufficient to prevent tens of thousands of hectares being lost. That, I fear, will be the fate of the river red gums under this bill.

Debate adjourned on motion of Mr HOWARD (Ballarat East).

Debate adjourned until later this day.

TRANSPORT LEGISLATION AMENDMENT (HOON BOATING AND OTHER AMENDMENTS) BILL

Statement of compatibility

Mr PALLAS (Minister for Roads and Ports) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Transport Legislation Amendment (Hoon Boating and Other Amendments) Bill 2009.

In my opinion the Transport Legislation Amendment (Hoon Boating and Other Amendments) Bill 2009, as introduced to the Legislative Assembly, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of the bill

The bill contains:

amendments to the Marine Act 1988, modelled on part 6A of the Road Safety Act 1986, aimed at addressing the problem of recreational vessel 'hoon' behaviour, including powers of seizure, impoundment, immobilisation, forfeiture and disposal of vessels involved in the commission of the offence of dangerous operation of a vessel under section 22 of the Marine Act 1988;

amendments to the Crimes Act 1958 extending the offences in sections 318 and 319 of culpable driving causing death and dangerous driving causing death or serious injury to operation of a vessel;

a further amendment to the Marine Act 1988 providing that systematic or persistent offenders against relevant maritime laws can be prohibited from being a director, secretary or officer concerned in the management of a body corporate involved in managing infrastructure relating to the operation, storage, mooring, berthing or placement of a vessel in the state, or operating vessels in the state;

amendments to the Port Services Act 1995 to close gaps in the regulation of hazardous activities at the port of Melbourne and to give the Port of Melbourne Corporation certain enforcement powers to compel port users to comply with safety, security and environmental management requirements specific to the port, to deal effectively with unattended or abandoned property, and to give the corporation a limited set of powers to set conditions and regulate the provision of towage services;

minor amendments to the Accident Towing Services Act 2007 (commenced on 1 January 2009) to address certain gaps that have been identified in the act and to ensure that it operates to meet its purposes;

amendments to the Road Safety Act 1986 to allow VicRoads to disclose and use information that may be considered to be of a personal nature and commercially sensitive (i) to transport regulators and the Port of Melbourne Corporation to enable these bodies to undertake their statutory functions; (ii) to government departments and agencies to assist with verification of information in a driver licence or learner permit that is produced as evidence of a person's identity; and (iii) for emergency response and management purposes; creating additional exemptions from the bus driver fatigue management scheme in the Road Safety Act 1986; and providing more flexible sanctions in respect of misconduct by suppliers of alcohol interlocks;

a further amendment to the Road Safety Act 1986 to confirm that the 'hoon' motor vehicle impoundment regime in part 6A applies to excessive speeding in a heavy vehicle;

amendments to the Road Management Act 2004 to provide VicRoads with express power to store vehicles which have been removed after being unlawfully parked on a freeway, and to recover the reasonable costs of removing abandoned property and other obstructions; amendments to support the government's directions for an integrated and sustainable transport system in relation to roads and network-wide coordination;

an amendment to the Melbourne City Link Act 1995 to repeal a redundant provision;

amendments to the objects and functions of VicRoads, including transfer of responsibility for the EastLink project from the Southern and Eastern Integrated Transport Authority to VicRoads.

Human rights issues

Section 13(a) — privacy

Section 13(a) provides that every person has the right not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with.

Requirement that trainee tow-truck drivers carry permit and state name and address

Clause 33 amends the Accident Towing Services Act 2007 so as to require holders of tow-truck trainee permits driving or accompanying the driver of a tow truck to carry their permit (in circumstances where the act requires trainees to have such a permit) and to produce them on request to an authorised officer, member of the police, or the owner of an accident-damaged motor vehicle that is being, or is about to be, towed by the holder of the permit. It also requires tow-truck drivers who accompany a trainee while he or she is driving a tow truck to carry their certificate of accreditation and to produce it when asked to do so. Clause 34 requires trainee tow-truck drivers to state their name and address to an inspector for the purposes of determining compliance with the act, regulations or a service standard. These provisions may engage a person's right to privacy because they require the disclosure of information of a personal nature. However, in my opinion, the right is not limited because any interference is lawful and not arbitrary. It is specifically authorised by the provisions in question, the information required and the persons to whom it must be disclosed are clearly specified, and disclosure is directly related to the effective monitoring of compliance and enforcement of the regulatory scheme governing towing services.

Port safety officers' powers of entry, search and seizure relating to hazardous port activities

Clause 15 creates a new part VIIA to the Transport Act 1983. Divisions 2 and 3 contain port safety officers' powers of entry and search of vessels and premises with and without consent, as well as powers to seize evidence relating to alleged contraventions of hazardous port activity regulatory provisions. Hazardous port activities encompass ship-to-ship transfers of dry or liquid cargoes, and welding or any other spark-producing activities, and are regulated by operational protocols, safety guidelines and other relevant directions. The powers of entry and search clearly engage the right not to have one's privacy unlawfully or arbitrarily interfered with. In my opinion, the right is not limited, however, as the interference is neither arbitrary nor unlawful for the reasons set out below.

New sections 230P to 230U of the Transport Act 1983 clearly specify the circumstances in which the powers are available. The powers are only available for the important purpose of determining compliance with provisions controlling hazardous port activities, which are activities potentially causing a safety, security or environmental risk. Entry to premises is only available if a port safety officer believes on reasonable grounds that the entry is necessary because a person has contravened a hazardous port activity provision. There are also a range of safeguards in the legislation. The powers must not be used in respect of any part of the premises that is used for residential purposes, and the power of entry without consent can only be used when the premises are open for business. A number of provisions also seek to ensure the accountability and transparency of the process, requiring officers to identify themselves and to notify individuals of the purpose of the search and (where relevant) their right to refuse consent, and, in the case of a search conducted without consent, to notify individuals of the exact nature and extent of all searches and seizures undertaken. Finally, the provisions in division 4 provide detailed guidance regarding the use, retention, access and return of seized items, including a right of access to seized items (unless impracticable) and a three-month limit on retention that can only be extended by application to a Magistrates Court.

'Hoon' boating powers: warrant to enter premises or places

As part of the new powers addressed at dangerous 'hoon' boating behaviour and further to the various sanctions provided to the police and the courts, clause 5 creates a new part 7A of the Marine Act 1988 which in division 4 provides for the issue by a magistrate, on the application of a member of the police force, of a search and seizure warrant in respect of recreational vessels reasonably suspected to have been dangerously operated in contravention of the offence in section 22 of the Marine Act 1988. Such a warrant authorises police officers to enter premises or places, and use reasonable force to break into structures on premises or places, specified in the warrant in search of the vessel. These provisions engage the right of a person not to have their privacy or home unlawfully interfered with. However, in my opinion, the right is not limited as any interference is lawful and is not arbitrary for the following reasons.

Division 4 specifies in detail the circumstances in which a warrant can be granted by a magistrate (that the vessel is subject to a court order requiring it be surrendered and it has not been surrendered, or that a member of the police is empowered to seize the recreational vessel under the act), and provides a range of safeguards against arbitrariness. In particular, the applicant must believe on reasonable grounds that the recreational vessel sought is, or may be within the next 72 hours, at a specified premises or place and the magistrate must be satisfied of this; the information relied upon in support of the application for the warrant must be under oath; the warrant must state the purpose for the issue of the warrant, contain a description of the vessel authorised for seizure and give the address or description of the premises or place in respect of which the warrant is issued; a copy of the warrant must be provided to occupiers; and a detailed report

must be provided to the registrar of the Magistrates Court setting out whether and how the warrant was executed.

Reinstatement of the offence of excessive heavy vehicle speeding as a relevant offence for the purposes of the 'hoon' vehicle impoundment scheme

Clause 19 provides that an offence against section 65B of the Road Safety Act 1986 (prohibiting drivers of heavy vehicles from exceeding a speed limit by 35 km per hour or more) is a relevant offence under section 84C of the act when the vehicle is driven at 45 km per hour or more over the applicable speed limit or, if the applicable speed limit is 110 km per hour, at a speed of 145 km per hour or more. This amendment will restore the position that existed prior to the recent amendment of road rule 20, (which took effect on the commencement of the road safety road rules on 9 November 2009), in which such excessive speeding by a heavy vehicle was a 'relevant offence' for the purposes of the vehicle impoundment regime. The amendment removed excessive heavy vehicle speeding from the scope of road rule 20 and placed the offence in the act where it incurs a higher penalty. However, an unintended consequence of this amendment is that excessive heavy vehicle speeding no longer falls within the definition of a 'relevant offence'. This situation will be rectified by the bill.

A driver of a motor vehicle who commits this offence will be subject to the scheme for impoundment, immobilisation and forfeiture under part 6A of the Road Safety Act 1986, which is substantially similar to the hoon boating provisions to be inserted into the Marine Act 1988 by the bill. Part 6A also provides for the issue of a search and seizure warrant to that I have just considered. Accordingly, clause 19, by extending the application of division 4, engages the right to privacy. However, for the reasons I have just given in respect of the 'hoon' boating provisions, I am of the view that clause 19 is neither an unlawful nor an arbitrary interference with an individual's right to privacy and therefore does not limit the right.

Disclosure of personal information by VicRoads in certain additional circumstances

Clauses 20 and 21 engage the right to privacy by extending the circumstances in which information of a personal nature or commercially sensitive information held by VicRoads (such as a person's name, address, date of birth, photograph and driver licence and registration information) may be disclosed. Such disclosure may be to:

(i) public transport regulators, to ensure the effective performance of a function or exercise of a power of the regulator in question (such as the prevention, investigation and prosecution of criminal offences);

(ii) to the Port of Melbourne Corporation to ascertain the ownership of abandoned or unattended vehicles in the port;

(iii) government departments or agencies (specified by notice published in the *Government Gazette*) in order to verify information in a driver licence or learner permit produced as evidence of identity to the government department or agency so as to prevent identity fraud; and

(iv) agencies or organisations involved in managing exceptional circumstances or in providing services to individuals involved in those circumstances if the minister makes a declaration published in the *Government Gazette* that exceptional circumstances exist that endanger, or threaten to endanger, the life, health or safety of any person or destroy or damage any property or the environment (such as natural disasters, fires, explosions, accidents, actual or threatened unlawful acts and disruptions to essential services).

The use or disclosure of information in these circumstances does not, in my view, limit the right to privacy because the interference is prescribed by law and is not arbitrary.

(i)–(iii) Disclosure of information to agencies

The release of information is, in each case, related and limited to the important purposes of the disclosure, and the bodies to which the information can be released are clearly specified. Importantly, it is intended that confidentiality agreements (which are dealt with under section 92(4) of the Road Safety Act 1986) must be entered into with any body to which information will be disclosed and this agreement will govern the use and any further disclosure of the information. It is a criminal offence to breach the terms of such an agreement.

(iv) Disclosure and use of information in emergencies

The disclosure and use of information of a personal nature for the purposes of responding to and managing exceptional circumstances will be limited by the need for the minister to formally declare by notice published in the *Government Gazette* that such circumstances exist and that it is appropriate to disclose and use information that would otherwise be protected from disclosure. The permitted purposes for which information can be disclosed and used are specifically limited to those directly related to the state's response to the declared exceptional circumstances. It will also be mandatory for VicRoads to enter into a confidentiality agreement under section 92(4) with any agency or organisation to which information may be disclosed for the purposes of dealing with the exceptional circumstances.

Section 12 — freedom of movement

Section 12 provides that every person lawfully within Victoria has the right to move freely within Victoria and to enter and leave it and has the freedom to choose where to live.

Port safety officers' power to secure an area in order to undertake a search

Clause 15 creates a new section 230V in the Transport Act 1983 permitting a port safety officer to take all reasonable steps to secure the perimeter of any area of land entered pursuant to the entry and search powers in the act for a period they consider reasonable, if he or she believes on reasonable grounds it is necessary to do so for the purpose of ascertaining whether a relevant offence has been committed, or in order to preserve evidence of a contravention.

This provision engages the right in section 12, but in my view the limitations on the right are demonstrably justified under section 7(2) of the charter.

(a) The nature of the right being limited

The right to freedom of movement is not regarded as an absolute right in international law and can be subject to reasonable limitations.

(b) The importance of the purpose of the limitation

The power of exclusion from a site is essential to port safety officers' function of investigating whether relevant offences have been committed and ensuring prosecution where this has occurred by preserving evidence relating to the commission of the offence.

(c) The nature and extent of the limitation

The power to exclude persons from an area of land entered on will only be exercised where there are reasonable grounds to suspect that there has been a contravention of the hazardous port activity provisions, and where it is considered necessary to ascertain whether this is the case or to preserve relevant evidence. As I mentioned earlier, the entry power is restricted in a number of ways, including to non-residential parts of the premises.

(d) The relationship between the limitation and its purpose

The limitation imposed is directly and rationally connected to its purpose.

(e) Any less-restrictive means available

In my opinion, there are no less-restrictive means available to achieve this purpose. It is relevant to note that the restriction on entry will only continue for as long as is required to undertake the necessary search or to preserve evidence.

Section 25(2)(k) and section 24(1) — self-incrimination and fair trial

Section 25(2)(k) provides that every person charged with a criminal offence is entitled not to be compelled to testify against himself or herself or to confess guilt. Section 24(1) provides a person charged with a criminal offence or a party to a civil proceeding has the right to have the charge or proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing.

Port safety officers' coercive questioning powers

Clause 15 creates new sections 230ZC to ZE in the Transport Act 1983 containing a requirement to assist port safety officers, when they are exercising powers of entry and search of vessels and premises to determine compliance with the hazardous port activity provisions, by providing information (orally or in writing), producing documents, or giving other reasonable assistance. It is an offence to fail to comply with such a request and the common-law privilege against self-incrimination is removed, replaced by a full (direct use and derivative use) immunity in respect of the admission of incriminating evidence in subsequent criminal proceedings or in any other action, proceeding or process that may make the person liable to a penalty.

Compelling an individual to assist an investigation regarding his or her compliance with the regulatory regime may engage the self-incrimination and fair trial rights. However, in my view, the complete bar against subsequent use of incriminating evidence in section 230ZE ensures that the fair trial rights in question are not limited. It ensures that there is no possibility that an individual would be compelled to assist in his or her own conviction for a relevant offence and further ensures that there is no adversarial relationship between the individual and the state when the individual is required to assist the port safety officer so as to attract the application of the self-incrimination right.

'Hoon' boating powers to impound, immobilise, forfeit and dispose of recreational vessels used in the commission of the offence of dangerous operation

The new part 7A to the Marine Act 1988, inserted by clause 5, provides police powers and court orders for the forfeiture and disposal of recreational vessels in certain circumstances, including following convictions for the offence of dangerous operation of a vessel under section 22 of the Marine Act 1988. To the extent that these provisions will operate to remove individuals' proprietary rights, the fair trial right in section 24(1) of the charter may be engaged. However, in my opinion, the right is not limited.

Section 62R provides for a forfeiture order requiring the surrender of a recreational vessel, which can then be sold by the Chief Commissioner of Police pursuant to section 62ZR. Section 62Z provides for the hearing of an application for a forfeiture order before the court with jurisdiction to hear and determine the relevant offence to which the application relates (namely, dangerous operation of a vessel under section 22 of the Marine Act 1988). This hearing satisfies the fair hearing requirements of section 24(1). Similarly, a power of disposal is provided to the Chief Commissioner of Police under section 62ZQ in the case of impounded or immobilised recreational vessels (and items) uncollected or not released two months or more after the date on which the vessel first became available for collection. However, the Chief Commissioner of Police must apply to the court for a disposal order in respect of the recreational vessel. Affected parties receive notification and a hearing under sections 62ZU and 62ZW. Additionally, when impoundment or immobilisation orders are made (pursuant to the process before a court in section 62Z), it is additionally required that the Chief Commissioner of Police notify the operator and the registered owner of the vessel that the vessel is liable to be disposed of if not collected or released within two months. In my view, this process also satisfies the requirements of section 24(1).

Extension of 'hoon' motor vehicle powers to the commission of heavy vehicle speeding offence

As I noted above, clause 19 extends the class of relevant offences that the 'hoon' motor vehicle scheme in part 6A of the Road Safety Act 1986 applies to, so as to include the offence in section 65B of the Road Safety Act 1986. The scheme in part 6A includes substantially similar police powers and court orders for the forfeiture and disposal of motor vehicles to those I have just considered. To the extent that these provisions also operate to remove individuals' proprietary rights, the fair trial right in section 24(1) of the charter may likewise be engaged. However, in my opinion, the right is not limited because the scheme in part 6A provides the same rights to be notified and to be heard at a hearing prior to the making of a forfeiture or disposal order and therefore satisfies the requirements of section 24(1) of the charter.

Section 26 — right not to be punished twice

Section 26 provides a person must not be punished more than once for an offence in respect of which he or she has already been finally convicted in accordance with law.

Immobilisation, impoundment and forfeiture orders under the hoon motor vehicle and recreational vessel provisions potentially raise an issue in respect of the right not to be punished twice since they may be considered to be penal in effect, and can only be made once a vessel operator has been found guilty of the relevant offence of dangerous operating under section 22 of the Marine Act 1988 or, by clause 19, the heavy vehicle speeding offence in section 65B of the Road Safety Act 1986 and where the individual has either one or two previous convictions (depending on the order applied for) for relevant offences committed in the previous three years before the commission of the latest relevant offence. However, the right not to be punished twice is not engaged until a person is 'finally' punished, meaning that all possible penal consequences of the relevant offence have been exhausted. In my view, since an application for an immobilisation, impoundment or forfeiture order under both the 'hoon' boating and motor vehicle schemes can only be made within 28 days of sentencing for the latest relevant offence, it is properly regarded as part of final punishment directly consequent on conviction for the relevant offence and accordingly section 26 is not limited.

Section 20 — property rights

Section 20 provides that a person must not be deprived of his or her property other than in accordance with law. A deprivation of property is in accordance with the law when the deprivation occurs under powers conferred by legislation which is formulated precisely and will not operate in an arbitrary manner.

Port of Melbourne Corporation and port safety officers' powers

In my opinion, clause 12 of the bill engages the property right. This clause inserts new sections 88Q to 88T into the Port Services Act 1995 permitting the Port of Melbourne Corporation to remove abandoned property from the port of Melbourne water or lands in certain circumstances and power to dispose of the thing by gift, sale or destruction. In my view, this does not limit the right because the circumstances in which the power can be exercised are clearly formulated and constrained by law, and a number of safeguards against arbitrary use are provided, including obligations to make reasonable inquiries to establish the identity of the owner and notify the owner in various ways, and provision for an application to the Magistrates Court for an order for payment of compensation.

Clause 15 creates a new section 230U in the Port Services Act 1995 which empowers port inspectors to seize anything found at a premises during a search that the port officer believes on reasonable grounds to be connected with a contravention of a hazardous port activity provision. In my view, this provision likewise engages but does not limit the right in section 20 because the circumstances in which property may be seized on entry of premises are clearly specified and safeguards against arbitrary use are provided. These safeguards include the provision of copies of documents as soon as practicable after seizure, provision of access to the thing while it is in the possession, or under the control, of the port officer (unless not practicable), and a limit (subject to extension by a Magistrates Court) of a three-month period during which the thing can be retained.

'Hoon' boating powers to seize, impound, immobilise, forfeit and dispose of recreational vessels used in the commission of the offence of dangerous operation

The property right is engaged by a number of clauses in the amendments to the Marine Act 1988 where individuals are deprived of their recreational vessel by the police powers and court orders of seizure, surrender, impoundment, immobilisation, forfeiture and disposal. However, in my view the right is not limited by these provisions, because the circumstances in which the powers in the bill may be applied are clearly articulated in the bill, and a range of safeguards against their arbitrary employment are provided.

In particular, the police powers in new section 62D of the Marine Act 1988 inserted by clause 5 may only be exercised on reasonable suspicion that the vessel has been involved in the commission of the relevant offence (of dangerous operation of a vessel contrary to section 22 of the Marine Act 1988); under section 62E 10 days written notice is required unless seizure is made within 48 hours of the alleged offence; under section 62I as soon as reasonably practicable after the exercise of impoundment or immobilisation powers in section 62G a notice must be given to the operator, registered person, possessor or hire owner providing relevant details of the action taken and reasons for it; pursuant to section 62K the decision to exercise the powers under section 62G must be reviewed by a senior police officer; under section 62M a person whose interests are affected by one of the police powers may apply at any time to the Magistrates Court to seek an order that the vessel be released; under section 62O the vessel must be released to an individual after the designated period (48 hours) if payment of designated costs is made; and pursuant to section 62P the Crown must repay the boat operator's costs if the operator is found not guilty or charges are not proceeded with.

Pursuant to section 62T court orders for impoundment, immobilisation and forfeiture can only be made after notice of the application is given to all potentially affected persons; under section 62Z any person served with notice must be heard (and anyone whose interests may be substantially affected may be heard) at the hearing; pursuant to section 62Z(2) the order must not be made if the registered owner or operator can prove to the court's satisfaction that the relevant offence was committed without their knowledge or consent; by section 62ZA a party whose interests are substantially affected by the order can apply to vary the order; and further protection for affected third parties is provided in sections 62ZE and ZF. Finally, pursuant to section 62ZU, before applying for a disposal order in respect of uncollected or unreleased vessels, the Chief Commissioner of Police must serve prior written notice to all individuals with an interest in the vessel and publish a newspaper advertisement, and pursuant to section 62ZW the hearing before the court to consider the application for a disposal order requires that any person served with notice be heard (and anyone whose interests may be substantially affected may be heard) at the hearing.

Extension of 'hoon' motor vehicle powers to seize, impound, immobilise, forfeit and dispose of heavy vehicles used in the commission of heavy vehicle speeding offence

As I have previously noted, clause 19 provides that an offence against section 65B of the Road Safety Act 1986 is a "relevant offence" for the purposes of the vehicle impoundment scheme under part 6A of the act. A driver who

commits a relevant offence may be subject to the police powers and court orders of seizure, surrender, impoundment, immobilisation, forfeiture and disposal in part 6A of the Road Safety Act 1986 and accordingly clause 19 engages the property right. However, in my view the right is not limited, because the provisions in part 6A are substantially similar to those in the hoon boating provisions, which as I have just discussed, clearly articulate the circumstances in which the powers may be used and provide a range of safeguards against their arbitrary employment.

Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities. Provisions of the bill engage with, but do not limit, rights conferred by sections 13(a), 25(2)(k), 24(1) and 20 of the charter. The provisions of the bill that limit human rights under section 12 of the charter are reasonable and proportionate.

Tim Pallas MP
Minister for Roads and Ports

Second reading

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

That this bill be now read a second time.

This bill is another policy-driven initiative by the Brumby government to support better transport outcomes across Victoria.

The bill makes important changes to existing ports, marine and road regulatory schemes to promote transport integration and sustainability across the state. It also makes a range of miscellaneous, minor or machinery changes necessary to improve existing transport regulation schemes.

Transport policy and legislation review

Policy and legislation review in transport in Victoria is proceeding on two levels.

At the first level, major renewal is under way across the transport portfolios through the government's transport legislation review. This project is the most active and ambitious review of its type in the country and it is generating an entire new legislative framework for the state along best practice lines.

Important areas which have been reformed already include:

rail safety regulation (through the Rail Safety Act 2006);

public transport and marine safety transport investigations (the Transport Legislation (Safety Investigations) Act 2006);

towing industry regulation (the Accident Towing Services Act 2007);

bus safety regulation (the Bus Safety Act 2009); and

approval and delivery powers for major transport projects (the Major Transport Projects Facilitation Act 2009).

These reforms, and transport policy and regulation generally, will be coordinated even more closely under the government's transport integration bill initiative, which will shortly introduce a new overarching framework for transport regulation and management right across the portfolio.

As part of this work, the government is driving first principles reviews of safety regulation in relation to both our roads and our waterways. A new marine safety bill is in development to replace the current Marine Act 1988. An extensive policy review and stakeholder consultation program has been conducted throughout 2009, working towards introduction of the legislation next year. The government has also commenced a review of road safety regulation and a major new statute will be developed in that important area.

At the second level, we are continuing to introduce discrete reforms where required outside of the major review work and generally on shorter time lines.

This bill is part of the second level of reform. It introduces a number of priority reforms and makes a range of business-as-usual changes to legislative settings.

Growing safety risks on Victoria's waterways

The bill introduces two reforms that are considered urgent to assist in dealing with growing safety risks on Victoria's waterways.

Recreational boating is enjoyed in various forms by hundreds of thousands of Victorians and makes an important contribution to the state's highly valued quality of life. The opportunity to participate in this popular pastime needs to be supported and encouraged.

At the same time, it must be acknowledged that the recreational boating environment in Victoria is changing rapidly.

A number of trends are coinciding to heighten the risk of injury and death on the water:

The number of registered recreational vessels is increasing each year.

> The number of high-powered vessels — particularly personal watercraft (PWCs) or jet-skis (as they are commonly known) — is growing very quickly and increasing as a percentage of total registered vessels.
>
> The recreational boating fleet is expanding at the same time that our inland waterways have been contracting due to the extended drought — that is, there are more vessels operating in less space.

In October this year, following a recent audit of the registration database, the total number of registered vessels in Victoria was 159 724. Of these, 10 509 were PWCs. In just three years, the number of PWCs had risen from 4.5 per cent to 6.6 per cent of the total recreational fleet.

As well as growing in number, PWCs and other high-speed, extreme performance vessels — including wake boats and ski boats — are becoming more and more powerful.

Some exhibitors at this year's Melbourne Boat Show marketed their latest models with phrases such as 'built for aggressive performance', 'raw power' and 'handling fit for a fighter jet'.

While other manufacturers use more restrained terminology, it is clear that motorised recreational vessels will continue to increase in power and performance.

It is equally clear that these high-speed vessels often find themselves in the hands of operators who have little boating experience and are not imbued with a responsible boating safety culture.

These issues are being considered as part of the current review of the Marine Act 1988.

A major discussion paper, *Improving Marine Safety in Victoria*, was released by the Department of Transport in July 2009 for public comment. More than 400 submissions were received.

The review is due to be completed when a new marine safety bill is presented to the Parliament next year.

Hoon boating scheme

The hoon boating scheme proposed in this bill is a key plank of the government's response to growing safety risks on the water.

As foreshadowed in a separate discussion paper on the specific subject of recreational boating hoon laws, also published for public comment in July 2009, the hoon boating scheme has been progressed ahead of the conclusion of the review. The aim is to ensure that stronger powers and sanctions are available to deal with this emerging problem during the coming holiday boating season.

Modelled on the successful hoon driving laws introduced through amendments to the Road Safety Act in 2005, the hoon boating scheme provides new powers and stronger sanctions to deal with dangerous and antisocial behaviour in the marine environment.

The aim is not to label all owners and operators of high-speed vessels as hoons. Nor is it to stop people having fun on the water.

Rather, the bill is designed to send a strong message that PWCs and other high-powered recreational vessels must be operated responsibly and safely, well away from the shore and other water users.

The government wants to ensure that the majority of responsible boaters are able to enjoy their pastime free of the public antipathy and potential consequences that flow from the dangerous and antisocial behaviour of a small minority. If such behaviour were allowed to escalate without adequate powers and sanctions in place, an even tougher regulatory response may become necessary — potentially involving restrictions that would impact adversely on law-abiding boaters.

Injuries on the water have risen significantly over recent years.

Over the five years to 2007–08 hospital-treated injuries from recreational boating increased by more than 70 per cent to approximately 900 per year. Hospital admissions with recreational boating injuries grew even faster, doubling to around 300 per year — indicating that injuries are becoming more severe.

Well over half of these injuries resulted from high-speed water sports.

Concerns about the worsening safety risk posed by hoon behaviour on the water have been expressed by water police, waterway managers, many recreational boaters and the wider Victorian community.

Responses to the discussion paper overwhelmingly reinforced these concerns, with 93 per cent of those who commented on the issue agreeing that 'impoundment provisions similar to the hoon laws on the roads should apply to certain types of dangerous conduct on the water'.

'Hooning' on the water can be described, in a general sense, as persistent or systematic antisocial behaviour

that impacts on safety due to its close proximity to other people or vessels.

For the purposes of the new scheme, the hoon powers and sanctions are triggered by any offence relating to dangerous operation of a vessel, as specified in section 22 of the Marine Act.

The central objective of the scheme is to make it easier for police to order offenders — those observed to be operating a vessel in a dangerous manner — immediately off the water.

The bill empowers police or authorised officers to place an embargo notice on a vessel, ordering that it not be operated for a specified period up to 48 hours. The notice will be fixed to the vessel and can only be removed by a police officer or other authorised person.

The bill also empowers police and authorised officers to order a person off the water for up to 24 hours.

Subject to the passage of the bill, the government intends to bring these powers into force quickly so that they will be available for the coming summer boating season.

The bill also provides powers to seize vessels, seek surrender of vessels and impound vessels. These are significant powers and are only to be used in serious circumstances by specially trained police officers.

Vessels may be impounded for a period up to 48 hours for a first offence, and up to three months for second or third offences (based on a court order).

Where vessels are involved in a subsequent offence, a court may order forfeiture.

It is intended that the powers to seize, seek surrender and impound vessels will come into force on 1 September 2011 — that is, in time for the 2011–12 boating season.

This phased introduction of the scheme allows adequate time for police to resolve implementation and enforcement issues related to the impoundment provisions, learning from the experiences of the coming holiday boating season and a full boating season in 2010–11.

In the meantime, it sends a clear message to recreational boaters that deliberate antisocial and dangerous behaviour, while currently confined to a small minority, will not be tolerated and must be curbed before it escalates into a wider problem.

The hoon boating laws proposed in this bill are the first in Australia.

The scheme is an early initiative from the current comprehensive review of Victoria's marine laws and demonstrates that the Brumby government is leading the way in water safety regulation.

The bill ensures that police will have stronger powers and sanctions to deal with the minority of recreational boaters who deliberately put people's safety at risk.

Culpable and dangerous operation of a vessel

A second plank of the government's response to growing safety risks on Victoria's waterways is to increase the range of criminal sanctions available where operation of a marine vessel causes death or serious injury.

At present the Crimes Act offences of culpable driving causing death and dangerous driving causing death or serious injury apply to the driving of motor vehicles.

The bill amends sections 318 and 319 of the Crimes Act to extend the application of these offences to the operation of marine vessels.

This will close a significant gap in the current hierarchy of sanctions.

Where dangerous operation of a vessel results in death, the only serious fatality-related offence that may apply is manslaughter. This carries a maximum penalty of 20 years imprisonment.

There is a large gap to the most serious Marine Act offence applicable in these circumstances — dangerous operation of a vessel. This carries a maximum penalty of two years imprisonment, aligning it to the Road Safety Act offence of dangerous driving.

These amendments mean that the same hierarchy of offences and penalties that apply when road deaths or serious injuries are caused by culpable or dangerous driving will apply when the dangerous operation of a vessel causes death or serious injury on the water.

Culpable operation of a vessel causing death will carry a maximum penalty of 20 years imprisonment.

Dangerous operation of a vessel causing death will carry a maximum penalty of 10 years imprisonment, while dangerous operation of a vessel causing serious injury will be punishable by up to 5 years imprisonment.

It is important to clarify that these offences focus on individual criminal responsibility. The bill specifically provides that the person who is in charge of the vessel involved in a fatality will not be guilty of the new offences merely by virtue of their position. For the master of a commercial vessel to be guilty of the offences, for example, there would need to be evidence of some specific conduct or omission by the master personally. However, more than one person may be individually criminally liable in relation to the same fatal incident where each person substantially contributed to the dangerous operation of the vessel.

Typically the operator of a vessel is the person who steers or navigates the vessel. However, as a number of people may be involved in operating a large vessel, it also includes a person who directs or gives instructions to another person who is 'physically' steering or navigating the vessel.

Navigating a vessel encompasses not only setting the direction for a vessel but starting the engine or operating the throttle, and it applies whether or not the vessel is in motion (except when it is ashore).

Death and serious injury in the marine environment is a relatively infrequent occurrence compared with the roads.

The amendments recognise, however, that the moral culpability of a person who causes the death or serious injury of another by culpable or dangerous operation of a marine vessel cannot be distinguished from that of a person who causes the death or serious injury of another by culpable or dangerous driving.

Importantly, these new indictable offences will act as a powerful deterrent to dangerous behaviour on our waterways.

As mentioned, we are seeing a rapid increase in the number of hospital presentations with recreational boating injuries — as well as an apparent increase in the severity of these injuries. The motorised boating sector, particularly newer forms of high-speed boating, is responsible for a disproportionate share of the rising injury rate.

While the recreational boating fatality rate is relatively stable at an average of approximately eight per year — and most fatalities continue to be associated with vessel disablements in the bays and open waters — there is concern that the increasing number and severity of recreational boating injuries could be an early warning of higher fatality risks.

The offences of culpable driving and dangerous driving causing death or serious injury are well understood by Victorian motorists.

In submissions on the Department of Transport's July 2009 discussion paper the option of aligning treatment of road fatalities and marine fatalities received 97 per cent support.

These new offences will complement the hoon boating scheme by increasing the deterrent effect of marine laws at a time when risk factors for fatalities and serious injuries are growing.

We do not want to see tragic fatal incidents — such as the death of 18-year-old Casey Hardman in a high-speed crash on Lake Eildon last December — become more frequent on the state's waterways.

Ports measures

The Brumby government continues to take action to provide for a prosperous future for all Victorians.

The government's channel deepening project was a major nation-building project which created new jobs, boosted our economy and will help build a bright future for our state.

Channel deepening is expected to generate more than $2 billion to the national economy over the next 30 years.

The government takes great pride in the timely delivery of this major infrastructure improvement at the port of Melbourne, along with the fact that the project was developed and managed in a way that minimised impact on the environment. The environmental conditions placed on the project were the toughest ever seen in Australia.

With ships getting bigger, the benefits of channel deepening are immediate. It allows ships to carry more cargo into the port. By increasing the depth of the channels we have expanded the allowable draught and generated additional cargo-carrying potential.

Attention has now turned to the operational aspects of the port. In particular, as larger ships start to come in and out of the port, current towage services will be inadequate for some larger vessels.

The bill amends the Port Services Act to better enable the Port of Melbourne Corporation to make sufficient provision for the adequacy, security and quality of essential port services such as towage. Accordingly, the bill gives the corporation a limited set of powers to set

conditions for the provision of towage services. This addresses gaps in the corporation's current powers and will help ensure that the port always has adequate towage services available.

The bill also makes some important adjustments to the Port Services Act relating to control of hazardous activities at the port of Melbourne.

The Port of Melbourne Corporation has identified some safety and other risks associated with bunkering or ship-to-ship transfers of dry and liquid cargoes, and also hot works in the port. These activities are currently regulated by a range of measures including directions of the harbour master, guidelines and protocols, along with a mix of environment and occupational health and safety legislation.

It is proposed to strengthen these arrangements by providing new heads of power in the act. This will enable regulations to be made to deal with these risks, including a requirement to notify the Port of Melbourne Corporation when a person intends to conduct a hazardous activity in the port.

The corporation has also found that its current powers relating to unattended or abandoned property are insufficient. Accordingly, new provisions are being introduced into the Port Services Act to ensure that the corporation is able to appropriately manage these activities.

Further, it is important that the Port of Melbourne Corporation has sufficient power to enforce these provisions as well as other relevant legislative provisions affecting the safety and efficiency of port operations.

The bill makes provision for the appointment of port safety officers. The officers are conferred with power to enforce the Port Services Act, relevant regulations and other instruments to ensure compliance with safety and other standards throughout the port precinct.

Roads measures

The bill also makes a number of amendments to improve road safety in Victoria.

The Road Safety Act 1986 is amended to:

exempt persons acting for emergency services from complying with fatigue management provisions when returning from attending an emergency;

exempt drivers of buses from complying with fatigue management provisions when replacing rail services or assisting in an emergency;

provide a broader range of sanctions for inappropriate behaviour by persons approved to supply alcohol interlocks; and

enable VicRoads to disclose information for emergency response and management purposes and to verify information provided to other government departments and agencies as evidence of an individual's identity.

The EastLink Project Act 2004 and the Southern and Eastern Integrated Transport Authority Act 2003 are amended to transfer responsibilities for the EastLink infrastructure.

EastLink opened to traffic on 29 June 2008, well ahead of schedule, and is now fully operational. The bill transfers the state's responsibility for managing EastLink from the Southern and Eastern Integrated Transport Authority (now known as the Linking Melbourne Authority) to VicRoads.

It is now appropriate for EastLink to be managed by VicRoads as part of the road network. The transfer makes good sense, as VicRoads is responsible for the management of the CityLink project and it will enable the two projects to be managed consistently.

At the same time, the transfer will allow the Linking Melbourne Authority to focus on the delivery of other road transport-related projects that have been allocated to it.

General

The bill also makes a number of minor, miscellaneous or machinery changes aimed at improving the operation of the schemes contained in the Transport Act 1983, the Accident Towing Services Act 2007, the Marine Act 1988, the Major Transport Projects Facilitation Act 2009 and the Road Management Act 2004. It also makes some technical amendments to the Melbourne City Link Act 1995.

I commend the bill to the house.

Debate adjourned on motion of Mr MULDER (Polwarth).

Debate adjourned until Wednesday, 25 November.

PLANNING AND ENVIRONMENT AMENDMENT (GROWTH AREAS INFRASTRUCTURE CONTRIBUTION) BILL

Statement of compatibility

Mr PALLAS (Minister for Roads and Ports) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Planning and Environment Amendment (Growth Areas Infrastructure Contribution) Bill 2009.

In my opinion, the Planning and Environment Amendment (Growth Areas Infrastructure Contribution) Bill 2009, as introduced to the Legislative Assembly, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of the bill

The purpose of the Planning and Environment Amendment (Growth Areas Infrastructure Contribution) Bill 2009 is to amend the Planning and Environment Act 1987 and six related acts to introduce a new growth areas infrastructure contribution (GAIC) scheme for the levying and collection of monetary contributions in certain growth areas for the provision of state infrastructure and associated costs in those areas.

This scheme will establish a simpler, fairer and more flexible system for funding the state infrastructure needed by new communities in growth areas.

The bill gives effect to the government's announced intention to introduce a state infrastructure contribution, as outlined in *Melbourne @ 5 Million* (December 2008).

Specifically, the bill:

> proposes to introduce a GAIC for the provision of state infrastructure and associated costs at a set rate on specified land in existing and future growth areas, which is triggered in a specified set of circumstances (such as on the subdivision of the land or certain land transactions), which will apply retrospectively from December 2008;
>
> establishes the legislative framework for the amount, payment, management and disbursement of the GAIC.

Human rights issue

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

Section 20 — property rights

Section 20 establishes a right not to be deprived of property other than in accordance with law. The requirement that deprivations only occur in accordance with law imports a requirement that the law not be arbitrary. It means that the law must be accessible to the public generally and the class of persons who are likely to be affected by the law in particular. The law must also be formulated with sufficient precision to guide those who apply it.

The term 'property' is not defined in the charter but includes both real and personal property and any right or interest regarded as property under Victorian law. It can also include less formal rights in relation to property. The term 'deprived' includes situations where a regulation has the effect of substantially depriving a property owner of the ability to use his or her property, including deriving profits from it.

Clause 9 of the bill establishes the legislative framework for the GAIC scheme for the specific purpose of levying contributions towards state-provided infrastructure in certain growth areas. The operation of this scheme is clearly defined and appropriately circumscribed in the bill. It applies only to specific areas of land within clearly defined boundaries; the events that trigger a GAIC liability and the amounts that must be paid are clearly specified; and the circumstances and procedures for granting exemptions or reducing the GAIC liability are defined.

In clause 9, proposed section 201RC defines which land within a growth area is subject to the GAIC; proposed section 201RA sets out the events that trigger the requirement for the GAIC to be paid, while proposed section 201RB sets out excluded events and proposed sections 201RF and 201RG set out excluded subdivisions of land and building work; proposed sections 201S–201SD set out when the GAIC liability arises; proposed section 201SG defines the amount to be paid and the method by which this amount is indexed; proposed section 201SE sets out when a GAIC trigger event occurs while proposed section 201SF sets out who is liable to pay the GAIC; proposed section 201SM sets out the capacity to elect to defer payment of the contribution, while proposed sections 201SN–201SQ set out procedures for calculating interest payable on the deferred contribution as well as when the deferred liability must be paid; proposed sections 201TA–201TD set out a range of dutiable and land transactions which are exempt from the requirement to pay the GAIC; proposed sections 201TE, 201TF and 201TG set out the circumstances and procedures for reductions of the GAIC liability; proposed sections 201TH–201TM provide for the establishment of and procedures for a GAIC Hardship Relief Board to consider applications for relief from the GAIC liability; and proposed sections 201U–201VC set out the requirements for the collection, administration and expenditure of the GAIC.

The government's intention to impose the GAIC was publicly announced in *Melbourne 2030 — A Planning Update — Melbourne @ 5 Million* in December 2008. This announcement included that the GAIC would be applied to trigger events from the date of the announcement. Public notices regarding the government's intention to impose the GAIC were also placed in the major newspapers at this time. A further public announcement applying to additional land to be included in the Melbourne West investigation area was made in May 2009. In addition to these public announcements and notices, the Growth Areas Authority wrote to all registered proprietors of affected land notifying them of the proposed GAIC and its intended application.

Since this time there has been a policy refinement in who would be liable to pay the GAIC, with the general principle now being that the liability to pay the GAIC sits with the person who is the owner of the land immediately after the liability arises. In instances of dutiable transactions relating to

land, the overarching change is that the person who would be taken to be the transferee (under the Duties Act 2000) for these transactions is the person now liable to pay the GAIC. For transfers of land, it is the purchaser who is liable to pay instead of the vendor. The drafting of the proposed legislation is clear as to who will be liable to pay the GAIC. The bill, under clause 15, also provides for amendments to the Sale of Land Act 1962 to require the vendor statement under a contract of sale of affected land to include a warning about the potential liability of a purchaser to pay any applicable GAIC, as well as to attach to the statement specified certificates or notices regarding the GAIC liability in respect of the land.

Clause 18 of the bill includes transitional provisions for circumstances of the application of the GAIC to contracts of sale entered into between 1 December 2008 and 1 December 2009. These transitional provisions make accommodation for instances where contracts of sale have anticipated that the vendor would be liable to pay the GAIC. While under the proposed legislation the purchaser will be liable to pay the GAIC in such circumstances, provision has been made for the purchaser to deduct from the purchase price the amount of the GAIC they are liable to pay. This will have the effect of the purchaser not suffering a loss as a result of their liability to pay the GAIC where the contract for the sale of the land otherwise anticipated the vendor bearing the liability.

The bill also provides greater certainty, flexibility and fairness for the purchaser liable to pay the GAIC by allowing the purchaser to elect to defer payment of the GAIC to the next trigger event — subsequent dutiable transaction, the issue of a statement of compliance relating to a plan of subdivision or the making of a building permit application.

The bill sets out that the new provisions are to come into effect on a day or days to be proclaimed, rather than immediately after the bill is passed by Parliament. This will enable further public information regarding the GAIC and its application to be provided. It is intended that the government will write to all affected landowners about these changes as well as provide public notices in the media.

To the extent that these parts of the bill engage section 20 of the charter, they do not limit it. The imposition of the GAIC is not arbitrary because it is precisely formulated and not only accessible to the public but the government has taken proactive steps to inform the general public and in particular the class of people who are likely to be affected by the GAIC. Therefore, the legislative provisions in relation to the GAIC do not limit section 20 of the charter.

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

The bill engages but does not limit the section 20 property right and it is not necessary to consider section 7(2) of the charter.

Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities because it raises human rights issues but does not limit human rights.

Peter Batchelor, MLA
Minister for Community Development

Second reading

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

That this bill be now read a second time.

This bill implements the government's announcement on 2 December 2008 in *Melbourne 2030 — A Planning Update — Melbourne @ 5 Million*, that improved arrangements will be put in place to fund the provision of new state-funded infrastructure in growth areas.

Melbourne's population is growing strongly, and the government's *Melbourne @ 5 Million* planning framework outlines that while more than 300 000 homes can be developed in the existing suburbs of Melbourne, more than 280 000 new homes will still be needed in the growth areas.

The governor of the Reserve Bank of Australia, Glenn Stevens, in an address he made at the 2009 Economic and Social Outlook Conference on 5 November, noted that the rate of population growth at present is the highest since the 1960s. He then went on to comment, and I quote:

> It follows that the demand for additional dwellings, among other things, is likely to remain strong. Corresponding effects will flow on to urban infrastructure requirements and so on. So the question of whether enough is being done to make the supply side of the housing sector more responsive to these demands will remain on the agenda.

The Victorian government is already meeting this challenge in a strategic and comprehensive manner.

Melbourne 2030 is a widely recognised leader in urban strategy. It encourages intensification of development within the established and serviced suburbs through infill development and increased density at major activity centres. It also recognises the need to build new communities in defined growth areas. This was reinforced by *A Plan for Melbourne's Growth Areas* in November 2005 and *Melbourne @ 5 Million*. The government is expanding the urban growth boundary to help meet this growth and maintain housing affordability. Early provision of high quality infrastructure is part of the government's commitment to developing sustainable new communities in growth areas, not dormitory suburbs of the past.

The government, through its Delivering Melbourne's Newest Sustainable Communities program, is planning to ensure adequate land supply is brought onto the market to meet projected demand for housing over the next 20 years or so. The expansion of the urban growth

boundary to provide more urban land for the growth of Melbourne is a key element of this planning.

The development of new communities requires a very substantial state government investment in infrastructure and services, including public transport services, arterial roads, major open space, environmental improvements and major community facilities. The expansion of the urban growth boundary will be supported by the introduction of the growth areas infrastructure contribution, or 'GAIC' for short. Funds raised by the GAIC will be used to provide vital infrastructure and oversee development in the growth areas.

The GAIC is the way we can pay for the new roads, public transport, schools and other things people need in a community. The contribution will enable this important infrastructure to be delivered earlier in the development of new communities.

Land that is brought within the urban growth boundary, and which is zoned and developed for urban purposes increases significantly in value. This value increase reflects the fact that the land will be developed in the future and the expectation that it will be serviced with key infrastructure and services necessary to support new, vibrant urban communities.

While the government will continue to meet the majority of the costs of state infrastructure, it is also important that the substantial windfall gains that result from changes to the urban growth boundary and land being rezoned for urban development contribute fairly to offset the financial impact of the additional infrastructure service provision.

The government's commitment in *A Plan for Melbourne's Growth Areas* in 2005 to obtaining contributions towards state infrastructure was based on the existing development contributions plan system. While the existing system does allow state agencies to levy for infrastructure items, it does not provide a simple, equitable and viable mechanism for the levying of contributions towards the provision of state infrastructure in growth areas. It also does not enable a contribution to be imposed when land is sold, so that contributions are collected from the value uplift resulting from land being zoned for urban development. Charging the GAIC at the point of sale enables access to the land value increase.

The GAIC model will ensure that the benefits of land being earmarked for urban development are balanced by requiring the people reaping those benefits to make a fair contribution towards the provision of the state infrastructure necessary to support new development in growth areas. This will help ensure Melbourne continues to grow as a well-planned and sustainable city.

The bill will apply the GAIC at a rate of $80 000 per hectare for all land currently within the existing urban growth boundary that has been brought within that boundary since November 2005 and is zoned for urban development, and $95 000 per hectare for land that is brought into the urban growth boundary in the future. Each of these contribution amounts will be indexed over time with an appropriate construction index to be determined by the Treasurer.

The growth areas infrastructure contribution is to be a once-only charge, payable on the first 'GAIC event' to occur in relation to particular land. GAIC events relate to dutiable transactions relating to land, such as a sale or transfer of land, the issuing of a statement of compliance for a plan of subdivision of land, or the making of an application for a building permit for development. There are a range of exclusions to the general circumstances of the GAIC events set out in the bill. For example, an application for a building permit for a single dwelling and for building work less than $1 million are excluded matters.

Application of the GAIC will be subject to transitional provisions retrospectively imposing the GAIC liability to trigger events from the date of the announcement of the charge in *Melbourne @ 5 Million* in December 2008, and a subsequent announcement on 19 May 2009. The retrospective application of the GAIC is to apply in relation to land brought within the urban growth boundary from November 2005 to December 2006, and to land within an investigation area brought within the urban growth boundary and rezoned to an urban growth zone from the relevant announcement date up until one year after the commencement of these new provisions. The retrospective application of the GAIC was announced in *Melbourne @ 5 Million* and will ensure that the objective of obtaining contributions towards infrastructure cannot be undermined by speculation in property that could arise if there were no retrospective provisions.

Incorporated into the bill are a range of circumstances where there is no liability to pay a GAIC. This demonstrates that the government has designed the GAIC with a high degree of fairness, ensuring it covers a broad range of exclusions and exemptions as well as catering for potential hardship circumstances.

In addition, the bill provides flexibility around the payment of the GAIC by enabling persons who are

liable to pay a GAIC to defer the payment as well as providing for the GAIC to be paid in stages in particular circumstances.

The new provisions are to operate in conjunction with the Taxation Administration Act 1997 to enable the commissioner of state revenue to be responsible for collecting the GAIC on behalf of the government.

GAIC funds will be fully accounted for and will be paid into the Consolidated Fund. The GAIC funds will be equally directed into two individual trust funds — the Growth Areas Infrastructure Fund and the Building New Communities Fund. The trust funds will be administered by the Department of Planning and Community Development, which will forward the funds to the Growth Areas Authority to administer the individual payments and projects in line with the state government's infrastructure investment priorities.

Both accounts are to be used to provide state-funded infrastructure, however the Building New Communities Fund is to focus on projects supporting economic and community infrastructure and be allocated following consideration of applications submitted by local councils and others.

That is the overall picture. I would like to turn now to some specific provisions of the bill, and in doing so, expand on a number of features of the proposal, including exceptions to the general principles to take account of special situations which may arise.

The bill is divided into four parts. Part 1 deals with preliminary matters, including the arrangements for proclamation. It is the government's intention to have the new provisions fully operational as early as practicable, and the proposed changes to the UGB will not have effect until this bill becomes law. There is a need for the development industry and the community to have certainty, and the government therefore expects the Parliament will finalise the bill before Christmas.

Part 2 of the bill details the amendments to the Planning and Environment Act 1987.

Clause 3 of the bill inserts a new definition of the term 'urban growth boundary' which will allow an urban growth boundary to be specified in any planning scheme, rather than just metropolitan fringe planning schemes. The ability to apply the urban growth boundary as a planning tool elsewhere in the state is consistent with the government's policy as set out in *Melbourne 2030*. However, the ability to apply an urban growth boundary as a planning tool elsewhere in Victoria will not lead to the imposition of the GAIC in such areas as the GAIC can only be applied to councils listed as growth area councils in section 46AP of the Planning and Environment Act.

The designation of a council as a growth area council under this section would require an amendment to the act. In addition, another precondition for imposing the GAIC is that the 'contribution area' is within a declared growth area. This means that unless any land to be brought within the urban growth boundary is also declared as a growth area under the provisions of the Planning and Environment Act, the GAIC cannot be imposed.

Clause 5 amends section 46AP of the Planning and Environment Act to include Mitchell Shire Council in the list of growth areas councils, as was announced in *Melbourne @ 5 Million*. I make the point, however, that only that part of the Shire of Mitchell that is to be included within the urban growth boundary, declared as a growth area and zoned the urban growth zone will be liable for the GAIC.

Clauses 7 and 8 of the bill deal with the interaction of the GAIC with the development contributions plans system under the Planning and Environment Act. The effect of these amendments will be to exclude the making of further development contributions plans to provide for state infrastructure in areas where the growth areas infrastructure contribution applies.

These restrictions on the use of development contributions plans will not affect their use in levying for contributions towards either local or state infrastructure in other circumstances. Nor will they limit the powers of state agencies, as referral authorities under the Planning and Environment Act 1987, from imposing conditions on proposed developments for a contribution towards works to connect to or upgrade state infrastructure networks where required by that development.

Clause 9 is the main clause inserting the new part 9B into the Planning and Environment Act 1987 to implement the new system for the growth areas infrastructure contribution, or GAIC, for state-funded infrastructure.

Proposed section 201RA defines the GAIC events that trigger the liability to pay a contribution. These events are the issuing of a statement of compliance for a plan of subdivision, making an application for a building permit to carry out building work and dutiable transactions relating to land, such as transferring or purchasing land. A series of excluded events that do not trigger a liability to pay a contribution are set out in the bill. The excluded events also apply to circumstances

where actions in relation to an event have occurred prior to the announcement of the GAIC or land coming within a contribution area. Such circumstances include where a planning permit had been issued for either the subdivision of the land or for building work to be undertaken, or where a binding contract relating to a dutiable transaction or a significant acquisition of interest was entered into before the relevant day. This is to ensure fairness in the application of the GAIC.

Division 1 also addresses excluded subdivisions and building work for the purposes of this new part of the act. These exclusions essentially ensure that minor matters do not trigger a liability to pay the GAIC. Some of the matters that are excluded include a subdivision to create a lot not exceeding 2 hectares for the purpose of excising an existing dwelling on the land, the demolition of a building, the construction of a single dwelling, the repair or reconstruction of an existing building and building work with a value of less than the specified threshold amount, which for the 2009–10 financial year is $1 million.

Division 2 addresses the imposition of the GAIC on the happening of the first GAIC event. It also provides that where a person liable to pay the contribution is exempted from that liability, under provisions set out in other proposed sections, the GAIC is imposed in respect of the next GAIC event that occurs in relation to the land. It also confirms that a GAIC may be imposed only once in respect of any land. There are also circumstances where the GAIC is payable in stages. Examples are provided within the bill to explain how this provision applies.

Proposed section 201SA sets out circumstances in which a GAIC liability is not imposed. The circumstances are specified because they are matters that would not normally lead to a demand for the provision of urban infrastructure. Such circumstances include where the land is 0.41 hectares or less in area, which is approximately the area of the old 1-acre lot, as well as lots between 0.41 and 2.03 hectares in area on which there is a habitable dwelling.

The bill includes retrospective provisions defining when the liability to pay a GAIC arises where a GAIC event occurs between when the state infrastructure contribution was announced and the commencement of these provisions. The Growth Areas Authority has written to all registered proprietors of land affected by these transitional arrangements so there will be no surprise in these provisions to any landowners in the affected areas; any actions taken since the announcement dates will have been taken in the knowledge of these proposed arrangements.

A person who is liable to pay a GAIC in respect of a dutiable transaction relating to land has the option to defer the payment of that contribution. The opportunity to defer the payment of the GAIC provides greater certainty, flexibility and fairness for purchasers and dispels many of the concerns raised about when the GAIC is payable. When a GAIC event occurs, such as the purchase of land, the liability is registered on the title, but the buyer can, within 90 days, elect to defer the payment until the land is again sold or developed.

The bill also provides for the staged payment of a GAIC. Consultations with development industry bodies have indicated that it is important for the possibility of staged payments to be provided for. This will enable developers to match their GAIC liability against cash flow for very large developments. The staged payment of a GAIC will apply to circumstances where the liability to pay the GAIC is triggered by the subdivision of land or an application for building works and is subject to the minister's approval.

The deferred and staged payments will both be subject to the payment of interest. The interest calculation method is modelled on the interest provisions in the Taxation Administration Act 1997. This means an annual 'market' rate is calculated and a 'premium' rate is then added. The Treasurer will set the premium component at a rate which ensures the interest payable is broadly equivalent to commercial lending rates and also reflects the risks and costs to the government of making the deferral facility available. The premium rate will be reviewed as required.

A series of exemptions and reductions from GAIC liability are dealt with in division 3. Generally, where an exemption from GAIC liability applies the GAIC liability will arise at the next GAIC event; in the circumstance of a reduction in the GAIC liability, the payment of the reduced amount satisfies the GAIC liability and no further liability applies.

The bill also provides an exemption from paying a GAIC in respect of a dutiable transaction relating to land that is made for no consideration. The term 'consideration' in this context has the same meaning as defined in section 32A of the Duties Act 2000. An example of a dutiable transaction made for no consideration is where a person transfers the title on a property to his or her spouse and there is no consideration for this change.

Exemptions from paying a GAIC, if an exemption from paying duty on certain types of transactions, applies based on various sections of the Duties Act to define the relevant circumstances for which the GAIC

exemption would apply. These circumstances include transfers of title in the instance of the breakdown of a marriage or domestic relationship and a transfer from a deceased estate.

The bill also includes a provision for the Governor in Council, on the recommendation of the minister, to grant a reduction or exemption of a GAIC liability where it is considered that exceptional circumstances exist. While by their nature 'exceptional circumstances' are generally unforeseen, such circumstances might include unintended consequences of the legislation that result in undue commercial hardship or inequity. A reduction may reduce the GAIC liability in whole or in part, while an exemption defers the liability to the next GAIC event affecting the land.

Proposed section 201TF sets out the provisions for a reduction of a GAIC liability, either in whole or in part, in the circumstances of there being an agreement in relation to the provision of state infrastructure. The provisions limit the periods within which agreements eligible for consideration for a reduction of GAIC liability may be entered into, and as such constrain the use of these agreements on an ongoing basis.

A Growth Areas Infrastructure Hardship Relief Board is established by the bill to grant relief from the liability to pay a GAIC. These provisions are to deal with circumstances of financial hardship arising from the imposition of the GAIC.

The board may decide to reduce the GAIC liability, either wholly or in part, exempt a person from the whole of their GAIC liability or refuse the application to grant relief. Where the board grants a reduction of the liability, the payment of the reduced amount satisfies the GAIC liability and no further liability applies. Where an exemption from GAIC liability is granted the GAIC liability will arise on the occurrence of the next GAIC event.

Proposed division 5 sets out arrangements for the establishment of the growth areas funds, and their application. Although coming at the end of the proposed new part of the Planning and Environment Act, this is the main purpose of the GAIC system — to provide funding for state infrastructure in growth areas.

There are to be two funds — the Growth Areas Infrastructure Fund and the Building New Communities Fund. Fifty per cent of the GAIC moneys must be paid into each fund.

The infrastructure fund is to be used to provide financial assistance for capital works for wholly or partly state-funded infrastructure for the benefit of any growth area, the acquisition of land and other infrastructure necessary for the operation or maintenance of such infrastructure and for the payment of any recurrent costs resulting from the bringing forward of a new public transport service in a growth area for a maximum period of five years after the commencement of that service.

The Building New Communities Fund is to be used for any of the matters for which the infrastructure fund may be used, with the exception of the payment of any recurrent costs resulting from the bringing forward of a new public transport service in a growth area. The Building New Communities Fund may also be used for the costs and expenses of the Growth Areas Authority incurred in exercising or performing its functions, powers and duties under the act.

Requirements for the Department of Planning and Community Development and the Growth Areas Authority to report on the income and expenditure details of the infrastructure fund and the Building New Communities Fund, and on the operation of the GAIC scheme, are clearly set out in the bill.

The remaining clauses of the bill provide for new regulation-making powers relating to the administration of the GAIC, such as the prescribing of fees for GAIC certificates and for matters relating to a function or duty exercised by the registrar of titles in relation to this new part of the act.

There are also transitional provisions which enable fixing a lower GAIC amount payable for the 2009–10 financial year, if considered appropriate.

A new schedule is being inserted at the end of the Planning and Environment Act 1987 relating to the growth areas infrastructure contribution. This schedule provides for the definition of the 'investigation areas', the indexation of the threshold amount for excluded building work and the formula for adjustment of the GAIC amount. For the information of the house, I will lodge a set of the relevant maps defining the investigation areas with the parliamentary library today.

Part 3 of the bill makes complementary amendments to other acts. This includes amendments to the Sale of Land Act 1962. The intention of these amendments is to provide protection for an intending purchaser of land in a contribution area where there is a GAIC notice on the title for the land. This will enable the purchaser and vendor to negotiate the sale price with knowledge of whether or not the GAIC will apply to the land upon its disposition.

The bill concludes with Part 4, which provides for repealing of this amending legislation on 1 October 2011 by which time the legislative amendments it has made will have come into operation and its effect spent.

Finally, I draw members attention to clause 31 as this bill proposes to limit the jurisdiction of the Supreme Court. Accordingly I provide the following statement:

Statement under section 85(5) of the Constitution Act 1975

I wish to make a statement under section 85(5) of the Constitution Act 1975 of the reasons for altering or varying that section by this bill.

Clause 31 of the bill inserts a new subsection (5) into section 135 of the Taxation Administration Act 1997 to provide that it is the intention of sections 5, 12(4), 18(1), 96(2) and 100(4) of the Taxation Administration Act 1997, as those sections apply after the commencement of clause 31, to alter or vary section 85 of the Constitution Act 1975. These provisions preclude the Supreme Court and the Victorian Civil and Administrative Tribunal (VCAT) from entertaining proceedings of a kind to which these sections apply, except as provided by those sections.

A central purpose of this bill is to bring the growth areas infrastructure contribution under the Taxation Administration Act 1997.

This bill provides that for the purposes of the Taxation Administration Act 1997, Part 9B of the Planning and Environment Act 1987 and any regulations made under that act for the purposes of that part is a 'taxation law'. Part 9B of the Planning and Environment Act 1987 introduces a growth areas infrastructure contribution for the provision of state infrastructure in certain growth area land.

Section 5 of the Taxation Administration Act 1997 defines the meaning of non-reviewable in relation to the Taxation Administration Act 1997 which now also applies to the growth areas infrastructure contribution. 'Non-reviewable' is referred to in sections 12(4) and 100(4) of the Taxation Administration Act 1997.

The reasons for limiting the jurisdiction of the Supreme Court in relation to a compromise assessment under section 12 of the Taxation Administration Act 1997 are that agreement has been reached between the commissioner and the taxpayer on the taxpayer's liability, and the purpose of the section would not be achieved if the decision were reviewable, and this provision now applies to the growth areas infrastructure contribution.

Section 18 of the Taxation Administration Act 1997 establishes a procedure, the adherence to which is a condition precedent to taking any further action for recovering refunds. The purpose of the provisions is to give the commissioner the opportunity to consider a refund application before any collateral legal action can be taken. The purpose of these provisions would not be achieved if the commissioner's actions were subject to judicial review. This provision will apply to the growth areas infrastructure contribution under this bill.

Division 1 of part 10 of the Taxation Administration Act 1997 establishes an exclusive code for dealing with objections, and this division will also apply to the growth areas infrastructure contribution under this bill. This code establishes the rights of objectors in a statutory framework and precludes any collateral actions for judicial review of the commissioner's assessment or decision of a type referred to in section 96(1) of the Taxation Administration Act 1997. The objections and appeals provisions of part 10 of the Taxation Administration Act 1997 establish that review of assessments is only to be undertaken in accordance with an exclusive code identified in that part. The purpose of these provisions would not be achieved if any question concerning an assessment or decision referred to in section 96(1) was subject to judicial review except such judicial review as provided by division 2, part 10 of the Taxation Administration Act 1997.

A power is provided to the commissioner under section 100 of the Taxation Administration Act 1997 which provides the commissioner with discretion to allow an objection to be lodged even though out of time. This decision is non-reviewable to ensure the efficient administration of the act and to enable outstanding issues relating to assessments to be concluded expeditiously. This provision will apply to the growth areas infrastructure contribution under this bill.

I commend the bill to the house.

Debate adjourned on motion of Mr CLARK (Box Hill).

Debate adjourned until Wednesday, 25 November.

FIRE SERVICES FUNDING (FEASIBILITY STUDY) BILL

Statement of compatibility

Mr HOLDING (Minister for Finance, WorkCover and the Transport Accident Commission) tabled

following statement in accordance with Charter of Human Rights and Responsibilities Act:

In accordance with section 28 of the Charter of Human Rights and Responsibilities (the charter), I make this statement of compatibility with respect to the Fire Services Funding (Feasibility Study) Bill 2009.

In my opinion, the Fire Services Funding (Feasibility Study) Bill 2009, as introduced to the Legislative Assembly, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of bill

The purpose of the Fire Services Funding (Feasibility Study) Bill is to amend the Taxation Administration Act 1997 (TAA) to allow the commissioner to conduct feasibility studies.

The bill will also amend the TAA to:

require a person to provide information to the commissioner for the purposes of a feasibility study; and

prohibit the use and disclosure of information obtained for the purposes of a feasibility study except for purposes clearly related to a feasibility study.

Human rights issues

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

Right to privacy

The right to privacy is protected by section 13 of the charter. In accordance with this right, a person must not have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with. This means that a person's privacy may not be interfered with where it is not permitted by law, or where it is neither certain or appropriately circumscribed. Likewise, a person's privacy may not be interfered with in an unreasonable manner or in a way which fails to accord with the provisions, aims and objectives of the charter.

To the extent that clause 116B of the bill requires a person to provide information to the commissioner for the purpose of a feasibility study, it engages the right to privacy. However, clause 116B does not limit that right as any interference with the right to privacy is neither arbitrary nor unlawful.

The interference is not arbitrary because this information will be used for the sole purpose of conducting feasibility studies to ensure the government has the best possible advice for making tax policy and can produce laws which best meet the needs of all Victorians. One of the key elements of effective tax design is having access to information which is complete, accurate and up to date on which to base policy decisions. Where this information is not available through other means, the government may need to seek this information from the public or private sector. Having access to this information will ensure that the government can design taxes and entitlements which benefit all Victorians and ensure the state functions effectively.

The exercise of this power is also subject to strict safeguards aimed at protecting the privacy of the information collected. Clause 116C provides that the information can only be used for the purposes of a feasibility study and clauses 116E and 116G prohibit the disclosure of that information, except in clearly defined circumstances which are related to a feasibility study. Clause 116B(4) provides that the commissioner cannot exercise the power unless he determines there is no other reasonable means of obtaining the information required for a feasibility study. The Information Privacy Act 2000 will also apply to the collection and handling of this information. In accordance with that act the information will be destroyed or permanently de-identified when it is no longer needed for the purposes of a feasibility study.

In these circumstances the power to require a person to provide information for the purposes of a feasibility study is not arbitrary, and the interference is not unlawful, because it is permitted by law. Therefore, the right to privacy is not limited by clause 116B of the bill.

Clause 116E of the bill amends the TAA to permit disclosure of information obtained for the purpose of a feasibility study in certain clearly defined circumstances related to the conduct of a feasibility study. In each instance disclosure may engage the right to privacy, but does not limit that right because the disclosures permitted are neither unlawful nor arbitrary.

Clause 116E(a) of the bill permits disclosure to any person employed or engaged in the administration or enforcement of a taxation law or another law under the general administration of the commissioner, if the disclosure is for the purposes of the conduct of a feasibility study. Feasibility studies will be conducted by delegates of the commissioner who are persons employed or engaged in the administration or enforcement of a taxation law, or other laws the commissioner administers. Permitting disclosure to those persons is not arbitrary, because it allows them to communicate with each other for the purposes of that study.

Clause 116E(b) of the bill permits disclosure to the Treasurer or a person employed in the Department of Treasury and Finance (DTF) if the disclosure is for a purpose related to the conduct of a feasibility study. While the commissioner is responsible for administering the taxation laws, including conducting feasibility studies, DTF has primary responsibility for advising the Treasurer on tax policy and the design of tax law. DTF will participate in feasibility studies to the extent that they examine and analyse information collected by the commissioner in order to develop and evaluate tax policies and proposals. Accordingly, permitting disclosure to the Treasurer and DTF for this limited purpose is necessary for a feasibility study to operate effectively and is not arbitrary in the circumstances.

Clause 116E(c) of the bill permits disclosure where the person to whom the information relates consents to the disclosure. Disclosure in these circumstances is not arbitrary because the individual has ultimate control over whether or not his or her information is disclosed.

Clause 116F of the bill permits the commissioner or the Treasurer to disclose information obtained in relation to the conduct of a feasibility study where it is unlikely to identify a particular person. This is necessary to allow information of a general nature to be disclosed, ensuring the commissioner and Treasurer can remain transparent and accountable in relation to the conduct of a feasibility study. For example, this may include briefing external stakeholders or making public the findings of any feasibility study. The requirement that the information disclosed must be of a general nature protects the privacy of individuals and is not arbitrary.

Clause 116G(a) of the bill permits a person who obtains information relating to a feasibility study to disclose that information to any other person where the commissioner consents to the disclosure and the disclosure is for the purpose of the conduct of a feasibility study or relates to the conduct of a feasibility study. This ensures that the persons conducting a feasibility study can on-disclose information for the limited purpose of a feasibility study. This clause ensures that persons conducting a feasibility study can make all the disclosures required to conduct a feasibility study effectively, but is appropriately circumscribed because the commissioner must provide consent before any on-disclosure is made. In these circumstances the clause is not arbitrary.

Clause 116G(b) of the bill permits a person who obtains information relating to a feasibility study which was initially obtained with the consent of the person to whom it relates to disclose that information with the consent of the commissioner and with the consent of the relevant individual. In these circumstances disclosure is not arbitrary because the individual is given control over whether or not his or her information is disclosed.

In each case these disclosures are not unlawful because they will be permitted by law and limited to disclosure for expressly defined purposes.

Freedom of expression

Section 15(2) of the charter protects the right to freedom of expression. This is the freedom to seek, receive and impart information and ideas of all kinds, whether within or outside of Victoria, and in any variety of forms. Freedom of expression is also the freedom from being compelled to say certain things or provide certain information.

Clause 116B of the bill limits the right to freedom of expression as it compels a person to provide information to the commissioner for the purposes of a feasibility study.

Clause 116E and clause 116G also limit the freedom of expression because they prohibit a person from disclosing certain types of information. Clause 116E prohibits the disclosure of information obtained in respect of a feasibility study, except where expressly authorised. Clause 116G prohibits a person who obtains information as a result of an authorised disclosure from disclosing that information to others.

However, in each case the limitations are reasonable limitations for the reasons set out below.

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

(a) What is the importance of the purpose of the limitation?

The purpose of clause 116B, which requires a person to provide information to the commissioner for the purposes of a feasibility study, is to ensure that the government can design taxation laws which best meet the needs of Victorians. Sound taxation laws are critical to the effective functioning of the state because they raise revenue to fund the government's social and economic programs, and provide entitlements to those who need them through various concessions and exemptions.

The purpose of clauses 116D and 116G is to ensure that an individual's right to privacy is protected by restricting the disclosure of information that has been obtained by the commissioner for the purposes of a feasibility study. This is important because the commissioner has an overarching right to safeguard an individual's right to privacy.

(b) What is the nature and extent of the limitation?

Clause 116B only requires a person to provide information to the commissioner, but only for the purposes of a feasibility study.

Clauses 116D and 116G of the bill limit the right to freedom of expression by restricting the disclosure of information obtained for the purpose of a feasibility study, unless that disclosure is expressly permitted by the bill. The limitation only applies to persons who have obtained information for the purposes of a feasibility study, or authorised recipients of that information under the bill. The information to which the restriction relates is limited to information obtained for the purposes of a feasibility study conducted by the commissioner and does not apply to other information a person may seek to impart. The bill also provides a number of circumstances where disclosure is permitted, and clause 116F provides for certain disclosures which are of a general nature. Accordingly, the nature and extent of the limitation is confined.

(c) What is the relationship between the limitation and the purpose?

The limitation contained in clause 116B is directly related to the purpose, which is to ensure that the government has the information required to design effective and efficient tax laws which accurately reflect current social and economic conditions. The limit is also proportionate to the purpose because, although the clause is couched in mandatory terms, there is no civil or criminal penalty imposed for failure to comply with the requirement to provide information to the commissioner for the purpose of a feasibility study.

There is a direct relationship between the limitation imposed by clauses 116D and 116G and the purpose of those clauses. Section 15(3)(a) of the charter provides that freedom of expression may be subject to lawful restrictions reasonably necessary to respect the rights of other persons including the right to privacy. There is a direct relationship between the limitation imposed by clauses 116D and 116G and their purpose, which is to protect the privacy of information obtained for the purpose of a feasibility study.

(d) Are there any less restrictive means available to achieve its purpose?

In some circumstances it may be possible to obtain the information required for a feasibility study by less restrictive means — for example, where that information is available from a public source or where a person is willing to volunteer the required information. In these circumstances clause 116B(4) provides that the commissioner is not permitted to exercise the power unless he or she determines that there is no other reasonable means of obtaining that information. The commissioner cannot exercise the power where there is a less restrictive means available to obtain the information required for a feasibility study.

No other means are considered reasonably available to achieve the purpose of clauses 116D and 116G.

(e) Conclusion

Clause 116B is reasonable and necessary so that the government has complete, up-to-date and accurate information on which to base tax design decisions.

The limitation of freedom of expression by virtue of clauses 116D and 116G is reasonable and necessary to ensure private information obtained for the purposes of a feasibility study conducted by the commissioner is adequately protected in accordance with the charter and the Information Privacy Act 2000. In this case it is necessary to balance the right of freedom of expression of those persons employed or engaged in the feasibility study with an individual's right to privacy.

Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities because, even though it does limit a human right, this limitation is reasonable.

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

Second reading

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

That this bill be now read a second time.

The purpose of the Fire Services Funding (Feasibility Study) Bill 2009 is to establish a framework to facilitate the conduct of a feasibility study in relation to alternative mechanisms for funding fire services in Victoria.

The bushfires which devastated this state earlier this year brought to the fore the vexed question of how fire services in Victoria ought to be funded. Under the current model, insurance companies make annual statutory contributions to the budgets of the Metropolitan Fire and Emergency Services Board (MFESB) and the Country Fire Authority (CFA), and approximately three-quarters of their budgets comes from these contributions. The remainder of the fire services budget is made up from local councils in the metropolitan area, and the state government.

Insurance companies recover the cost of their contributions from their policy-holders by attaching a fire services levy to insurance premiums, although they are under no statutory obligation to recover these costs in this way.

Following the 2009 Victorian bushfires (the bushfires) several questions have been raised on the funding of the fire services through the current insurance-based model. The bushfires have understandably led to a call on both government and the insurers to pay for the increased ongoing cost from bolstering preventive and protective fire services. In particular, some suggest that the impost on the insured is too high and has become a disincentive for property owners to adequately insure.

Whilst there are statutory provisions allowing the MFESB and the CFA to directly charge non-insured property owners for fire services, it may not be appropriate for the CFA to issue notices for call-out charges to non-insured property owners in the case of catastrophic fires such as Black Saturday. Nonetheless, millions of dollars worth of fire services were provided during the fire season to uninsured properties.

It is difficult to ascertain the quantum of non-insurance and underinsurance in our community. Evidence suggests that non-insurance varies from as little as 4 per cent to almost 30 per cent of all properties in Victoria. Whether the current insurance-based funding arrangements are in fact inequitable can only be determined by assessing whether those who are facing comparable fire risks are making similar contributions to the cost of fire services.

The government has recently released a green paper entitled *Fire Services and the Non-insured*. The purpose of this green paper is to facilitate community discussion on the best way to fund Victoria's fire services and to determine whether an alternative model would deliver adequate funding in a more equitable way.

The green paper outlines the government's intention to gather information and conduct a study to develop a greater understanding of the current levels of insurance throughout Victoria. The study will also consider the effects of the current fire services funding arrangements and assess whether options may improve the equity around fire services funding. The study will start by collecting data from insurance companies in relation to a number of selected municipalities to make a preliminary assessment of the levels of non-insurance and underinsurance.

The State Revenue Office will assist in the study by gathering and collating relevant data. The State Revenue Office and Department of Treasury and Finance will then jointly undertake an analysis of options and alternatives.

Currently the statutory role of the commissioner for state revenue is to administer the taxation laws. In order for him to participate in a feasibility study into a tax, duty, levy or impost, and undertake an analysis of alternatives, a new statutory function will be conferred on him.

The bill will allow the commissioner to collect information for the purposes of a study and disclose that information to officers within the Department of Treasury and Finance for the purposes of the study. The bill ensures appropriate privacy and confidentiality safeguards are in place so the information collected is used only for the purposes of the study. Appropriate prohibitions regarding the use and disclosure of the information are provided so that details of the study cannot be further disclosed in a manner that identifies individuals. A penalty of 100 penalty units can be imposed on any person who discloses information outside of these strictly defined parameters.

This government is committed to learning from all aspects of the Victorian bushfires. This bill establishes a framework that will help the government learn more about the levels of insurance in Victoria, and inform any decisions about how to fund fire services in the future in a way that is equitable and fair for the whole of our community.

I commend the bill to the house.

Debate adjourned on motion of Mr CLARK (Box Hill).

Debate adjourned until Wednesday, 25 November.

EDUCATION AND TRAINING REFORM AMENDMENT (OVERSEAS STUDENTS) BILL

Statement of compatibility

Ms ALLAN (Minister for Skills and Workforce Participation) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:

In accordance with section 28 of the Charter of Human Rights and Responsibilities (the charter), I make this statement of compatibility with respect to the Education and Training Reform Amendment (Overseas Students) Bill 2009 (the bill).

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

Overview of bill

The purpose of the bill is to amend the Education and Training Reform Act 2006 (the act) to provide for:

an expedited process to take action against providers who have been approved under part 4.5 of the act to provide a specified course to students from overseas; and

the public disclosure of information about the cancellation or suspension of the registration, approval or authorisation of persons and bodies under divisions 3, 4 or 5 of part 4.3 or part 4.5 of the act.

The bill seeks to provide additional protection for students of education and training organisations, especially overseas students.

It will do this, firstly, by adding to the powers of the Victorian Registration and Qualifications Authority (VRQA) the ability to provide information about providers (other than schools) whose registration, approval or authorisation to deliver courses to overseas students has been suspended or cancelled. This will include the names and positions of the provider's owners, directors, partners, high managerial agents and principal executive officer (as the case requires), and the grounds for the suspension or cancellation. It will also enable the VRQA to notify students of a provider (other than a school) where action has been taken against the provider that may affect its delivery of services to students.

Secondly, the bill will empower the VRQA to act more quickly in certain serious situations against poor quality education and training providers (other than schools or universities) who deliver training to overseas students. In cases of 'exceptional circumstances', the VRQA will be required to give at least three working days notice of its intention to suspend a provider's approval, and at least seven days notice of its intention to cancel the approval, rather than the current 28-day notice period.

The bill strikes the right balance between the rights of training providers and students, particularly students' entitlement to an education which meets the standards against which the provider is registered to deliver. The bill seeks to maintain the high quality of education offered in Victoria, thus promoting the right to education recognised by article 26 of the Universal Declaration of Human Rights and article 13 of the International Covenant on Economic, Social and Cultural Rights.

Human rights issues

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

The bill potentially engages two of the human rights protected by the charter:

Section 13: right to privacy and reputation

Section 13 provides that:

A person has the right —

(a) not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with; and

(b) not to have his or her reputation unlawfully attacked.

Clause 3 of the bill amends section 4.2.2(1)(h) of the act to list as a function of the VRQA ensuring the public availability of meaningful and accurate information about persons or bodies, except schools, whose registration, approval or authorisation (under division 3, 4 or 5 of part 4.3 or under part 4.5) has been cancelled or suspended, and the reasons for this. This may also include the names and positions of the

owners, directors, partners, high managerial agents and principal executive officer (as the case requires) of those providers.

Clause 4 of the bill inserts a new section 4.2.9 to empower the VRQA to direct an education and training organisation (as defined) to notify students enrolled by it of action taken against the organisation that may affect its delivery of services, or to publish this information itself.

The publication of the name of and specified action taken against an entity that is not a natural person does not engage the charter. However, the disclosure of the names of individuals — persons registered as the provider or the principal executive officer or directors et cetera of those entities — potentially engages section 13.

The right to privacy in section 13(a) is only limited if the interference with privacy is 'unlawful' or 'arbitrary'. 'Unlawful' means that no interference with privacy can take place except if the law permits it. The United Nations Human Rights Committee has said that a law which authorises any interference with privacy must be precise and circumscribed. In order to avoid being characterised as 'arbitrary' any interference must be in accordance with the provisions, aims and objectives of the charter and should be reasonable and justifiable in the particular circumstances.

One of the key principles enshrined in section 1.2.1(c) of the act is that 'information concerning the performance of education and training providers should be publicly available'.

An existing function of the VRQA is to provide meaningful and accurate information to the public about training providers. The VRQA already has the power to provide such information about registered providers, and it is a targeted and reasonable amendment of this power to clarify that this function also extends to those providers who have once been registered (approved or authorised), but whose registration (approval or authorisation) has been cancelled.

The aim of empowering the VRQA to publish this information is to provide as much information as possible to students, in order for them to make an informed choice of education and training provider. The bill recognises and supports the right of students to make informed choices about the most appropriate registered provider that can meet their educational needs. Accurate information about providers is essential to this. Where a provider has a proven record of operating in a way that does not meet the act's registration or approval standards, it is reasonable for students, and the public more generally, to have access to this information. This includes information about specified persons within such organisations, given a number of persons in the private vocational education and training sector who have had action taken against them by the VRQA have been involved with and/or have subsequently sought to establish other training organisations.

Section 15 of the charter provides that every person has the right to freedom of expression which includes the freedom to seek, receive and impart information. The right of privacy of individuals about whom the VRQA seeks to publish information must be balanced against the right to freedom of expression, that is, the right of the general public and especially international students to receive information about providers who have failed to meet regulatory standards. A closure of their training provider has very serious implications for overseas students, as it may impact on their capacity to lawfully remain in and study in Australia.

Therefore clauses 3 and 4 do not limit the right to privacy because the proposed powers for the VRQA do not unlawfully or arbitrarily interfere with the right to privacy:

the information to be published by the VRQA must be both meaningful and accurate;

the capacity to publish the information is limited to circumstances where the provider's registration, approval or authorisation has been suspended or cancelled;

the type of information is limited to the names and positions of individuals who are the registered provider or are in specified positions of authority with the provider which has operated in breach of the legislated standards;

the publication of such information will be in accordance with the information privacy principle, specifically principle 2.1(f) of the Information Privacy Act 2000;

the objective of protecting overseas students from the operations of unscrupulous training providers is consistent with charter objectives, in particular section 15 of the charter, and will assist in preventing poor quality operators from jurisdiction shopping.

Section 24: right to a fair hearing

Section 24 provides that:

(1) a person charged with a criminal offence or a party to a civil proceeding has the right to have the charge or proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing.

(2) despite subsection (1), a court or tribunal may exclude members of media organisations or other persons or the general public from all or part of a hearing if permitted to do so by a law other than this charter.

(3) all judgements or decisions made by a court or tribunal in a criminal or civil proceeding must be made public unless the best interests of a child otherwise requires or a law other than this charter otherwise permits.

Clause 5 of the bill amends section 4.5.4 of the act by, amongst other things, providing that the 28-day notice period in section 4.5.4(6) does not apply where the institution (other than a school or university) has ceased trading or conducting operations, has become bankrupt or a winding-up order has been made against it (if a body corporate).

Clause 6 of the bill reduces the notice period that the VRQA is required to give before it may take action to suspend or cancel a provider's approval to deliver courses to overseas students in 'exceptional circumstances'.

Section 24(1) of the charter guarantees the right to a fair and public hearing in relation to a 'civil proceeding'. In the case of *Kracke v. Mental Health Review Board* [2009] VCAT 646 (Kracke) Justice Bell held that the expression 'civil

proceeding' covers some administrative as well as judicial proceedings.

However, Justice Bell recognised in Kracke that not all administrative decision-making processes are afforded the full protection of the right to fair trial. His Honour held that '[w]hether a person or body exercising an administrative jurisdiction is doing so in a civil proceeding must be assessed on a case-by-case basis'. This conclusion was based on the case law in relation to the right to a fair trial in other jurisdictions.

In communication no. 83/1998 (*Kolanowski v. Poland*) the United Nations Human Rights Committee (the committee) concluded that not every administrative decision is subject to the guarantees provided by the right to a fair trial (Article 14 of the International Covenant on Civil and Political Rights).

In general comment 32 on article 14 (23 August 2007), the committee expressed the view that the right would not apply where domestic law does not grant any entitlement to the person concerned. In the context of the present bill, training providers engage voluntarily in strictly regulated activities and agree to be subject to the requirements of state and commonwealth legislation.

Furthermore, it is important to look at the totality of the decision-making process to determine whether it complies with section 24 of the charter. In this case, one must consider not only the decision-making processes followed by the VRQA but also the right of review at the Victorian Civil and Administrative Tribunal (VCAT).

I consider that the decision-making process covered by this bill does not limit section 24 of the charter for the following reasons:

Education providers who disagree with the decision of the VRQA have the right to seek a review by VCAT of the decision to cancel or suspend. VCAT is a tribunal for the purposes of the charter and its proceedings are fully compliant with section 24 of the charter.

The reduction in time frames in 'exceptional circumstances' is directed to where the risk to overseas students is greatest. The bill defines 'exceptional circumstances' to include matters such as serious breaches of occupational health and safety laws, where the provider has notified the VRQA or its students that it intends shortly to cease operations or where it is necessary to take urgent action because of significant non-compliance with requirements.

The reduced time frames are expressed as minima, and therefore it will be open to the VRQA to allow a longer period of time for a provider to make submissions, in appropriate circumstances.

The VRQA's action will follow a review (usually an audit) of the provider's operations during which any serious allegations or issues would be expected to be raised. Therefore, the training provider would in most cases have been aware for some time that the VRQA is about to form the view that 'exceptional circumstances' exist to justify suspending or cancelling the provider's approval to deliver training to overseas students.

If the usual 28-day period were to apply, this would severely limit the ability of the VRQA to take urgent action against providers whose operations are jeopardising the training needs of students.

Apart from the circumstances described in the bill, in all other cases the provider will continue to have 28 days in which to make a submission.

The reduced notice periods represent a reasonable balance between the rights of the overseas students and the rights of the training provider.

Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities because, although the bill engages the rights to privacy and to a fair hearing, it does not limit these rights.

Jacinta Allan, MP
Minister for Skills and Workforce Participation

Second reading

Ms ALLAN (Minister for Skills and Workforce Participation) — I move:

That this bill be now read a second time.

The Brumby government recognises the importance of the international education industry to Victoria's future, economically, socially and culturally.

We welcome students from more than 150 countries and we are proud of the fact that in 2009 over 160 000 students from overseas chose to study and live in Victoria. Melbourne has more overseas students per capita than any other city in the world, other than London.

Overseas students add to the rich, diverse multicultural place that Victoria is and we are committed to continuing to build our reputation as a safe, welcoming and high quality international study destination.

In many ways international education provides the foundation for the way nations will do business together in the future. It provides invaluable and lasting business, research, diplomatic and personal connections, not only enriching both Victorian students and international students, but also enriching Victoria and the countries from which they come.

The shared experiences and the personal connections will enable us to have richer, deeper and more meaningful relationships between nations in the future which will provide greater economic benefits and closer ties across the full bilateral relationships.

In 2008, in recognition of the importance of international education and of the issues that overseas students face, the Brumby government established the

Overseas Student Experience Taskforce to examine and advise on what could be done across five areas of particular relevance to overseas students — accommodation, employment, safety, social inclusion and information provision.

In September of this year the Premier and I released a $14 million action plan Thinking Global — Victoria's Action Plan for International Education. The action plan aims to ensure that overseas students are well supported and continue to have a positive, rewarding and high-quality educational experience while studying and living in Victoria. The action plan addresses all of the recommendations made by the Overseas Student Experience Taskforce.

The vast majority of overseas students report having a positive experience while living and studying in Victoria. Indeed, many choose to live in Australia after completing their studies and recommend the experience to their family and friends.

However, it is an unfortunate fact that some international students have not received the high-quality educational experience they expect and deserve.

There are, regrettably, some poor quality education and training providers and some that are seeking to take advantage of these students. For example, some individuals and organisations have entered the training market, with the intention of maximising profits rather than maximising quality.

This is unacceptable. In the education and training system, the interests of students must come first. We need to make sure that all providers are meeting registration standards and are capable of delivering high-quality education and training. This will not only protect the wellbeing of students, but also the reputation and value of qualifications awarded by Victorian providers.

For this reason, earlier this year I asked the Victorian Registration and Qualifications Authority (the VRQA) to conduct a program of audits on a number of education providers assessed as operating in a high-risk environment. Audits conducted to date have shown that there are some providers that are not operating to the required standard and action is being taken against them.

Poor quality education and training providers are damaging to students, damaging to the industry and damaging to Victoria's reputation as a destination of choice for international students and will not be tolerated.

The regulation of training for international students is a shared responsibility of the commonwealth and state and territory governments. While the VRQA approves providers to deliver courses to overseas students in Victoria, it is the commonwealth that formally registers them under the Education Services for Overseas Students (ESOS) Act 2000 (the ESOS act) and so has the power to suspend or cancel that registration.

In the context of this being a national issue, I took a set of proposals to the June meeting of the relevant ministerial council which resolved that all jurisdictions together would take united action to address the problems that have arisen in this space.

To that end, it is critical that we put in place the right mechanisms to stop poor quality education and training providers from delivering to overseas students in Victoria. The VRQA must also have sufficient powers to inform the public, notably students, about action taken against substandard providers.

The Education and Training Reform Amendment (Overseas Students) Bill 2009 addresses these issues.

This important bill aims to improve the quality of education and training provision and complements the government's actions to protect overseas students' physical security.

The bill amends the Education and Training Reform Act 2006 (the act) to strengthen the powers and functions of the VRQA, in two critical ways.

Firstly, the bill strengthens the powers of the VRQA to inform students and the public about substandard training providers, in respect of both Australian and international students.

The bill will empower the VRQA to provide information about providers whose registration has been suspended or cancelled, or whose approval to deliver courses to overseas students has been suspended or cancelled. This will include the discretion to publish the names and positions of the provider's owners, directors, partners, high managerial agents and principal executive officer (as the case requires), and the grounds for the suspension or cancellation. It will also enable the VRQA to notify students of a training provider where action has been taken against the provider that may affect its delivery of services to students, or direct a provider to do so.

One of the key principles enshrined in section 1.2.1(c) of the act is that 'information concerning the performance of education and training providers should be publicly available'.

Following this principle, an existing function of the VRQA is to provide meaningful and accurate information to the public about training providers. The VRQA already has the power to provide such information about registered providers, and this bill clarifies that this function also extends to those providers who have once been registered, but whose registration or approval has been cancelled.

The bill recognises and supports the right of students to make informed choices about the most appropriate registered provider that can meet their educational needs. Where a provider has a proven record of operating in a way that does not meet the act's registration or approval standards, it is reasonable for students, and the public more generally, to have access to meaningful information about this. Meaningful information may include the names of specified persons within such organisations, given a number of persons in the private vocational education and training sector who have had action taken against them by the VRQA are involved with other training organisations.

Secondly, the bill will enable the VRQA to act more quickly to suspend or cancel a provider's approval to deliver courses to overseas students.

Currently, the act requires the VRQA, following a review of a provider's operations, to give 28 days notice of its intention to take action against the provider. The VRQA must then consider any submission from the provider before deciding whether or not to suspend, cancel or impose conditions on its approval to deliver courses.

In practice, this results in long delays before the VRQA is able to suspend or cancel the provider's approval and is not tenable in situations where the problems with the provider are of a critical nature.

The bill therefore allows the VRQA to respond more quickly, in 'exceptional circumstances'.

The bill includes a non-exhaustive definition of 'exceptional circumstances', to include matters such as serious breaches of occupational health and safety laws, where the provider has notified the VRQA or its students that it intends shortly to cease operations, or where it is necessary to take urgent action because of significant non-compliance with minimum standards.

In exceptional circumstances, the VRQA will be required to give at least three (3) working days notice of its intention to suspend a provider's approval to deliver courses to overseas students, and at least seven (7) days notice of its intention to cancel the approval.

The bill does not affect the obligation on the VRQA to conduct a review before it can issue a notice of intended action, and it must consider any submissions made by the provider before it takes action against it.

Unlike the standard 28-day notice period, these time limits are expressed as minima. This makes it clear that the VRQA may give a provider more than the minimum notice period, in appropriate circumstances, before it proposes to suspend or cancel the provider's approval.

The different time limits are appropriate because of the different effects of suspension or cancellation of an approval by the VRQA on a provider's registration under the ESOS act —

> where the VRQA suspends an approval, while the provider can continue to deliver to existing overseas students who have commenced their course, they are prohibited from recruiting or enrolling new overseas students;
>
> where the VRQA has cancelled a provider's approval, this triggers the cancellation of the provider's registration under the ESOS act. This means that the provider can no longer deliver any courses, and that appropriate consumer protection arrangements are triggered. This generally allows the provider's students to access consumer protection arrangements and be relocated to another suitable training provider.

Therefore, the prompt closure of a provider may assist overseas students as it will enable them to more swiftly access those protection arrangements and secure an alternative training place or refund. The capacity to secure an alternative training place through one element of the consumer protection arrangements, that is the Tuition Assurance Scheme, is very important as it is likely to impact upon the students' ability to remain lawfully in Australia.

It is important to note that these reduced time periods only apply where it is necessary to use the exceptional circumstances provision to take quick action against a provider.

The bill also provides that the 28-day notice period does not apply where an institution has ceased trading, has become bankrupt or a winding up order has been made against them. Similar provisions exist in the ESOS act, which allow the commonwealth to automatically cancel a provider's registration so that international students can then access consumer protection arrangements.

With the exception of some minor tidying up of existing provisions in part 4.5, the amendments in the bill do not apply to schools.

This bill is one of a number of responses this government is taking to address matters within the international education sector. Many of these issues are common across Australia. Therefore, my department and I will continue to work with the commonwealth government and the other states and territories to quickly and effectively address issues affecting overseas students.

My department is also conducting a wider review of the registration and quality assurance provisions of the act, to ensure that the VRQA is adequately equipped to register and otherwise deal with providers of training to domestic students. Following the outcome of that review, I may present further amendments to the act in 2010.

This bill is an important first step to further safeguard the provision of high quality education to overseas students in Victoria.

I commend the bill to the house.

Debate adjourned on motion of Mr KOTSIRAS (Bulleen).

Debate adjourned until Wednesday, 25 November.

LIQUOR CONTROL REFORM AMENDMENT (PARTY BUSES) BILL

Statement of compatibility

Mr ROBINSON (Minister for Consumer Affairs) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:

In accordance with section 28 of the Charter of Human Rights and Responsibilities (charter), I make this statement of compatibility with respect to the Liquor Control Reform Amendment (Party Buses) Bill 2009 (bill).

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

Overview of the bill

The purpose of the bill is to amend the Liquor Control Reform Act 1998 (act) to regulate the supply and consumption of liquor on party buses.

Human rights issues

Clause 7 of the bill inserts a new section 113A into the act which makes it an offence for a party bus operator to allow liquor to be consumed on the bus without a licence or a BYO permit in certain prescribed circumstances. A defence is provided where the accused person can prove that he or she did not knowingly permit or allow the consumption of liquor on the party bus and had taken reasonable steps to ensure that liquor was not consumed on the party bus.

By placing a burden of proof on the defendant, clause 7 limits the right to be presumed innocent in section 25(1) of the charter. However, I consider that the limit upon the right is reasonable and justifiable in a free and democratic society for the purposes of section 7(2) of the charter, having regard to the following factors:

The nature of the right being limited

Under section 25(1) of the charter, a person charged with a criminal offence has the right to be presumed innocent until proved guilty according to law.

The right to be presumed innocent is an important right that has long been recognised, well before the enactment of the charter. However, the courts have held that it may be subject to limits, particularly where, as here, the offence is of a regulatory nature; and a defence is enacted for the benefit of an accused to escape liability where they have taken reasonable steps to ensure compliance, in respect of what could otherwise be an absolute or strict liability offence.

The importance of the purpose of the limitation

The purpose of providing the defence is to provide party bus operators with an opportunity to escape liability in limited circumstances where liquor was consumed without his or her knowledge and where he or she took appropriate measures to ensure compliance with clause 113A(1). These are both matters that are within the knowledge and/or control of the accused. Further, having chosen to engage in a regulated activity, it is not unreasonable to expect a party bus operator to be able to explain the measures that he or she has taken in order to ensure compliance. It would be difficult and onerous for the state to investigate and prove absence of knowledge and due diligence on the part of party bus operators. The purpose of imposing a burden of proof on the accused is to ensure that this offence can be effectively prosecuted and operates as an effective deterrent. Unless the accused can prove he or she falls within the defence, party bus operators (without licences or permits) will be penalised for consumption of liquor on the party bus.

The nature and extent of the limitation

Liability only arises in limited circumstances prescribed by the amendment. These are where the party bus is operating between the hours of 8.00 p.m. and 5.00 a.m. in (or to or from) a 'designated area'. According to section 147 of the act, areas cannot be designated unless alcohol-related disorder or violence has previously occurred in the vicinity. Accordingly, the special obligations that are imposed on party bus operators relate to a narrow class of circumstances in which it is reasonable to expect party bus operators to take special care.

The relationship between the limitation and its purpose

The imposition of a burden of proof on the defendant is directly related to its purpose, as described above.

Less-restrictive means reasonably available to achieve the purpose

Although an evidential onus would be less restrictive upon the right to be presumed innocent, it would not be as effective because it could be too easily discharged by the accused, leaving the prosecution in the difficult position of having to prove what the accused did know and what steps he or she did not take to prevent the offence from occurring.

The inclusion of a defence with a burden on the accused to prove the matters on the balance of probabilities achieves an appropriate balance of all interests.

Other relevant factors

Whilst the prescribed penalty can involve fines of up to 50 penalty units ($5841), it does not involve imprisonment.

Accordingly, the provision is compatible with section 25(1) of the charter.

Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities because, to the extent that the bill limits the right to be presumed innocent, the limitation is reasonable and demonstrably justified in a free and democratic society.

Tony Robinson MLA
Minister for Consumer Affairs

Second reading

Mr ROBINSON (Minister for Consumer Affairs) — I move:

That this bill be now read a second time.

The Brumby Labor government made a commitment to regulate party buses by the end of the year as part of broader reforms to reduce alcohol-fuelled violence. This bill delivers on that promise by introducing targeted reforms to bring party buses on which patrons supply and consume their own liquor within the scope of the Liquor Control Reform Act 1998. The bill will not prohibit the consumption of alcohol on party buses, but will ensure that party buses are subject to the full range of regulatory controls under the act.

Currently, a party bus that supplies alcohol to its customers is required to have a liquor licence. However, most party buses do not supply alcohol. Instead it is brought on board by passengers and consumed on the journey. In these circumstances, party bus operators are not currently required to hold a liquor licence or to obtain a BYO permit.

The Brumby government is taking action to ensure that those party bus operations that pose the greatest risk of alcohol-related harms are subject to regulatory control. We are doing this without impacting on the diversity of party bus operations that provide a range of entertainment activities that provide a valuable service for the community and contribute to our tourism industry and do not generally cause alcohol-related harms.

These include winery tours, tours to country races or events, social and sporting club transfers, shopping tours and alcohol-free daytime children's parties.

The government intends to target those party bus operations which focus on nightclub tours, taking passengers from licensed venue to venue at night. It is these operations that are of primary concern to government, police and the community as they are the operations most often linked to alcohol-related harms and amenity impacts.

These party buses can create significant disruption to community amenity at points of passenger disembarkation, including when operators drop off passengers at the end of the night in areas where there are no public toilets or public transport options available for patrons seeking to return home.

Road safety issues can also arise from the nature of the buses, which can feature amplified music and flashing lights, which have the potential to distract the driver as well as other road users. Some party buses used to travel between licensed venues are modified with internal lights and blacked out windows, special seating or dance floors and provide music and other entertainment creating a 'party' atmosphere for passengers.

The bill adopts a targeted approach to regulate these higher risk party bus operators by requiring them to obtain a BYO liquor permit. This will bring these operators within the regulatory scope of the liquor licensing regime and enable the director of liquor licensing to place appropriate conditions upon those party bus operations.

For the purposes of this bill, a party bus must be operated for hire or reward and have been pre-booked. Importantly, it must operate at night between 8 p.m. and 5 a.m. (regardless of the time of passenger pick-up) and operate for the purpose of transporting passengers to, from or within a designated area for the purposes of visiting those areas.

A designated area is one that has been declared by the director of liquor licensing, in consultation with the

Chief Commissioner of Police under section 147 of the Liquor Control Reform Act 1998. Designated areas include key entertainment precincts such as the Melbourne CBD, Fitzroy Street, St Kilda, and Brunswick Street, Fitzroy.

Private bus services, such as those operated by community or sporting groups, or where persons hire a bus and provide their own driver, will not be impacted by the new regulatory regime.

To capture the common situation where passengers bring alcohol on board a party bus with them, the bill will allow the director of liquor licensing to issue a licence or a BYO permit in respect of a party bus. The bill will make it an offence for a party bus operator to permit or allow liquor to be consumed on board without a licence or permit. This offence will incur a maximum penalty of 50 penalty units. A defence will be available where the party bus operator did not knowingly permit or allow liquor to be consumed on board and took all reasonable steps to ensure that liquor was not consumed on board. The onus will be on the party bus operator to establish both elements of the defence.

This offence will be enforceable by an infringement notice of 2 penalty units as part of the short-term trial expansion of the infringements system. Under the trial, only Victoria Police members will have the power to issue infringement notices for this offence. Authorised persons from the compliance directorate will be able to enforce other provisions of the act as they apply to party buses.

To provide party bus operators with adequate time to prepare and lodge applications for a licence or a BYO permit, the bill provides for a transitional period of three months.

Whether a party bus operator chooses to apply for a liquor licence or a BYO permit, a number of regulatory controls will apply, including:

satisfaction of relevant requirements for the grant of a liquor licence or BYO permit, including police checks;

the inquiry and disciplinary provisions, including possible permit suspension and cancellation;

the offence provisions, including permitting a minor to be on authorised premises, namely on board the party bus; and

the ability of the director of liquor licensing to impose any conditions on the permit or licence considered appropriate.

Section 49 of the act provides that the director of liquor licensing may impose any conditions he or she thinks fit on the grant of an application for a licence or permit. The director will therefore have the discretion to impose conditions relevant to the party bus environment, where necessary, to further mitigate any risks.

Importantly, this bill also provides for an exemption from the offence of permitting a drunken or disorderly person to be on the premises — that is, on board the party bus. This exemption allows a party bus operator to permit drunk and disorderly persons to remain on board, which recognises that it may not be safe or appropriate to set down those persons at a particular time or in a certain area. This will allow party bus operators to ensure the safety of the drunk and disorderly person and to act in a way that may limit the risk of antisocial behaviour. It will also reduce any associated impacts on local amenity if those persons were forced to leave the bus and were to behave in an inappropriate manner.

A party bus with a licence or BYO permit would be considered a ‘public place’ under the Summary Offences Act 1966. This means that a passenger on a party bus will still be liable under that act for the offence of being drunk or disorderly.

Not only does the bill reinforce the principal object of the Liquor Control Reform Act 1998 to contribute to minimising harm arising from the misuse and abuse of alcohol, but it also contributes to meeting the object of facilitating the development of a diversity of licensed facilities reflecting community expectations. The bill achieves this by enabling the current industry practice of allowing patrons to supply and consume their own liquor on party buses to continue, but in a regulated environment.

The regulatory controls included in the bill will also serve to meet the new object of the act of encouraging a culture of responsible consumption of alcohol and reducing risky drinking of alcohol and its impact on the community.

I commend the bill to the house.

Debate adjourned on motion of Mr R. SMITH (Warrandyte).

Debate adjourned until Wednesday, 25 November.

Remaining business postponed on motion of Mr ROBINSON (Minister for Gaming).

ADJOURNMENT

The ACTING SPEAKER (**Mr Nardella**) — Order! The question is:

That the house do now adjourn.

Death certificates: extracts

Mr DIXON (Nepean) — I wish to raise a matter with the Attorney-General regarding certified death certificates. I am asking the Attorney-General to investigate the concept of extracts of death certificates, which would be similar to extracts of birth certificates, with which many people are familiar. The death certificate contains an incredible amount of information. It contains details about the marriage and/or marriages of the person who has died, the place of those marriages, the length of marriage and the partners and dates of those marriages. It also contains details about the children of the deceased: the names of the children, the dates of birth and their ages. The death certificate contains the causes of death — recent and/or long-term causes. It contains the details of the parents of the deceased person, including their dates of birth and names. It contains the burial details, undertaker details and a whole range of details regarding the immediate death of the deceased, in addition to other information about them.

This sort of information on a certified death certificate has to be shown by next of kin to a number of people to tidy up the affairs of the person who has died. However, various organisations do not need the sort of detail that I have just pointed out — for instance, the local phone company such as Telstra, or whatever phone company it might be; agencies such as VicRoads, relevant for licence cancellations or changes of registration; stockbrokers; banks and other financial institutions; medical facilities, doctors and hospitals; local government agencies; federal government agencies such as the Australian Taxation Office; and many state government departments — for example, the Department of Sustainability and Environment, when it looks at the changing of titles.

The death certificate is needed as a proof of death to tie up and arrange the affairs and details of the deceased person. The envelope in which the certificate comes warns the person who receives it not to open it unless they are comfortable and in the company of someone who can support them. Yet this huge amount of information has to be taken around to a number of people by this person, and it is very distressing for them.

A constituent raised this matter with me, and I think it is a very legitimate point. Therefore I think just an extract of the death certificate, just a certified statement that this person of this name or of this address died on a certain date, should be enough to cover the circumstances of those many agencies that require those details. I urge the Attorney-General to look into this matter.

Kardinia Park netball complex: upgrade

Mr TREZISE (Geelong) — I raise an issue for the Minister for Sport, Recreation and Youth Affairs, and I am pleased to see the minister is in the chamber tonight. The issue I raise for action relates to the upgrading of the Kardinia Park netball complex located in the Kardinia Park sporting precinct within my electorate of Geelong. For the information of members, the Kardinia Park netball complex is used by hundreds of netballers every night of the week and most weekends, and it is in need of upgrade. Therefore, the action I seek from the minister is for him to support the current application of the various netball associations that use the courts and the City of Greater Geelong to have the courts upgraded.

As I said, the Kardinia Park netball complex is used by hundreds of players each night over 12 months of the year. I can assure the house, and I can assure you, Acting Speaker, that you can go down to the courts on any night of the week any time of year and the courts will be fully utilised. However, given that the current courts were first built in the 1950s, making them close to 60 years old, they have become tired and unsafe for use. In fact Greater Geelong City Council has had to take the unwelcome but necessary step of closing a couple of the courts because they have become unsafe to play on. In addition, the courts, as they were designed in the 1950s, are not laid out adequately to allow for appropriate and reasonable run-off between them and they are made of what is now deteriorating asphalt. Kardinia Park netball complex is essentially outdated, unsafe and inadequate for the needs of netballers in 2009.

There is an urgent and real need to have the courts totally rebuilt. A rebuild would include better run-off and a modern and safe surface, and would thus allow the continuing strong growth of netball in the Geelong region. A new facility as planned would also allow state exhibition matches to be played in Geelong, thus contributing to the local economy through intrastate and interstate visitors, as well as exposing our young netballers to top-level netball in Australia. It is pleasing to note that the City of Greater Geelong Council also recognised the importance of the upgrade and

committed itself financially to the project. This is an important project for the electorate of Geelong, especially for our young netballers, who are obviously predominantly female. Therefore I look forward to the minister's action on this important matter.

H. P. Barr Reserve, Wangaratta: funding

Mr JASPER (Murray Valley) — I am pleased to raise a matter for the attention of the Minister for Sport, Recreation and Youth Affairs, and I am delighted that he is in the chamber to be able to listen to my request for funding for the redevelopment of the Wangaratta Showgrounds. The minister visited Wangaratta a few months ago and announced a grant of $250 000 to go towards a $500 000 redevelopment of netball courts at Yarrawonga and also funding for the skateboard park at Wangaratta. We took the opportunity to show the minister the H. P. Barr Reserve, which is a mecca for sportspeople in Wangaratta. It has fantastic facilities, and one of the major facilities we are looking to redevelop is the showgrounds.

A marvellous program has been developed by the Wangaratta Rural City Council for this project to go ahead. The minister inspected the showgrounds, and I think he was impressed with the information that was provided on that occasion. The funding totals $2.9 million. There is to be a local government contribution of over $700 000, $350 000 from the Department of Planning and Community Development under the community support program, $350 000 from Regional Development Victoria and $500 000 from Sport and Recreation Victoria. There is also an allocation of $700 000 from the Australian Football League (AFL) towards the project and $100 000 in kind, making the total cost of the project almost $3 million.

This fantastic development in the rural city of Wangaratta will provide facilities that will attract AFL matches, night cricket games and a high-grade cricket competition. This is part of the redevelopment of H. P. Barr Reserve. I indicate to the minister that the facilities also include a major aquatic centre — the former Minister for Sport and Recreation provided funding for that to go forward. Further developments have taken place with netball courts and a range of other facilities which make it a mecca for sportspeople in north-eastern Victoria. What we do need is urgent funding support from the three government departments but in particular the lead department, Sport and Recreation Victoria.

I seek support from the minister in making sure that appropriate consideration is given to the application. Recently the minister met a deputation led by the mayor of the rural city and the chief executive officer, so I am sure the minister is very sympathetic to the cause. If we can get the support from Sport and Recreation Victoria, I am sure the other two departments will come on board and we will be able to go forward with the project, together with the AFL and with major support from the Rural City of Wangaratta. As I say, what we want is a positive response from the minister.

Moorooduc Highway–Cranbourne Road, Frankston: traffic flows

Dr HARKNESS (Frankston) — I wish to raise a matter for the attention of the Minister for Roads and Ports. The action I seek is for the minister to ensure that VicRoads monitors the impacts of the new P-turn intersection in Frankston over coming months. Local residents were very patient during the construction of the P-turn at the intersection of Cranbourne Road and Moorooduc Highway earlier this year and this patience has been rewarded with enormous benefits. Up to 50 000 vehicles use the intersection every day and delays have often been far too long. The key question has not been whether there is a problem but what action should be taken to improve the situation.

The Peninsula Link bypass will, without doubt, be the most significant development in decades to improve traffic flows through and around Frankston. While the Brumby government takes action to deliver Peninsula Link, detailed analysis showed the best and most cost-effective interim measure to help improve traffic flows at this intersection was to construct an innovative P-turn. This turn requires northbound traffic to turn left and do a U-turn instead of turning east at the intersection. This means that drivers who are not turning have the green light for longer, improving traffic flow.

In deciding to build the P-turn the government took the logical decision to listen to experts and the community. The modelling and analysis told us that the P-turn would improve traffic flow and we informed local residents of this. VicRoads consulted extensively with the community and did everything it could to minimise inconvenience during construction.

Not everyone thought that this was the best approach. In a knee-jerk response a small number of people attacked the project without even reading about it in detail. They misunderstood it and used confusing statements and unhelpful exaggerations which misled the local community. This might have been good for their local media profile, but it did nothing to reduce congestion.

After operating for more than two months, the results are in. The P-turn has substantially improved traffic flow at the intersection. The initial results show that the Brumby government's $2.1 million investment into this intersection shows a marked improvement in traffic flow on Moorooduc Highway during the evening peak and less congestion.

Traffic flows along Moorooduc Highway have dropped by around 25 per cent following the introduction of the P-turn. Since the new traffic sequence was switched on, queues on Frankston Freeway at this busy intersection have decreased from approximately 3 kilometres to around 500 metres, which is an up to 80 per cent reduction in queuing. This means that on average 15 per cent more vehicles are getting off the freeway during each green cycle, reducing wait times at the intersection by 10 to 15 minutes on average.

This is great news for the many motorists who use this busy route every day. Monitoring of the changes already conducted by VicRoads has confirmed that they have significantly improved travel times for drivers heading south from the Frankston Freeway as they allow more green time for traffic. We have received positive feedback from the police and motorists regarding these road improvements.

To ensure the ongoing success of these road improvements I call upon the minister to ensure that VicRoads monitors the travel times and conditions at the intersection of Moorooduc Highway–Cranbourne Road and surrounding roads as we approach the busy peak tourism period.

Roads: Kilsyth electorate

Mr HODGETT (Kilsyth) — I wish to raise a matter of importance with the Minister for Roads and Ports. I draw the minister's attention to the urgent need for road funding for upgrades and improvements to roads and intersections in my electorate of Kilsyth. The action I seek from the minister is to allocate funding resources to provide for upgrading of local roads to improve safety and ease traffic congestion on the road network in Croydon, Mooroolbark, Lilydale, Montrose, Kilsyth, Bayswater North, Croydon South, Ringwood East and Heathmont.

The condition of some of our local roads and intersections is appalling. Road surfaces need to be fixed, intersections upgraded, traffic congestion eased and urgent improvements made to road safety. Over the past months I have been holding street corner meetings in my electorate, listening to the concerns of local residents, and roads, roads, roads continues to be raised as an issue. The Brumby government must allocate more funding for our roads.

Local residents are telling me that Canterbury Road from Dorset Road through to Montrose needs another lane; Bayswater Road needs an upgrade; Eastfield Road continues to be used as a shortcut for trucks and heavy vehicles cutting through from the industrial estate to EastLink; many roads require resurfacing; and Dorset Road from Hull Road to Bellara Drive and Maroondah Highway needs improvements.

The Montrose roundabout is a major issue. The roundabout is extremely congested and over the years various solutions have been talked about but nothing gets done under the Brumby government.

Traffic control at the intersection of Hull Road, Cardigan Road and Brice Avenue in Mooroolbark needs urgent attention. A right-turn arrow is needed for traffic turning from Eastfield Road into Bayswater Road. Notorious traffic black spots such as the intersection of Eastfield Road, Morinda Street and Railway Avenue in Ringwood East require urgent funding to be fixed. This project features high on the Maroondah City Council's list of priorities. The minister should be providing the funding for a project such as this to make sure our local roads are as safe as possible.

I am listening to the concerns of local residents and am committed to standing up to the Brumby government to ensure that we get our fair share of road funding in the east to provide the safe roads that people deserve. It is high time the Brumby government developed a plan to upgrade Victoria's roads and bridges and provided the money to install traffic lights at intersections such as at Eastfield Road, Morinda Street and Railway Avenue. This intersection is extremely busy, causes driver frustration and has been high on the Maroondah City Council's agenda for some time.

I will continue to fight for a fairer deal for local road funding for the residents of Kilsyth, which is in stark contrast to the Labor government, which has neglected local roads and instead spent taxpayer dollars on advertising, public relations and propaganda campaigns.

I raise this in the adjournment debate tonight for the minister's urgent attention. The action I seek from the minister is to allocate funding resources to provide for upgrading of local roads to improve safety and ease traffic congestion on the road network in Croydon, Mooroolbark, Lilydale, Montrose, Kilsyth, Bayswater

North, Croydon South, Ringwood East and Heathmont. It is time to get our suburbs moving again.

Bushfires: Narre Warren South memorial

Ms GRALEY (Narre Warren South) — The matter that I raise is for the attention of the Premier and is in relation to Black Saturday memorials. The action I seek is that the Premier raise with the Victorian Bushfire Reconstruction and Recovery Authority the issue of providing assistance to the Casey City Council and the community to establish a bushfire memorial in Narre Warren South.

The Brumby Labor government has been totally committed to providing unprecedented funding and support to those affected by last summer's fires, as well as working hard to prevent tragedy this fire season.

I have recently been contacted by Caroline and Andrew Miszkowiec who lost their home in Narre Warren South on Black Saturday. They were one of six families to lose their home in Narre Warren South that day. The local community generously rallied behind these families. A public memorial in Narre Warren South would be an acknowledgement of the wonderful way the community supported those who lost their homes, as well as a commemoration of the events of Black Saturday, including the wonderful work of our emergency services personnel.

I have recently received a letter from Mr and Mrs Miszkowiec addressed to the mayor and copied to me. I quote in part:

> We noticed only certain areas have been named for such funding and we feel throughout the much bigger picture we've been overlooked in certain areas.
>
> As in those devastated areas such as Kinglake we were all very fortunate enough to have not lost any loved ones, but as so many others in those areas we lost everything else the same as them. Our lives, too, have changed forever.
>
> We are asking that you may look into this as we feel our community warrants a monument of some kind.

That is certainly what I have done. I have spoken to Caroline a number of times and to people at the City of Casey. From my conversations, I understand that the Casey council refused funding offered by the state government to establish a memorial. Through speaking to some councillors, I was surprised to learn that they did not know anything about this offer and the rejection, which is disappointing. Caroline is not asking for much: a plaque, a commemorative tree, a place for contemplation, a space for celebration. Her request should be taken seriously.

She sent me this poem about her Black Saturday experience:

> Black Saturday: now it's known to be
> When the wildfires roared down upon us so free
> The thick black smoke around us everywhere
> Flames, hoses, buckets people rushing here and there
> Then the sirens finally came
> Firemen yelling and running but it was all in vain
> From smoke to ashes was all that was seen
> Blackness, soot and that smell, showed where the fire had been
> Devastation, sadness and grief was all around
> No longer stood our house, it was burnt to the ground
> All those treasures and photos we long for so dear
> But we still have our memories of all bygone years
> All the tears and hugs we shared with everyone
> Will help us again to grow and move on.

I ask that assistance be provided to the Casey council and the community to establish a bushfire memorial in Narre Warren South.

Bushfires: preparedness

Mr WELLER (Rodney) — I wish to raise a matter for the attention of the Minister for Environment and Climate Change regarding the lack of preparedness in many areas of the Rodney electorate for the bushfire season which is now very much upon us. Many communities in my electorate have expressed concern that they are dangerously underprepared for the fire season, and I ask the minister to act immediately to address this unacceptable situation.

As residents in northern Victoria clearly know, summer is already upon us; maybe not officially, but temperatures have hovered in the high 30s in my electorate for much of the past week. It is obvious that the time has passed for fuel reduction burns to reduce the high fuel loads which exist in many areas across Victoria. That being the case, it is paramount that other fire-risk reduction strategies be undertaken immediately to protect our communities, including clean-ups, slashing, cattle grazing and roadside firewood collection.

Dangerously high fuel loads in areas of the Barmah State Forest, the Victoria Park precinct at Echuca, the Corop wetlands and forest areas around Heathcote are causing major concerns to local residents who are understandably fearful for their safety in the wake of such extreme November weather conditions. Some fuel reduction burns have been carried out in areas like the Barmah forest, but nowhere near enough. Unfortunately the Labor government failed to properly manage the land in the cooler months when the

opportunity existed, and this has left us all facing an alarmingly uncertain summer.

Despite the rhetoric and spin, it is clear the Brumby government has left communities right across the state dangerously unprepared for the fire season. The situation is highlighted by the fact that the Brumby government has failed to have its fire-ready survival kits available in hard copies as was promised weeks ago and has failed to establish neighbourhood safer places in the 52 Victorian towns identified as most at risk of bushfire.

In addition, of the 51 recommendations listed in the 2009 Victorian Bushfires Royal Commission interim report, about 25 of them had previously been the subject of reports to the government over the past seven years. These recommendations have often been agreed to but not implemented by this government. I urge the minister to listen closely to issues and concerns raised by communities in the Rodney electorate and to address them as a matter of urgency.

Pascoe Vale electorate: accessible commercial buildings

Ms CAMPBELL (Pascoe Vale) — I raise a matter for the attention of the Minister for Planning. The action I seek I will outline in a moment. I refer to the fact that new commercial buildings and shops in the Pascoe Vale electorate are not being built with accessible access despite building regulations which have accessibility provisions. All new commercial buildings should now be planned from the outset with access as a requirement. From my recent experience of searching for suitable accessible office accommodation, new buildings are being constructed without regard to abiding by accessibility provisions in the current building regulations. I applaud the Parliament in its desire to ensure that all electorate offices are accessible, but I note that this is not an easy task.

Therefore the action I seek is that the Minister for Planning request the building commissioner or a commission nominee, as well as a senior person in the Department of Planning and Community Development who has full knowledge and understanding of the current building regulations, to join me on site inspections of newly constructed commercial properties in Moreland to identify if those buildings meet existing access provisions. In particular I draw attention to a number of new buildings in my electorate — namely, new shops in Cumberland Road and Snell Grove and offices in Gaffney Street — that do not appear to conform to these regulations.

We often drive past these buildings, but it is only when we are personally looking for accessible office accommodation that we note that new buildings are not meeting the regulations. I want Victorian building professionals to take the lead in ensuring that all people can access new buildings. I commend the professionals who are leading by example — and I point to the Association of Consultants in Access Australia.

All new buildings should be planned from the outset with full knowledge and implementation of accessibility requirements as per the building regulations. My observation is that the current default position of many commercial and residential buildings is to not meet access requirements for those with limited mobility. This is regrettable not only because it denies access to people with mobility issues but it is also dangerous for shoppers and customers of businesses that have the hazard of a step at an entry or exit point.

I welcome the commonwealth's recent decision to ensure that in future residential properties will have requirements for accessibility provisions. Moreland, Moonee Valley, Melbourne and — —

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

Bushfires: native vegetation clearance

Mr WAKELING (Ferntree Gully) — I raise a matter for the Minister for Planning. The action I seek is for the minister to examine whether the 10/30 right can be extended to areas in the city of Knox. As part of the establishment of the 10/30 right the Victorian government identified 20 municipalities as being exempt from the new rules, including the city of Knox. The location of Knox means that while to its west it is part of Melbourne's sprawling suburbia, to the east it borders the Dandenong Ranges National Park, one of the Brumby government's 52 bushfire hot spots.

I have recently surveyed a number of my constituents who live in these dangerous areas. Unsurprisingly 88 per cent — an overwhelming majority — replied that they believe the 10/30 right should be afforded to them. These are families living on the fringes of the Dandenong Ranges National Park and the Lysterfield state park. Some of them saw the horror of Ash Wednesday; all of them were concerned for their safety during the disastrous events of February this year. Many of these families had lucky escapes last fire season and are understandably concerned about the coming season. The Brumby government is advising these residents to be prepared, to be cautious and to do

what they can to protect their homes and their families as they live in an area of high vulnerability. However, at the same time it refuses them access to the very policies put in place to facilitate this preparation and protection.

Residents on the fringes of Knox are living in high-risk areas. Families have been listening to various sources giving information on how to protect their homes. However, the Brumby government has denied these families the access to the 10/30 right that would allow them to clear vegetation and trees around their homes where necessary.

My office has received numerous letters from constituents expressing their desire for the 10/30 right to be applied to areas of Knox. They cite examples to show why the 10/30 right is necessary and why they are just as vulnerable as residents in the neighbouring Yarra Ranges shire. A number of residents have asked, 'Why shouldn't we have the same rights?'.

Further, I would like to make it clear that residents do not intend to remove every tree within their properties. Residents have chosen to live near the Dandenong Ranges National Park because they enjoy the leafy aspect and fantastic surrounds that it offers. They do not wish to ruin this environment but simply want to make their homes safer.

I urge the minister to consult with the Knox City Council and other agencies such as the Country Fire Authority to identify which sections of the Knox municipality should be afforded the 10/30 right. It is clear to anyone who has visited the fringes of Knox, surrounded by these state and national parks, that a very real fire risk is present in the area. Similarly, it is quite clear that the more suburban parts of Knox have no need for the 10/30 right. However, to assume that Knox does not face an extreme fire risk simply because it has a city council rather than a shire council is to misunderstand the environment in which some Knox residents live and to leave them dangerously unprepared.

I strongly urge the Minister for Planning to take action and identify, with the assistance of relevant agencies, what sections of the Knox municipality should be afforded the 10/30 right.

Small business: Lara electorate

Mr EREN (Lara) — I raise a matter for the attention of the Minister for Small Business. I refer to the tough global economic climate in which Victoria's small businesses are operating and note that despite some promising signs of recovery, particularly in Victoria and partly to do with the great policy framework the state government has formulated, there is still a need for continued support for small business. Therefore the action I seek is for the minister to ensure that small business operators in my electorate of Lara are supported in their efforts to improve their businesses by assisting them to pinpoint where they want to go and how they are going to get there.

Business plans and strategic reviews are effective tools to improve the competitiveness and management of a small business. In many cases the implementation of these business plans and strategic reviews may potentially result in new markets for small businesses to export overseas.

As members may know, my electorate of Lara is the economic heart of Geelong, with many medium-to-big businesses. I share part of the port with the member for Geelong, but other businesses include Ford, Shell, Heales Road industrial estate and Avalon Airport, to name but a few. However, there are also many small businesses.

I understand that Victoria is home to some 500 000 small businesses, and many reside in the Lara electorate. These half a million businesses provide the state with almost 1.4 million jobs and represent 99 per cent of all businesses in Victoria. The importance of the small business sector cannot be under or overestimated. A vibrant and diverse small business sector is vital to Victoria's job growth and economic wellbeing. That is why the action I seek is for the minister to ensure that support is provided to small business operators in my electorate to enable them to implement business plans and strategic reviews that will make them more competitive and hopefully help them to open up new export markets.

Responses

Mr MERLINO (Minister for Sport, Recreation and Youth Affairs) — The members for Murray Valley and Geelong both raised matters relating to the community facilities funding program. The member for Murray Valley raised a matter of a significant redevelopment of the showgrounds at Wangaratta. The community represented by the member for Murray Valley is a sports-loving community which is very strong in sport, and community sport has never been as strong as it is now in the electorate of Murray Valley. Over $6 million has been invested in community sport since 2000.

In the last three years alone I have visited many clubs to announce significant funding for improvements, including at the Tarrawingee Football Netball Club, the Cobram Football Netball Club, recently the Wangaratta Skate Park, the Yarrawonga Netball Courts, which I would have to say was one of the most enjoyable community sport announcements that I have made over the last three years, and the Yarrawonga pool.

As the member for Murray Valley said, I have met with the Rural City of Wangaratta and visited the showgrounds myself and had a look around. I want to take this opportunity to acknowledge the strong advocacy of the member for Murray Valley and the council towards this project. As I have said to both the member and the council, the community facilities funding program is an extremely competitive program. When my department undertakes assessments it considers many factors, including participation outcomes, local support and other funding partners.

It is the same process for the project raised by the member for Geelong. At the request of the member for Geelong I recently went to have a firsthand look at the Kardinia Park netball complex and met with a number of representatives of clubs and associations that use this significant community asset. Kardinia Park is a wonderful precinct covering a number of sports, but the netball representatives were very quick to tell me that this is the remaining piece in the puzzle for the Kardinia Park precinct in terms of the community support component. As the member for Geelong said, these facilities are in some disrepair and are quite old. In terms of Geelong and the Geelong community, taking out the support for the Australian Football League in terms of community sport, we have invested close to $10 million since 2000.

I can assure both the member for Geelong and the member for Murray Valley that I will take their requests into careful consideration, and I will look forward to receiving a briefing from my department on these two projects.

I will refer the matter raised by the member for Narre Warren South to the Premier and the remaining items to the relevant ministers for their action.

The ACTING SPEAKER (**Mr Nardella**) — Order! The house is now adjourned.

House adjourned 11.55 p.m.