

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE ASSEMBLY

FIFTY-SIXTH PARLIAMENT

FIRST SESSION

Wednesday, 14 October 2009

(Extract from book 13)

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

By authority of the Victorian Government Printer

The Governor

Professor DAVID de KRETZER, AC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

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Minister for Mental Health, Minister for Community Services and Minister for Senior Victorians	The Hon. L. M. Neville, MP
Minister for Industry and Trade, and Minister for Industrial Relations	The Hon. M. P. Pakula, MLC
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Cabinet Secretary	Mr A. G. Lupton, MP

Legislative Assembly committees

Privileges Committee — Mr Carli, Mr Clark, Mr Delahunty, Mr Lupton, Mrs Maddigan, Dr Naphthine, 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 Elasmarr and Mr Hall.

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

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

Family and Community Development Committee — (*Assembly*): 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 Elasmarr, Mr Guy and Ms Hartland.

Public Accounts and Estimates Committee — (*Assembly*): Ms Munt, Mr Noonan, Mr Scott, Mr Stensholt, Dr Sykes and Mr Wells. (*Council*): Mr 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

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The Hon. J. M. BRUMBY

Deputy Leader of the Parliamentary Labor Party and Deputy Premier:

The Hon. R. J. HULLS

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

Mr E. N. BAILLIEU

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

The Hon. LOUISE ASHER

Leader of The Nationals:

Mr P. J. RYAN

Deputy Leader of The Nationals:

Mr P. L. WALSH

Member	District	Party	Member	District	Party
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Andrews, Mr Daniel Michael	Mulgrave	ALP	Lobato, Ms Tamara Louise	Gembrook	ALP
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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
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Crisp, Mr Peter Laurence	Mildura	Nats	O'Brien, Mr Michael Anthony	Malvern	LP
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Ingram, Mr Craig	Gippsland East	Ind	Victoria, Mrs Heidi	Bayswater	LP
Jasper, Mr Kenneth Stephen	Murray Valley	Nats	Wakeling, Mr Nicholas	Ferntree Gully	LP
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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

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Wednesday, 14 October 2009

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

**PARKS AND CROWN LAND
LEGISLATION AMENDMENT (RIVER RED
GUMS) BILL**

Introduction and first reading

Mr BATCHELOR (Minister for Community Development) introduced a bill for an act to amend the National Parks Act 1975 and the Crown Land (Reserves) Act 1978 to make further provision for parks along the Murray River, and to make other amendments to those acts and to amend the Conservation, Forests and Lands Act 1987 and the Forests Act 1958 and to make miscellaneous amendments to other acts and for other purposes.

Read first time.

**HEALTH PRACTITIONER REGULATION
NATIONAL LAW (VICTORIA) BILL**

Introduction and first reading

Mr ANDREWS (Minister for Health) introduced a bill for an act to provide for the adoption of a national law to establish a national registration and accreditation scheme for health practitioners and for other purposes.

Read first time.

BUSINESS OF THE HOUSE

Notices of motion: removal

The SPEAKER — Order! I advise the house that under standing order 144 notices of motion 44, 129 to 131, 181 and 224 to 226 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:

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) (153 signatures) and
Mr JASPER (Murray Valley) (462 signatures).**

Buses: Box Hill–Donvale

To the Legislative Assembly of Victoria:

The petition of the residents of Manningham and environs draws to the attention of the house that the removal of the 289 bus service from Box Hill to Donvale via Doncaster Shoppingtown and Tunstall Square has detrimentally affected users of this service, adding to travelling times and greater inconvenience.

The petitioners therefore request that the Legislative Assembly of Victoria direct that the 289 service running before 29 November 2008 be reinstated immediately.

By Ms WOOLDRIDGE (Doncaster) (12 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)
(826 signatures).**

Croydon South Primary School site: future

To the Legislative Assembly of Victoria:

The petition of the residents of Croydon South and the surrounding area draws to the attention of the house that the land and buildings at the disused Croydon South Primary School site sit vacant and unkempt, deteriorating and subject to acts of vandalism.

The petitioners therefore request that the state government turn the land into public parkland and open space and allow the buildings to be used by community groups.

By Mr HODGETT (Kilsyth) (554 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 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) (78 signatures).

Patient transport assistance scheme: rural access

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 level of reimbursement under the Victorian patient transport assistance scheme (VPTAS) and points out to the house that many rural patients are disadvantaged under the current scheme.

The petitioners therefore request that the Legislative Assembly of Victoria:

- a. update and revise the VPTAS regulations from 100 kilometres to 50 kilometres one way to the most appropriate town centre with medical/dental specialist treatment, not just the nearest available town centre;
- b. increase the current 17-cent-per-kilometre reimbursement rate and accommodation reimbursement rate of \$35 plus GST to levels that are more reflective of the current travel and accommodation costs;
- c. allow for the calculation of kilometres travelled to be based on the safest appropriate road route, not just the shortest distance alternative.

By Mr CRISP (Mildura) (42 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 call 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) (65 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) (112 signatures).

Tabled.

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

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 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 Benalla be considered next day on motion of Dr SYKES (Benalla).

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

PARLIAMENTARY DEPARTMENTS

Reports 2008–09

Ms BARKER (Oakleigh), by leave, presented reports of Department of the Legislative Assembly and Department of Parliamentary Services.

Tabled.

DOCUMENT

Tabled by Clerk:

Financial Management Act 1994 — Financial Report for the State of Victoria 2008–09, incorporating the Quarterly Financial Report No. 4 — Ordered to be printed.

MEMBERS STATEMENTS

Crime: Nepean electorate

Mr DIXON (Nepean) — I recently surveyed my electorate regarding attitudes to various law and order issues. Incredibly I received over 1 100 responses, which gave me a pretty accurate picture of the main issues in the electorate regarding law and order. The stand-out issues included that 96 per cent of respondents did not believe that sentences applied by our courts reflected community expectations, 97 per cent felt that the current application of penalties did not deter offenders, 96 per cent stated that the maximum sentence allowable was not being applied sufficiently and 96 per cent did not think penalties specified in our laws were adequate. Disturbingly, a quarter of respondents — who were predominantly elderly — do not feel safe at home. Even worse, two-thirds do not feel safe on our streets. Respondents also thought that hoon behaviour on roads is growing and that not enough is being done to tackle graffiti.

The vast majority believe that a more visible police presence would enhance community perception of safety and act as a real deterrent to would-be offenders. The overwhelming number of responses to the questionnaire indicates a very high level of community concern about the state of law and order in Victoria.

One can argue about statistics, but the perception of the community is the reality, and the Brumby government has done little, as that negative perception has grown. We must build the community's confidence in terms of feeling safe at home and in the streets. The coalition has released and will continue to release policies to rebuild that confidence.

Melbourne Storm: premiership

Mr MERLINO (Minister for Sport, Recreation and Youth Affairs) — Congratulations to the mighty Melbourne Storm, who defeated Parramatta 23-16 to claim a second National Rugby League (NRL) premiership in three years, cementing its place as one of the greatest Rugby teams of all time. I was pleased to join the Acting Premier in Sydney to witness the outstanding effort from the entire side, led by captain Cameron Smith, coach Craig Bellamy, and Clive Churchill medallist winner Billy Slater. It was a terrific day for the Storm, with its under-20s side defeating the Wests Tigers 24-22 to win the Toyota Cup grand final as well. How hard it must be for our northern neighbours to accept that Melbourne has become the most successful side in the NRL, winning three premierships in the past 10 years. Full credit must go to the administration, headed by chief executive officer Brian Waldron and chair Rob Moodie.

Diwali festival

Mr MERLINO — I was pleased to join thousands of members of the Indian community at the Australian Indian Innovations Diwali fair at Sandown Racecourse on Sunday evening. Diwali is celebrated around the world by the Indian community and is one of India's most significant festivals. The festival featured Bollywood dancing, music performances and workshops as well as Indian fashion and craft displays, and of course wonderful food. Sunday's event at Sandown offered a wonderful combination of revelry and tradition, and I would like to thank chair Geraldine Gonsalvez and executives from Australian Indian Innovations for all their work hosting this wonderful fair for the eighth year running.

Brian Lowrie

Mr MERLINO — I would like to pay tribute to Brian Lowrie, who has stepped down from the chair of the State Sports Centres Trust after 14 years of distinguished service. As inaugural chair Brian has overseen an organisation which from an initial investment of \$65 million has grown to one with \$257 million now. Well done, Brian, and good luck.

Sitting suspended 9.46 a.m. until 10.00 a.m.**Water: Yering Gorge pumping station**

Mr WALSH (Swan Hill) — I condemn the Brumby government for not investing in pumping infrastructure at Yering Gorge to enable harvesting of some of the 30 billion litres of water that has been lost to Melbourne's water catchments and water storages over the last two weeks. The Brumby government is more interested in running advertising campaigns and self-promotion than investing in infrastructure that would enable it to harvest water at Yering Gorge.

The Minister for Water recently tabled in the *Government Gazette* a statement of obligation on the Melbourne water businesses. Those water businesses are going to have to run the augmentation projects flat out until the Melbourne storages are 65 per cent full. The cynics in country Victoria are saying the minister is deliberately not harvesting the water at Yering Gorge so that the Melbourne storages can be kept lower and there is justification for running the augmentation projects.

The government is prepared to take 10 billion litres of environmental water from the Thomson rather than pump water from the Yarra. Government members are prepared to take 14 billion litres of the Wimmera–Mallee pipeline savings from the Goulburn entitlement rather than pump out of the Yarra. They are prepared to take 10 billion litres of the water quality reserve out of Eildon, which is there to stop blue green algae outbreaks, rather than pump water from the Yarra into Sugarloaf. I condemn the Minister for Water.

Hoppers Crossing Cricket Club: achievements

Mr PALLAS (Minister for Roads and Ports) — I rise to speak to the house about the recent honour of becoming the inaugural no. 1 ticket-holder for the Hoppers Crossing Cricket Club. I have hung my framed playing shirt in my electorate office right next to my Bulldogs jersey. I will be putting my Melbourne Storm jersey next to it shortly as well.

The 2009-10 season has begun. The club has been fielding teams since 1977, and throughout its history has had a strong sense of local community. Currently the club fields 7 senior turf sides, 15 junior teams and has won 55 premierships across both junior and senior teams in 30 years of cricket. The club is the largest turf cricket club in Victoria and one of the largest junior clubs in Australia. The club and its hardworking committee actively encourage many young players, who are predominantly locals, to enjoy the benefits of

playing sport and being involved in a team environment, as well as strongly advocating the club's ethos of being a family club with family values.

The Hoppers Crossing Cricket Club has supported the local community by hosting many excellent social events that allow the friends and families of members not only to come together and enjoy the game but also to provide a night out in a family-friendly environment. Many local businesses are proud to support the club through sponsorship. I would like to thank the president, Steve McNamara, the committee and all members of Hoppers Crossing Cricket Club for their dedication and hard work. I wish all the teams every success in the forthcoming season.

Innovation Economy Advisory Board: future

Mr KOTSIRAS (Bulleen) — Under this Labor government stagnation is replacing innovation in Victoria. In December 2002 the then Minister for Innovation, the current Premier, announced with much fanfare the establishment of the Innovation Economy Advisory Board. In 2003 only four meetings were held by the board, with only one international member attending one meeting. The minister confirmed that only two-thirds of the 26 members attended each meeting. In 2004 only six members of the 26 attended all meetings. An article appeared in the *Herald Sun* of 6 February 2004 which claimed that members were on the verge of quitting because of government inaction.

In 2007 the Honourable Gavin Jennings became the Minister for Innovation, and in 2008 a brief was prepared for Minister Jennings regarding the future of the board. The brief stated that the current model and membership needed refreshing; that in the future there needed to be a greater emphasis on specific tasks to make more productive use of members' time; and that to ensure that the panel is not simply an ad hoc grouping of potential advisers, it would be desirable to bring members together at least once a year.

The brief also suggested a name change to reflect a revamp, and also warned that the government should avoid appointing 'the usual suspects' and that it 'may be appropriate' to call for public expressions of interest for 'suitably qualified individuals'. Almost two years later nothing has happened. The site still lists the original members of the board — —

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

Casey Safety Village: opening

Mr PERERA (Cranbourne) — It was a pleasure to join the Minister for Police and Emergency Services at the opening of the Casey Safety Village in Cranbourne East recently. Casey Safety Village is a great example of what can be achieved when governments and agencies work together to target community safety, and the Brumby Labor government is proud to be playing its role in boosting community safety. This great initiative was jointly funded through a Brumby Labor government Victorian emergency management grant of \$32 000 and an equal in-kind contribution from the Country Fire Authority's provision of project officers.

Casey Hospital: fifth anniversary

Mr PERERA — It was also a great pleasure to join the Minister for Health and other colleagues from this house in celebrating Casey Hospital's recent fifth birthday. This fine hospital opened in 2004 and was the state's first new hospital in more than 20 years. Casey Hospital has a very proud history of achievement, and its service provision has expanded rapidly over the past five years.

City of Frankston: hall of fame

Mr PERERA — I also had the pleasure of attending the City of Frankston's hall of fame recently. I congratulate the City of Frankston on a wonderful night and commend all of the inductees to this year's hall of fame for their invaluable contribution to the area.

Western suburbs: lymphoedema clinic

Mrs SHARDEY (Caulfield) — On behalf of the Western Suburbs Lymphoedema Support Group I ask the Minister for Health to provide information as to when a lymphoedema clinic will be established in the western suburbs given that the clinic which was run from the Werribee Mercy Hospital for some 11 years closed in 2002.

By way of background, lymphoedema is a condition where chronic swelling of part of the body occurs after treatment for cancers such as breast cancer. It results in damage to the lymphatic vessels due to injury from the treatment or a defective gene. Lymphoedema treatment provided at the Werribee Mercy clinic included physiotherapy and support for those suffering what must be a painful and debilitating condition. At the time the clinic closed the then Minister for Health, the Honourable John Thwaites, expressed the view that patients with this condition were being treated at the Geelong clinic. However, only two patients were

attending that clinic. The remaining patients were required to attend Mercy Health in East Melbourne.

As has been made clear to me, that is not satisfactory as such patients have major swelling of the legs and other parts of their bodies. They cannot drive, let alone walk more than a few metres, without discomfort. Although the patients who form this group continue to meet and comprise some 17 members, they are desperate to see a clinic re-established in the western suburbs for their support, treatment and convenience. I ask the minister to address this important issue.

Seniors: volunteers

Ms MORAND (Minister for Children and Early Childhood Development) — Last week Seniors Week was celebrated across Victoria, and I would like to take this opportunity to acknowledge and thank the many people in my electorate who volunteer as committee members in seniors clubs, which provide a great opportunity for friendship, support and fun. There are various clubs in Waverley and Monash catering for the diverse nature of my community.

They include Golden Age Senior Citizens Club, whose president is Dorothy Murrell; the Life Activities Club, whose secretary is Ian Jackson; the Polish Senior Citizens Club, whose chair is Maria Trofimiuk; the Waverley Chinese Senior Citizens Club, whose president is Frank Chau; and the Macedonian Senior Citizens Group of Monash, whose president, Angelo Alipan, has held that position for many years. I had the pleasure of dropping into the club during Seniors Week. There is also the Indian Senior Citizens Association, whose president is Prem Phakey, and the Tamil Senior Citizens Fellowship, which is well run by the president, Dr Shanmuganathan, and we have a lot of contact with the secretary, Mr Sivarasa. The contact person for the HERA Greek Ladies Club is Vicki Alexandropoulos, and the president of the Greek Senior Citizens Club of Monash is Andrew Yannas.

Neighbourhood houses: funding

Ms MORAND — I also want to thank the Minister for Local Government, who announced an increase in funding support for neighbourhood houses last week. I joined the minister and the member for Clayton at the announcement at the neighbourhood house in Notting Hill. The \$480 000 statewide announcement means that the neighbourhood house will get funding of more than \$20 000 a year for coordination funding.

Minister for Finance, WorkCover and the Transport Accident Commission: performance

Mr K. SMITH (Bass) — A couple of months back an ill informed, ill prepared, ignorant and arrogant little fellow got himself lost up in the snow-covered hills. We thought it was just another publicity stunt which the little fellow is so used to doing, but then we became a bit concerned. Was he really lost? Would they ever find him?

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

Mr K. SMITH — I have not referred to anybody yet. We were a bit worried. Would they ever find him? Of course we know it had a happy ending. The federal police brought out their secret spotter plane, which we cannot talk about, and, lo and behold, there he was, winched out by the police rescue helicopter. Oh, the joy when he was found!

We did not realise at the time that when the chopper lifted him out he left his goodwill, courtesy and manners buried in the snow. His arrogance and ignorance he managed to clutch to his chest, and they survive untouched. We know this because only last week he went down to Wonthaggi for another photo shoot opportunity to turn the first sod on the desalination plant site. He withdrew the invitation to the mayor and the chief executive officer, after earlier extending an invitation to them. Of course he did not bother to invite the local member — me. The Minister for Water really is an arrogant, ignorant, small-minded person. Maybe he should go back to the area where he was found to try to recover some of his humility and goodwill. Wouldn't that be a good publicity photo!

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

Bentleigh Secondary College: water conservation

Mr HUDSON (Bentleigh) — Bentleigh Secondary College was recently the first secondary school in Victoria to achieve gold accreditation through the Water — Learn It! Live It! program. The program, which is funded by Melbourne's water businesses, encourages the inclusion of water conservation in the curriculum and everyday activities at schools. To achieve gold accreditation, Bentleigh Secondary College has demonstrated an ongoing commitment to integrating water conservation into the curriculum at each level, and shared its learning with other schools.

Students at the school have reduced their water use from more than 10 million litres per year in 2006 to only 1.3 million litres in 2009. The school has cut its water use through fixing underground leaks and by installing several rainwater tanks, that have a total capacity of 254 000 litres of water, which is primarily used for flushing toilets. It has ensured that all water appliances, including toilets, taps and dishwashers, are water efficient. The school has also installed a TV screen to display real-time water use so that students can monitor their efforts in conserving water.

This year the school completed the construction of a wetland that captures and cleans stormwater and uses it for irrigation across the school grounds. The wetland also provides the school with an outstanding outdoor teaching space and provides habitat for numerous species. The students at Bentleigh Secondary College have set a fantastic example in reducing their water use and raising awareness by encouraging behavioural change. Congratulations to the staff and students, ably led by Bill Thomas, on their gold accreditation and their outstanding efforts in reducing their water use.

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

Police: numbers

Mrs VICTORIA (Bayswater) — Recently a gentleman called in regarding Bayswater station. He pointed out that there had been an increase in young drunk teenagers hanging around the station on Friday nights, abusing people and running across the tracks. He did not feel safe and was very concerned. This issue highlights perfectly the problems associated with the severe lack of operational police in the area, not to mention transit police. There are simply not enough police officers to actively respond to multiple issues at once. Resources are stretched, and the safety of the community is being put at risk by the Brumby Labor government's negligence. If ALP members are serious about tackling law and order, they need to stop the rhetoric espousing how many extra police they have employed and look at where these staff are deployed. I am sick of hearing that this is entirely an operational matter. The government must stop passing the buck and start shouldering some responsibility.

Seniors Week

Mrs VICTORIA — On Monday I attended the opening event at the Bayswater Senior Citizens Club for Knox Senior Citizens Week. As always, it was great fun and I would like to thank everyone there, especially Dot, David, Margaret and Nellie, for ensuring

everything went to plan. It is a terrifically warm and welcoming club, with countless varieties of activities to choose from every week.

Roads: signage

Mrs VICTORIA — My thanks go to those at VicRoads who, in response to correspondence from me, are going to lower the height of centre median signage locally, allowing for greater safety and visibility for elderly and disabled pedestrians. I trust the current revision of standards will ensure that these members of society are taken into account and their needs accommodated in the future.

Dental services: Ballarat

Mr HOWARD (Ballarat East) — Last Saturday Ballarat Health Services dental clinic had a blitz on dental waiting lists. Six dentists worked to carry out assessments on 150 eligible people, and those patients were then issued with vouchers to enable them to be treated by local private dentists. The action was funded by a \$700 000 state government budget initiative, and is estimated to cut the time that people are on the public dental waiting list by up to six months. The funding allocated by the state government is expected to pay for 1000 extra treatments and demonstrates that we are committed to supporting public dental patients. Significant success in improving the service has taken place since this was unified last year under the management of Ballarat Health Services. It has included the recruitment of extra dentists, dental nurses and prosthetists.

Swiss Italian Festa

Mr HOWARD — Last weekend I was also pleased to attend the opening of the Swiss Italian Festa in Hepburn Springs. This community-driven festival, running over 10 days, provides a feast of activities for all visitors to the Hepburn Springs and Daylesford areas. I was pleased to see that with \$10 000 of state funding a new Feast of Choirs event was able to be held over last weekend and this coming weekend. Members are encouraged to look on the Swiss Italian Festa website and to take advantage of the events that are still to take place next weekend. I congratulate all the people involved in running this year's event, because it is another very successful community-driven activity.

Warrandyte electorate: government performance

Mr R. SMITH (Warrandyte) — The Warrandyte electorate is being conned by the Brumby government's

expensive self-congratulating Working Victoria campaign. The government website — www.workingvictoria.vic.gov.au — showcases infrastructure projects throughout Victoria. The website's introduction claims that:

The Victorian government is taking strong action to secure jobs and support Victorians during the global financial crisis. In 2009–10, the Victorian government is delivering a record infrastructure program, with \$8 billion being invested in major capital works projects ...

At budget time, Department of Treasury and Finance estimated that the government's total infrastructure program would support about 35 000 jobs in the Victorian construction sector and its direct suppliers in 2009–10 ...

This website provides an overview of the projects the Victorian government is delivering ...

The website lists eight projects in the Warrandyte electorate, all of which are developments within local primary schools. Each and every one of the projects is funded by the federal government's Building the Education Revolution stimulus package. That the Brumby government is attempting to pass these projects off as its own is shameless. While I welcome the upgrade to our schools, it is disgraceful that the state government is spending taxpayer dollars on a website that tries to con people into thinking the federal government's investment is its own. The Premier's government is tired and out of ideas. If federal government projects are the only thing the Premier has to offer the Warrandyte electorate, then it is time for him to go.

St Laurence Community Services: 50th anniversary

Mr TREZISE (Geelong) — On 9 October I had the pleasure of attending the 50th anniversary celebrations of St Laurence Community Services in Lara to commemorate the original opening on its current site of four aged-care cottages in 1959. Upon arrival guests were welcomed by the musical talents of students from Lara Secondary College.

The new chief executive officer (CEO), Toby O'Connor, then welcomed guests and residents, followed by the chair, Don Blackmore, who gave an overview of St Laurence's history on the Lara site. Of great interest were the memories shared by long-time resident Lena Morrison, who it would be fair to say has had nearly a lifetime connection with St Laurence. Volunteer Lola Lewis spoke of her work and that of other volunteers, while president of the residents group, Mr Ian Brequet, spoke on behalf of current residents, describing a tight-knit community that obviously enjoys a great quality of life. Also in attendance was

St Laurence's first chief executive officer, Graham Bound.

St Laurence is an important community organisation in the Geelong region providing a broad range of services to the community, especially to those in need. The services range from aged care, community services, employment services and training for jobseekers. I take this opportunity to congratulate the team at St Laurence Community Services. I commend all those involved in the celebration of the 50th anniversary, and I look forward to working with the CEO, Toby O'Connor, and his team at St Laurence for many years to come.

Liquor: licences

Mr JASPER (Murray Valley) — I bring to the attention of the house and the Minister for Consumer Affairs the concern and anger of liquor licence-holders in country areas of this state, in particular publicans, with the proposed massive increases in liquor licences next year. The major concern is that these across-the-board increases will be introduced without any regard being had to the size of a business. They will result in reduced employment, reduced support for the community and the possible closure of hotels in small country towns. The increase in revenue from licence fees will go from approximately \$5 million to an estimated \$35 million to provide increased policing controls in hot spots such as King Street and other metropolitan areas. The government will impose huge and all-encompassing licence fee increases to provide this revenue — increases that cannot be justified for licence-holders.

The minister should be aware of the growing anger within the liquor industry. The proposed massive licence fee increases cannot be justified, and there will be consequent adverse effects on an industry that is critical to Victoria. At the two meetings I organised in my electorate of Murray Valley, publicans and other licence-holders have related details of proposed increases of hundreds of per cent in licence fees which businesses cannot sustain. Further, they related the lack of any problems in the conduct of these businesses in country areas. I call on the minister to visit country Victoria and my electorate to gain firsthand knowledge of the effects this will have on country communities and licence-holders.

Eid festival

Mr LANGDON (Ivanhoe) — On Monday, 21 September, the Somali local community of West Heidelberg celebrated the end of Ramadan by holding

the Eid festival at Malahang Reserve in West Heidelberg.

West Heidelberg is home to a large Somali community. The Eid festival was well attended and an outstanding success. The federal Minister for Immigration and Citizenship, Senator Chris Evans, also attended and spent considerable time talking to all the locals.

The success of the Eid festival is a credit to Dr Hussein M Nur Haraco, the president of the Somali Australian Council of Victoria, for all his hard work, dedication and ability to coordinate the local community. I congratulate all those involved.

Prior to attending the Eid festival Senator Evans met with a number of Somali shop owners at the Bell Street Mall in West Heidelberg. The mall is home to various shops owned and operated by members of the Somali community. The traders association, which I chair, has several Somali members on the committee. I am ably assisted on the committee by Dr Haraco, the vice-president.

I also pay tribute to Michael Holman, Sr, Christine Morrow and Michael Holman, Jr, for their outstanding efforts in the community. Michael Holman, Sr, and Christine are very active in the West Heidelberg community on so many levels that it would take me too long to mention. What I can say is that at this year's Banyule festival in March, the Malahang festival in May and the Eid festival just passed in September they all worked tirelessly. I could not possibly count the number of sausages cooked or hours spent assisting in the Eid festival. All I can say is well done and thank you very much.

Extraditions: government performance

Mr TILLEY (Benambra) — Living and representing the Benambra electorate one becomes very familiar with the problems caused by cross-border anomalies. As a former member of Victoria Police serving in a border region I am all too aware of such anomalies and understand the difficulties of extraterritorial warrants and extradition.

The government leadership and proper resources needed to pursue both domestic and international extraditions and to make the process easier have not been provided by Labor. Our community is entitled to believe those accused of crimes will be dealt with fairly before a court of appropriate jurisdiction.

It was hard not to miss reports on the Premier playing cricket in India and being hosted by the Queen in Scotland just a few weeks ago. But behind the fanfare

was the Premier on the job or on a holiday? For example, it has been alleged that Puneet Puneet was involved in a motor vehicle accident that took a life. He has since fled to India. It is also alleged that James McCulloch violently sexually assaulted a 17-year-old girl. He has since fled to Scotland.

These men deserve the presumption of innocence until being proven guilty. However, the Labor state and commonwealth governments have shown zero commitment to ensuring these trials proceed. The Premier's personal representations to authorities in both countries on his latest round-the-world junket would have, at the very least, assisted in ensuring that these men are extradited to face trial.

The Premier has squibbed the hard work on the issue of the international and domestic extradition of criminals, as well as a raft of other cross-border anomalies that communities like mine face every day.

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

Frankston: reservoir park

Dr HARKNESS (Frankston) — The former Melbourne Water-managed Frankston Reservoir site has been secured as a natural features reserve and will be managed by Parks Victoria. The land is of high value to Victoria and the Frankston community, and the Frankston Reservoir is a site of state conservation significance. The area is home to endangered grassy woodland, and much of the remaining vegetation is also of conservation significance.

It is important to the local community that the area is protected to allow education and suitable recreation in this beautiful environment. Parks Victoria is well placed to manage the site, and it will have transferred to it the allocated funding of over \$2 million to carry out important hydrological work, to install facilities such as signage and walking trails and to allow public access to the site.

The state government's investment in the Frankston Reservoir site will provide public access and protect the landscape and environmental values for generations to come. Fire preparation work has begun on the site in preparation for the coming fire season, and Parks Victoria and the Country Fire Authority will continue to work with the community to make the area fire ready.

Triathlon Victoria: Frankston headquarters

Dr HARKNESS — The Mornington Peninsula is now home to one of our fastest growing sports, with Frankston now a training and peak performance base for Victorian triathletes. The Minister for Sport, Recreation and Youth Affairs joined me at Monash University in Frankston to announce a new training base and administrative headquarters to be based at the university. With more than 56 000 athletes competing in triathlons each year, the sport continues to go from strength to strength.

The move to Frankston is part of Triathlon Victoria's new three-year alliance with Monash University to help develop even more pathways for the sport. The new Frankston Monash base will further boost the growing popularity of and demand for the sport and give local competitors, schools and clubs more opportunities to get involved. The Monash University and Triathlon Victoria partnership provides a range of benefits and provides athletes with an edge in national competitions.

Housing: Ferntree Gully

Mr WAKELING (Ferntree Gully) — This week in Parliament I presented a petition signed by over 800 concerned residents condemning the Brumby government for pushing through an 87-unit social housing development without consulting the community. The Brumby government has treated the views of the Ferntree Gully community with contempt. The wealth of signatures on this petition highlights to the house the level of concern that residents have with the approach of this government.

The Brumby government has ridden roughshod over the community, forcing it to accept a proposal on which it has had no say and into which it has had no input. The people in Ferntree Gully deserve far more than this government is offering. They deserve a say in what is developed on the former Ferntree Gully Primary School site. They deserve to have their voices heard on issues such as density, height, parking and access. Private developers are required to follow due process; why should the state government be exempt? The signatories to the petition demand that the Brumby government consult with the community to ensure that their ideas, concerns, knowledge and insights can be expressed before construction of the project commences.

Narcissus Avenue–Tormore Road–Boronia Road, Boronia: traffic lights

Mr WAKELING — I once again highlight to the house the dangerous situation at the intersection of Boronia Road with Tormore Road and Narcissus Avenue. This intersection has been a continual source of worry to residents who use it. The government's attempt at a quick fix by installing detector loops at a nearby pedestrian crossing has not addressed residents' concerns. The community has continued its call for the installation of full traffic lights at this intersection. Knox City Council has recognised this need and agreed to fund \$150 000 towards the installation of traffic lights. It is now up to the state government to listen to the pleas of concerned residents and provide the necessary funding to construct traffic lights at this dangerous intersection.

Bushfires: community preparedness

Ms LOBATO (Gembrook) — On Sunday I hosted a community bushfire preparation forum held in Emerald. The communities of Clematis, Emerald, Upper Beaconsfield, Cockatoo and Gembrook heard from guest speakers Joe Buffone, the deputy commissioner of the OESC (Office of the Emergency Services Commissioner), Tamara Bush from the CFA (Country Fire Authority), Bernard Barbetti from the Department of Sustainability and Environment (DSE), Craig Bray from Parks Victoria and Paul Dickson from Cardinia Shire Council. The forum informed the community about preparing for the upcoming potentially severe fire season and new policies on warnings and communications that will have been implemented since last season.

I thank all guest speakers and attendees for their commitment to working together to ensure the communities in my most fire-prone areas are well informed and well prepared. I wish to also thank the Emerald CFA for organising the community barbecue we held prior to the forum. Thank you also to Wayne Burgess, principal of Emerald Secondary College, for allowing us to use the college for the forum.

Next Sunday I have organised for another bushfire preparation forum to be held at the mechanics institute in Warburton. The Upper Yarra townships have been invited to attend and hear from and question speakers from the CFA, OESC, DSE, Parks Victoria and the Shire of Yarra Ranges. Members of the Upper Yarra unit of the State Emergency Service have agreed to organise a barbecue starting at 12.00 p.m. prior to the commencement of the forum, and I thank them for their commitment to this event. I am sure that the forum will

be welcomed by the community as much as the Emerald forum was.

St Mark's Church, Emerald: thanksgiving service

Ms LOBATO — I also wish to thank and congratulate St Mark's Church in Emerald for its biannual thanksgiving service for our emergency services. St Mark's organises this special service to pay tribute to all local emergency services such as Clematis CFA, Emerald CFA — —

The DEPUTY SPEAKER — Order! The member's time has expired. The time for members to make statements has expired.

Mr R. Smith — On a point of order, Deputy Speaker, I refer to your raising a point of order during the member for Bass's statement and just refer you to Speaker Andrianopoulos's ruling that it is appropriate for points of order to be taken and dealt with at the end of the time set aside for members statements. I ask why you thought the interruption was appropriate in this case?

The DEPUTY SPEAKER — Order! It is not appropriate for the member for Warrandyte to question the Chair in that manner. The Chair does not take a point of order; the Chair made a suggestion to the member for Bass. If the member for Warrandyte wishes to question the Chair, he can do so in an appropriate manner, and I would be very pleased to take it up with him.

GRIEVANCES

The DEPUTY SPEAKER — Order! The question is:

That grievances be noted.

Water: advertising campaigns

Mr RYAN (Leader of The Nationals) — I grieve today for all Victorians. I do so in the context of what became known as the red helicopter ads, which were run by this government in or about June 2007. The background to this gives a clear insight into how the Labor Party at large, and in government in particular, does business. The Bracks advertising blitz which featured the red helicopter ads was a justification for the government's failed water plan.

The background to this is relevant. In the years of its governance, the Bracks government, as it then was, kept telling Victorians to use less water. Over those

years, it did nothing to actually augment the supply available, particularly to Melburnians. All the conversation was about the issue of demand; none of it was about the question of supply. The government went to the election in 2006 with three promises: no piping of water from north of the Divide, desalination was a hoax and Labor was not interested in it, and there was the prospect of piping water from the eastern treatment plant at Carrum across the hills to the Latrobe Valley.

The fourth unstated element of Labor's policy was that it would pray for rain. The government was re-elected in November 2006 and of course the worst happened: there was no rain. Panic set in and it was then, from January to June 2007, that the government cooked up its so-called plan on the provision of water, particularly to Melbourne. A fundamental aspect of that was that it then had to sell the plan, and that is where the issue of the red helicopter ads became particularly pertinent. As a result of a series of FOI applications, we have the documents which tell the story behind this dreadful business.

Firstly, on Friday, 25 May 2007, six advertising agents from the government's marketing services panel were circulated with a project brief. That was done because for projects valued at more than \$250 000, the procedures required the department to seek submissions from six selected panel suppliers, and this particular project had a budget of \$1.5 million — that was \$1.5 million of taxpayers money which was to be thrown at this ridiculous project.

In this case Shannon's Way, which had run the election campaign for the Labor Party in 2006, and five other agencies were invited to submit proposals. A project brief was supplied by the Department of Premier and Cabinet (DPC) to the six agencies. Amongst the various contents of the project brief it says — and I refer to these things in part:

The proposed campaign should have the effect of instilling confidence among Victorians that there is a plan to address the water crisis ...

Melburnians believe that water restrictions — and with them the loss of gardens, precious trees, parks and freedom to use water in the same way we did as children — represent a shared adversity on a par with the sacrifices of wartime or natural disaster.

That is what this government, through the Department of Premier and Cabinet, included in this briefing document to the advertising agencies.

Thirdly, it points out:

Right now it seems that the community doesn't regard this as anyone's fault, but they might if the plan is not communicated in a clear, thoughtful manner.

It goes on to say, fourthly:

A genuine (though unfounded) fear of running out of water seems to be driving concerns for a fix-it-at-any-cost approach. The government needs to be seen to be responsive, but responsible in its application of funds to the solution, whilst demonstrating a genuine understanding of the concerns and needs of Victorians. A serious tone is needed to convey the underpinning thought: 'They know what they are doing'.

This brief went across to the six agencies that were on this panel. On Monday, 28 May, the advertising agencies were briefed on the project. On Tuesday, 29 May, the very next day, the Clemenger advertising agency sent an email to Andrew Hockley of DPC asking:

Could you please confirm if the 'plan' will be announced on June 18, and will there be part of the briefed message, or is the message simply that there is a plan in place.

In other words, the agency wanted to know whether it was to put actual details of the plan itself in the package. An answer came back from Mr Hockley saying, in effect, 'No, you will not do that'. The actual quote is:

... if you are asking whether or not the announcement advertising will need to contain details of the substance of the plan, the answer is yes. We will provide detailed backgrounding on what these are to the successful agency. As you will appreciate, the specifics are highly commercially sensitive and I was not permitted to release any details to such a large group.

I might add that Mr Hockley was the director of strategic communications at the DPC. He is also a well-known associate of the Labor Party and a former Labor Party staffer.

On Monday, 4 June, only six days later, all six project proposals were delivered to the DPC by about 10 o'clock that morning. At 3.27 p.m. that afternoon a further email from Mr Hockley, directed to Bill Shannon from Shannon's Way, reads, in essence:

... our evaluation team unanimously appointed Shannon's Way to the water launch project.

It is interesting to note that at 4.17 p.m., 50 minutes later, Mr Hockley circulated the water agency selection matrix document, as it was described — it was a summary of the six proposals, the final selection report — to the other members of the evaluation panel asking:

... comments please ASAP.

In other words, at 4.17 p.m., 50 minutes after he had emailed Bill Shannon of Shannon's Way to say he had got the deal, Mr Hockley is out there saying, 'I am now asking the members of the panel to decide who is their preferred option', when he knew that 50 minutes beforehand he had already emailed Bill Shannon, telling him that he had the job.

It gets better. On Tuesday, 5 June, the very next day, Mr Hockley wrote a memo to Chris Eccles, deputy secretary of DPC and presumably his boss. In that email of the next day he said:

Subject to your endorsement DPC will engage Shannon's Way under the terms of the marketing services panel for the purposes of implementing the water plan launch campaign.

All of this is being done in circumstances where he has told Bill Shannon in an email 24 hours earlier, 'You have got the job'. It just goes to show what an absolute charade this whole exercise is.

I move on to the propositions which were actually advanced by Shannon's Way. Shannon's bid, which was submitted through Shannon's Way, is an interesting read in itself. It says, in part, in its briefing documents that:

For months on end, Victorians have been bombarded with negative headlines and negative TV news stories. While we accept the community may not 'currently' blame anyone, tolerance, we know, has a very short lifespan. You articulated as much in your brief.

He went on also to say:

The unique expertise of Shannon's Way in both political and water campaigns has taught us many lessons about what to say and how to say it.

Is that not a truism? Here is the bloke who had run the campaign for the Labor Party only months before, the same campaign that said they would never take water from northern Victoria, the same campaign that said building a desalination plant was a hoax, now saying, 'We know what to say; we know how to spin it'.

He goes on in this document to make some further observations about how this message would be told, and again I quote what he says:

There are two key sound elements to work with in this concept.

When he says 'in this concept' he is talking about the use of the red helicopter. He continues:

The Premier's voice. And the sound of the helicopter. Our challenge is to make them work together so that every word the Premier says is always heard strongly and clearly, while

still allowing the sound of the helicopter to add extra colour to the communication.

The exiting thing about a helicopter is the vibrant nature of the sound — loud, fast and full. And like the film *Apocalypse Now* —

do you mind, *Apocalypse Now!* —

we can use everything from the sound of individual blades passing by our ears to the intense sound of a helicopter at full throttle.

There is more, but unfortunately time is against me reading all of it out. There is an extremely interesting aspect to all this. There is no question that Shannon's Way had the inside running — there is no doubt about that. That is apparent when you look at the television script which Shannon's Way included as part of its submission and which is dated 3 June. This is the day before the submissions came in from the six agencies. The TV script that Shannon's Way is putting to the government says it should contain a variety of issues:

First we're about to begin construction of the 'The Water Grid' ... XX kilometres of pipeline that will allow water to be sent those parts of the state most in need, from those areas (reservoirs) where there's still plenty ...

the word 'plenty' is underlined.

Possible points:

ability to react water problems immediately —

the second possible point is a clanger —

somehow counter the fact we won't be robbing Peter to pay Paul ... the water that is taken will be replaced???

This is in the script that Shannon's Way submitted the day before the bids came in. What that tells you, of course, is that poor old Clemenger, when it asked if it could have the details of what the plan actually contains, was told it could not, whereas on the day before the bids were lodged Shannon's Way incorporated in its proposed script details of what the bid was to contain. What does that tell you? What it tells you is that the whole thing was a complete and utter charade.

The government has said to a journalist who took an interest in these issues when we raised it with her, that that is not how it happened at all. The government said that the proper process was followed, that the panel did give consideration to the six. It then showed the journalist a document which it said proved it. The actual document the government produced and showed the journalist was a document which had not been disclosed to me as a result of the freedom of information application — first mistake. It told the

journalist that the document was cabinet in confidence — second mistake. In response to this charade the government said, 'Here is a document which we have not disclosed under the FOI act', and secondly, 'We are prepared to tell a journalist the content of a document which is cabinet in confidence.' It had not even disclosed its existence. It has broken the law on two counts.

Where does this take us? What this tells us is that the Labor Party at large and in government will say anything and do anything if it means the prospect of retaining government. The issue of truth is an innocent bystander. It has nothing to do with the way Labor practises politics. The only issue that is of interest to the government is: will it wash? Will people believe it? That is the only thing that ever interests it. These documents show that to be the case.

The next thing we know out of this is that the government threw \$1.5 million at this appalling process — \$1.5 million of taxpayers money! What does that tell us? It tells us that the government will spend any amount of money in pursuit of its first principle and say anything and do anything if it serves its own miserable purposes. Here we are in the state of Victoria where we have all sorts of problems with the provision of services to our communities, and here we are with \$1.5 million being used by this mob for these nefarious purposes.

The next thing this tells us is that the government looks after Labor mates. It is good at it; it looks after Labor mates. Here is the crew that ran the campaign for Labor in 2006; the same crew that ran a marketing campaign that in part, on the issue of water, ran a story completely opposite to that which it is now producing, and yet it has the same crew doing it. The government is good at it; it looks after its mates and it looks after its Labor mates to the extent where nothing else matters.

The next thing is that the government is prepared to abuse process. The notion of telling lies or of doing things against the law has not the slightest relevance to this crew. It does not care. If it serves its own miserable ends, it will do it. Here we have it again in bulk, an absolute and patent abuse of process in the way it has gone about this.

The government will say anything to a gullible public. It has breached the trust which the Victorian people invested in it. It has been telling us for years about water-related issues, but it has done nothing to supplement supply. When it has been caught out, the best it could do was to lie to people about the way in which this whole thing would be approached.

Election promises — do not worry about them! Labor was still negotiating, with different groups about whether there would be pipelines or not. When the advertisements were done, they were in the can, and the red helicopter was about to take off. This is Labor at its most appalling worst. Is it any wonder that people want to chuck Labor out.

Opposition: performance

Mr NARDELLA (Melton) — I grieve today for the Liberal Party and The Nationals in opposition, because whatever they say, whatever they claim and whatever they put in their statements and press releases, they are wrong. They consistently tell untruths. The Leader of The Nationals has just put a number of untruths before this house. This lazy, divided, indolent Liberal-Nationals opposition has not learnt anything in its 10 years in opposition. Not one lesson has been learnt by the lazy, indolent opposition in this Parliament. Developing real policies, doing the hard work is beyond it. It has no idea what hard work is within the Parliament and the community. The opposition remains the Maynard Krebs of the Parliament where work is beyond them.

The opposition continues to believe that government will fall into its lap by its telling of untruths and never, ever checking the facts. Whenever you make a statement you never check the facts. That is the credo, the belief of this opposition. Opposition members never let the facts get in a way of a good story, even though the story is wrong, wrong, wrong.

To highlight this point I note that just yesterday the Deputy Leader of the Opposition, the member for Brighton, quoted extensively from an email attacking the government. Was she prepared to table the alleged email, the alleged document? The opposition makes statements and can never back them up. She would not table this alleged document, this fabrication opposition members continue to undertake within the Parliament and in the wider community.

The opposition consistently makes erroneous statements and can never ever back them up. They are wrong, wrong, wrong. Let us go through many of these examples. No. 1 on our list is the economy. In his video on his website the Leader of the Opposition says the Australian economy is in recession. That is on his website, that is his statement, that is the claim the Leader of the Opposition is making; but the claim is not true. The Australian economy actually grew by 0.6 per cent last quarter and by 0.6 per cent over the last 12 months. That is not the definition of a recession, and yet the claim is still made by the Leader of the

Opposition. Not only is he trying to talk down the Victorian economy, he is also talking down the Australian economy. The claim is not true; the opposition has it wrong.

No. 2 on the list is police golf buggies in the CBD (central business district). Here we go! Opposition members think they are back in their electorates playing golf on the golf course — rather than telling the truth. On 15 September during parliamentary question time the opposition claimed that the government announced in 2007 that it would introduce golf buggies in the CBD and that the measure had not been implemented. I was in this chamber when that claim was made. This claim is not true. The government never promised golf buggies for police in the CBD. The article referred to was from the *Herald Sun* of 21 August 2007. It referred to a golf buggy that was being used by local police as part of a one-month trial on how golf buggies would assist with foot patrols. There is no reference to the government in the article, so the opposition got claim no. 2 wrong.

Let us go to claim no. 3, which refers to a statewide ID database for licensed venues. Again on 15 September 2009 the opposition claimed during this Parliament's question time — and again I was here at that time — that the government announced in 2007 that it would introduce a statewide ID database for clubs to log patrons' details and that this had not been implemented. This claim is not true. The government never promised to introduce this system, only that the technology was being considered and that further research was necessary. The article relied on by the opposition leader to make this claim was from the *Herald Sun* of 16 October 2007, which only says that the government was considering this technology. It says:

Police minister Bob Cameron said there was anecdotal evidence the scanners were useful in a small number of venues.

'There is a need for greater research to establish how effective they are in maintaining public order', he said.

A Criminology Research Council research project by Deakin University is currently under way and is analysing the effectiveness of ID scanning. Again the opposition got it wrong.

It keeps on going; it keeps on getting worse. I turn to no. 4 — banning alcohol from strip clubs. Once more on 15 September during parliamentary question time the opposition claimed that the government announced in 2008 that it would ban the sale of alcohol from strip clubs and that this had not been implemented. Again honourable members were obviously here at the time.

This claim is not true. The government never promised to ban alcohol from strip clubs, only that it would review the operation of sexually explicit entertainment venues and that it was considering a new licence category for these businesses. The article relied upon by the opposition leader to make this claim is from the *Herald Sun* of 9 September 2008 and only refers to a review of arrangements:

Mr Robinson has ordered CAV —

that is, Consumer Affairs Victoria —

to review operations of all sexually explicit entertainment venues that serve alcohol.

He is considering a new category of licence for such clubs so owners and operators can be subject to stringent probity checks.

The Minister for Consumer Affairs was also quoted in the *Australian Financial Review* on the same day:

But the minister responsible for liquor licensing, Tony Robinson, has warned everyone they may need to take a cold shower over the idea of a blanket alcohol ban on King Street's notorious strip clubs.

The review by CAV is currently under way. Guess what? The opposition got it wrong.

No. 5 is a beauty: doctors moving to Queensland. A Liberal Party leaflet posted in May 2009 made the claim that 217 Victorian-educated doctors had quit our health system and moved to Queensland. Oh, aghast! Everyone went, 'Oh no! This is terrible; 217 of our doctors, who have been trained here, have gone to Queensland!' However, this claim is not true. The claim was rejected by the Medical Board of Queensland on 13 October 2008. The board clarified that official medical board registration figures showed the number of doctors from Victorian medical schools moving to Queensland in 2007–08 had dropped 36 per cent from 2006–07, so fewer had registered in Queensland than had in the year before. The Victorian government has also employed an additional 8811 nurses and 2583 extra doctors since 1999. What do we have? We have the opposition getting it wrong.

No. 6 on the list is the Liberals saying we failed to implement a plan to use mobile phones to dob in hoons. The claim was made in August 2009 in the Liberal Party's so-called 25 broken promises list. Jeez, that was a winner — I know members will remember that one. This claim is not true. The government never promised to introduce this; it promised only that it would consider the idea which was raised in a survey conducted by the Department of Justice. The *Herald Sun* article of 18 August 2008 which the opposition

referred to says that the government would consider the idea and that:

Police minister Bob Cameron said he would look at the proposal to widen the crack down on hoons.

Moreover, the opposition itself questioned the value of the proposal in the article. It put it in a list and said the government had not done it, and then it questioned it, as the article states:

But Mr McIntosh questioned whether the video footage would be useful in bringing hoons to justice.

So the opposition got it wrong.

Let us go to no. 7 on our list — double demerit points. This is a real winner by the opposition. A claim was made in August 2009 in the Liberal Party's so-called 25 broken promises list. That was good reading. That is good reading if you want some fantasy. It is fantasy, because, again, this claim is not true. The government has never committed to this. An ABC News online article dated 11 March 2008 notes that the Minister for Roads and Ports said a proposal was yet to be formally presented to government. The minister is quoted in the article as saying:

But double demerit points — our view is the jury's still out.

So that particular one the opposition got wrong.

No. 8 on the list is B-triple trucks. The honourable member for Polwarth claimed in a media release of 3 August 2008 that Labor was involved in a 'secretive push to have heavier and longer trucks operating on a much larger number of Victorian freeways, highways, arterial and local roads' and that government would 'increase the number of roads on which B-triples are allowed in Victoria'. This claim is not true. The consultation with local government in 2008 was a matter of public record. This consultation has resulted in a trial of longer B-doubles — yes, B-doubles — on certain specified routes, but the government has always said it would not extend the trial to B-triples. The media release headed 'Next generation trial to keep freight moving' was put out on Friday, 11 September 2009. The opposition got it wrong.

No. 9 on the list is B-double registration fees. The honourable member for South-West Coast, in a media release of 29 July 2009, accused the government of hiking up registration fees for B-doubles with little warning. This claim, again, is not true. The price changes were decided in 2007 at a national level and deliberately phased in over a three-year period to accommodate the industry. This is clearly set out in a schedule of heavy vehicle registration charges released

by the National Transport Commission in February 2008, more than a year before the honourable member for South-West Coast's claim. He was wrong.

No. 10 on the list is patient transport assistance. In a media release of December 2008 the honourable member for Lowan said that the Victorian patient transport assistance scheme rebates of 14 cents per kilometre and \$30 per night were too low and called for a review. This claim was not true, because the actual rate at the time of the release was not 14 cents per kilometre as he claimed but 17 cents per kilometre and the nightly accommodation rebate was actually \$35. He claimed it was \$30. The figures he was quoting were from before the Brumby Labor government increased the rates. The opposition got it wrong again.

No. 11 on the list is a claim by the honourable member for Swan Hill. He is a serial offender, this honourable member. In a media release of 21 July 2009 he claimed that figures released by the Transport Accident Commission (TAC) showed that the road toll for rural roads to midnight 15 July 2009 had increased by 14 per cent from the same time the previous year. This claim is not true. The figures from the TAC website are based on urbanisation. They do not include all roads in regional areas and do not give the full picture of the country road toll on a comparable four-year basis. In actual fact we recorded the lowest country road toll ever in 2008. There were 37 fewer deaths on rural Victorian roads in 2008 compared to 2007, which is a 21 per cent decrease. So the opposition got it wrong.

No. 12 on the list is integrity services. In relation to a review of racing integrity services by Judge Lewis the honourable member for South-West Coast — again, a serial offender — went on radio to claim that he knew of people who had not been able to have their say. This claim was not true. When contacted by Judge Lewis to provide names and contact details so that Judge Lewis could meet and talk to these people the shadow Minister for Racing did not do so, even after a follow-up letter was sent. The shadow minister after expressing his great concern about the industry did not even bother to make a submission, either verbal or written, to Judge Lewis. He is too lazy, he is indolent and he tells untruths. And the opposition got it wrong.

The list keeps going. There is a claim that we have got a hit list for school mergers. Unlike the Kennett government — and the shadow Minister for Education, the member for Nepean, was a member of the Kennett government that closed 326 schools and had a hit list — we have not got one. The opposition got it wrong.

Indigenous Victorians are on the list. The honourable member for Shepparton claimed that we were letting them down and that the Victorian government was doing nothing for them. In fact this claim is not true. The government has invested a record \$57.97 million over four years on indigenous health and wellbeing measures. The opposition got it wrong.

A lack of funding for sporting grounds is no. 15 on the list. In a press release of 6 February the honourable member for Lowan claimed there was a lack of funding. This was not true. In actual fact drought has not stopped many of these things. The opposition cannot be trusted. It is indolent.

Attorney-General: judiciary

Mr CLARK (Box Hill) — I grieve for the attacks being made by the Attorney-General on the abilities, commitment and independence of Victoria's judiciary. Victorians woke last Friday to read extraordinary headlines generated by the Attorney-General, such as 'Frosty judges told to warm up with public', 'Hulls plan to get tough on judges' behaviour', 'Judiciary urged to defend itself' and 'Jolt for judges'. In the text of the articles accompanying those headlines were a series of attacks on our judiciary out of the mouth of the Attorney-General.

To adapt words used by Chief Justice Warren in responding to those attacks, the Attorney-General's speech suggested that someone needs to get tough on judges and the Attorney-General is the one to do it; judges are misbehaving and a complaints system is needed to deal with them; the judiciary sees itself as removed from scrutiny and needs to come in from the cold; the judiciary will resist reform to a complaints system; judges are not about serving the community; judges do not engage with the community; and judges are especially well-remunerated public servants.

These attacks on the abilities, the independence and the commitment of our judiciary are ones that were deliberately engineered by the Attorney-General. He chose to brief all the print outlets on the speech that he was to deliver the following day. He did not have the courtesy to give a copy of his speech to the chief justice or other members of the judiciary, so the chief justice had no opportunity to comment. He left the Chief Justice of Victoria in the position of reading of this attack in the morning newspapers and needing to abandon the speech that she was intending to give to the Judicial Conference of Australia colloquium on Friday and instead spending her morning preparing to stand up and defend her fellow judges and magistrates against this unprincipled and unjustified attack.

The allegations made by the Attorney-General are untrue. Conscientious judges and magistrates in this state, who are in the vast majority, work enormously long hours struggling to cope with the huge workloads and the groaning backlogs of cases that the inadequate facilities within which they have to work are imposing on them. The consequences of the Attorney-General's attack on the judiciary, as the chief justice herself has pointed out, include undermining community confidence in the judiciary, damaging judicial morale when judges are working between 60 and 90 hours a week constantly and in high-pressure situations, and acting as a disincentive for potential candidates for appointment to the judiciary.

There is a more sinister element to it than simply this undermining of morale and confidence. This is part of a continued attack by the Attorney-General on the independence of the judiciary. He has followed a concerted policy, presumably supported by the government, that every independent institution within his portfolio must be either brought under his thumb or destroyed. If we look at the Victorian Equal Opportunity and Human Rights Commission, we see that he has axed the position of independent chair of that commission. He has turned the commission into a mini-me cheer squad for his political agenda. He has violated the standard principles of good corporate governance that have applied for years across the Victorian public sector and which the State Services Authority seeks to uphold. He has introduced an Enron-style form of corporate governance to the Victorian Equal Opportunity and Human Rights Commission, concentrating all power in a single individual.

I cite also the case of the Victorian Law Foundation, a body that advances community legal education and that has been independent since it was established in 1967 at the instigation of Mr John Cain. We saw the Attorney-General seek to abolish the independent membership of that foundation and replace it with a board consisting entirely of his own nominees. With the support of the Greens party, the Parliament ended up allowing him to appoint half the nominees to the foundation, with the other half remaining independent. He then had the nerve to appoint his own former press secretary as one of his four nominees to the foundation.

We can also look at what is happening with justices of the peace. The Attorney-General debased an 800-year-old institution with the appointment of the likes of Mr Hakki Suleyman, despite his serious criminal convictions. The association of honorary justices has stood for standards, integrity and service within the ranks of justices of the peace, and the

Attorney-General has been unable to bludgeon the association into falling into line with him, so what is he doing now? He is threatening to abolish the entire institution altogether, because he cannot turn Victorian justices of the peace into government lackeys.

We are now seeing coming further out into the open his similar attempt to subvert and undermine the independence of the judiciary. We have seen for many years during his term as Attorney-General that membership of or close association with the ALP has been an enormously helpful feature to have on the curriculum vitae for many of those who have won judicial appointment under the Attorney-General. We have seen with acting judges that he has sought to establish a class of judges whose potential superannuation in their retirement, and even the volume of work that they receive during their term as acting judges, is dependent on his grace and favour. It is an extraordinary affront to the independence of the judiciary, one that has been resisted by the judiciary itself and by the bar — and with very good reason.

Beyond that, we have seen moves by the Attorney-General to seek to bring the entire judiciary increasingly under the administrative control of the Department of Justice (DOJ) and thus under the control of the Attorney-General himself. The insidious effects of that corrosion of the independence of the judiciary were well documented by then Justice T. H. Smith in a speech he gave to the Judicial Conference of Australia colloquium in 2006, entitled 'Court governance and the executive model'. Justice Smith said:

We should be thankful that the courts are no longer called 'Business unit 19', but they and their functions are not identified as 'System elements' and are seen within the DOJ behemoth to be

merely entities within entities in partnership with other entities and a large number of business units and

indistinguishable from any other entities.

He went on to say:

DOJ could not portray the courts in the way it has in the *Strategic Priorities* document if it saw the courts as the third arm of government. As the third arm of government the courts would need to be shown as separate entities which overarch all other entities and business units.

Justice Smith then went on to document some of the practical day-to-day consequences flowing from the DOJ's policy and interfering with the proper operation of the courts. He referred to the fact that because personal staff of judges are employees of the DOJ they have to be placed within the departmental salary and staffing structures. He referred to the fact that the

position of the CEO (chief executive officer) of each court has to be fitted into the staffing structure within the department. He referred to the fact that the department set a whole-of-department IT policy without prior consultation with the judges, saying:

For example, it will block access to particular websites, prohibit sending or receipt of certain types of email or email attachments and prohibit the installation of software.

He said also that:

DOJ insisted on reducing the staff available at the courts to assist judicial officers and court staff and on more centralised control of the programs and facilities to be provided to the judicial officers.

He quoted one other judge as having said:

... there is little understanding of or differentiation between the IT needs of a DOJ administration clerk, a prison officer on night duty who wants to surf the internet, and a judge.

He pointed out that:

... the question of the need to protect the independence of the courts and the integrity of data collected or created by the courts does not appear to have been considered by those who originally formulated the various policies and guidelines.

We are seeing the tentacles of the Attorney-General's attack on any institution that is independent of him and his control extending throughout his portfolio.

However, this latest attack on the judiciary is not just a question of appalling lack of judgement and appalling disregard for the independence of the judiciary and the rule of law, it is also a question of integrity. In his remarks to the media and in his speech the Attorney-General indicated that he was pushing for reforms which the judiciary had been resisting. In fact nothing could be further from the truth. As the chief justice has made clear in her very forceful and articulate response to the Attorney-General's disgraceful attack, in fact the situation is:

... the judiciary itself has urged the Victorian attorney for some time to reconsider the legislation and pressed for the need for the establishment of a judicial commission in Victoria. In the earlier drafts of the justice statement 2 published by the Victorian attorney, the template for the future direction of the judiciary and legal reform, the prospect of a judicial commission was not included. However, following urging from the Victorian judiciary, in particular the Chief Judge of the County Court, the Victorian attorney resolved to include the subject of a judicial commission in the statement.

In other words, it was the Attorney-General who had to be dragged kicking and screaming towards a better mechanism for handling complaints about judicial officers.

Then there is the real crunch of it. In the words of the chief justice:

Of course, a judicial commission will not come cheaply for government. The New South Wales judicial commission model cost well over \$5 million in 2007–08. Admittedly the NSW system encompasses judicial education. By way of contrast, the Victorian judicial college in 2007–08 cost \$1.2 million. A judicial commission model will be a multimillion-dollar proposal for government. However, that is what judges believe is needed and urge government to introduce.

This is not just a question of judgement; this is a question of integrity on the part of the Attorney-General, as to whether or not he is stating the position truthfully to the Victorian public. Frankly, if it comes to a decision between the truthfulness of the Chief Justice of Victoria and the truthfulness of the Attorney-General, I am prepared to back the chief justice.

Of course there are problems from time to time with individual judges and magistrates, and I recently raised one example in this house. There needs to be a better mechanism to deal with such complaints. There needs to be a greater role for the head of jurisdiction to handle and hopefully resolve complaints at first instance, and there also needs to be a further body to deal with instances where the head of jurisdiction cannot resolve the matter or the complainant remains dissatisfied. However, that further body must be a body that commands the respect of both the judiciary and the public, and it must be completely independent of government. It would be completely inappropriate on both counts for officers of the Department of Justice to have any say in the supervision of the judiciary of our state.

You may well ask, Acting Speaker, why it is that the Attorney-General sought to make such an extraordinary attack on the independence of the judiciary. It is not only part of his ongoing policy of undermining any independent body within his portfolio but is also a distraction from his own failings in relation to the judicial system, such as his failure to reduce waiting lists within the Victorian court system, which include some of the biggest backlogs in Australia in Supreme Court appeals, County Court non-appeal cases and Children's Court cases. Victoria's backlogs and waiting lists are getting worse, whereas in other jurisdictions such as New South Wales they have been getting better over recent years.

The Attorney-General is no doubt also seeking to distract attention from the inadequacies of his own sentencing policy, which is failing to effectively protect the community in relation to both first-time offenders

and those who commit horrific crimes. We are seeing a return to the revolving door approach in Victoria's courts as the courts are unable to adequately deal with the rising level of violent crime and are not given the tools they need to do so. We see denials of human rights with huge backlogs of cases building up and increases in the time required for victims, witnesses and accused persons alike to obtain justice, while the Attorney-General is obsessed with his esoteric and ineffectual notion of a charter of human rights and responsibilities.

We have seen the Attorney-General fail to act on issues such as reviewing the double jeopardy law or allowing projects such as the Innocence Project to make better use of DNA evidence to overturn wrong decisions. We are seeing huge additional problems being caused by his mishandled implementation of sexual offence reforms in the County Court, which has caused drug cases, armed robberies and serious assaults to take years to come to trial, and we are seeing bungled handling by the Attorney-General of projects such as the criminal justice enhancement program, which has cost taxpayers over \$37 million. All these are key failings of his that are leading to Victorians being dissatisfied with the performance of Victoria's justice system and the government's response to rising levels of crime. The conduct of the Attorney-General over recent weeks has increasingly been a disgrace to the government, and he is not fit to continue as the first law officer of the state.

Climate change: opposition policy

Mr FOLEY (Albert Park) — I rise to grieve for the sorry state in which the state Liberal Party and The Nationals find themselves in their failure of policy, leadership and community engagement on the issue of climate change and carbon reduction. I note this is not just a problem the state Liberals and Nationals find themselves in but is one shared by their federal brothers and sisters.

The position of the Liberal-Nationals coalition on climate change, like so many of its positions on the great issues of the day, as we have just heard from the member for Box Hill in terms of legal reform, is out of touch with community thinking. The opposition's position on climate change is marked by at least four major contradictory elements, which when set beside the position of the Victorian government would leave any reasonable Victorian wondering just where the opposition is on one of the most challenging issues confronting the global community and the Victorian community in particular, as we happen to be in one of the most carbon-intensive economies in the world.

These markers of the mounting irrelevance of the opposition are there for us all to see. I identify them as fourfold. Firstly, there is the evidence that people see before them in the record droughts, the increasing number and severity of weather events such as we have seen across the globe and, sadly, in our own communities in recent times. Based on this evidence most people's daily experience leads them to the not unreasonable conclusion that there are substantial arguments for the fact that human activity is leading to climate change. This is apparently not a position shared universally by the opposition.

Secondly, there seems to be a broad consensus from respectable and tested scientific knowledge that human activity over the past several centuries and the increase in carbon and other greenhouse gases have significantly contributed to the problem of climate change to the point where it appears that climate change is an inevitable feature of the globe's climate future and that it is more an issue of how we respond to, mitigate and reduce the impact of climate change. This too seems to be a very contested position within the opposition.

Thirdly, there is a need for certainty and investment security for business decision making as to how to respond to these challenges. This appears to be the last possible consideration of The Nationals and the Liberals on these issues.

Finally, there is the position of reasonable advocacy and community groups operating across the spectrum of the environment movement, the organised labour movement, the non-government overseas aid sector and just about any other meaningful organisation across the span of the economy and community is looking at how climate change can be dealt with in a meaningful way. None of these groups looks to the opposition for any sensible position on this community problem. The Liberals and The Nationals are on the wrong side of all these debates and have marked themselves as climate change sceptics with no real contributions to make to this important area of public policy. What is perhaps most surprising of all is that this is the same coalition of parties which took a cap-and-trade pricing system as its policy on this issue to the last federal election. This shows how far and how fast these parties, which seek to be the government at both state and national level, have fallen.

At one level it is great sport to see the Liberals and The Nationals carve themselves apart in a display of petulant, intraparty warfare at the moment. It is a very useful study of what happens when a political party fails to consider the implications of the messages it is sending to the wider world and condemns itself to the

margins of political irrelevance. Such a position is not surprising, because when your political beliefs are such that you see no role for government in dealing with the major problems that the globe and the nation face, your default position on everything is that government and community action is something to be avoided. It is not surprising they got themselves into this pickle.

When your world view is unable to be lifted beyond the pursuit of individual, unencumbered self-interest, regardless of the implications of that decision and in the face of clear market failures, you have no ability for accounting for the collective good. That is a position the Liberal-Nationals coalition finds itself in. Whether it is climate change or any of the other great challenges that face our state, the Liberal-Nationals coalition's ideological touchstone prevents it from transcending the role of individual interest to that of community interest. Whilst from time to time it makes pragmatic attempts to move away from this position, it is continually dragged back by the fundamentalists in its own ranks. As we see today from contributions in the state and federal arenas, the coalition cuts its remaining credibility to pieces on this issue. It shuns the role of government in responding to clear market failures and shuns the community interest for that of narrow self-interest.

When searching for a comparison to best illustrate the troubles of those opposite it is really hard to find an accurate measure. Being the traditionalist I am in many ways, in looking at how it is that the opposition is heading towards its own political apocalypse on this, I wondered which of the four horsemen analogies from the Book of Revelations we could see the opposition charging away on. The four horsemen of what I would like to think of as the coalition's political climate change apocalypse are those of delay, denial, despair and disunity. Delay, the white horse of the coalition apocalypse, is leading the charge. It is the tendency amongst those opposite to think that for one of the richest nations on the earth to simply ignore its global responsibilities, particularly when it has one of the globe's most carbon-intensive economies, is a sensible message to take to the global forums considering this issue.

Rather than taking a position of leadership and global responsibility, theirs is clearly one of isolationism. This position is fundamentally inequitable not only in terms of our global responsibilities but also it places us at a disadvantage domestically, as inevitably, when a price on carbon in the world and in this nation is introduced, there will need to be market-based transition instruments in place. The challenge of responding to that economically will be greater the longer we delay.

The isolationists opposite can deny it all they like, but the certainty of an emerging global response on this issue looms ever larger and more certain. To delay its introduction is to bring in ever-increasing starkness, and for our particularly carbon-based economy, an ever-higher cost for that change.

This position is supported not only by the likes of government members on this side but also by such well-known radicals in the area such as the chairman of BP Australasia, Mr Gerry Hueston, who commented that the absence of the introduction some years ago of a long-term international climate change agreement:

... should not deter Australia from starting now.

There is no doubt that the only way to effect any change is to set an example. We won't be able to move on to a focused and fruitful discussion of the policy details that can lead to effective change both at home and abroad until we acknowledge that the broad principles in the government's green paper are sound.

That was from the chairman of BP, hardly an individual on the radical fringe. Sadly, he would have been traditionally identified as a Liberal Party ally, but no more.

Whether it is the delay-until-Copenhagen chant, the delay until there is global agreement, the delay until China and India have signed up or the delay for any number of other reasons, the position of the opposition is: delay, delay, delay. It is the same message it delivered during its 11 years of wasted leadership on the issue at a national level under the Howard government. The refusal to ratify the Kyoto accord is the most obvious trait of this denial position.

The Nationals federal leader, Warren Truss, recently said:

We will go along with an ETS when the rest of the world goes along

This is the opposition's default position: delay, delay, delay.

There is more than one horse to this Liberal-Nationals policy apocalypse. The second is that of denial. This red horse of the opposition's position is that despite the fact there is an overwhelming peer-tested, broadbased consensus and scientific consideration of this issue over many years — that is, that the whole basis of rational, evidence-based systems that have marked human progress for several hundred years since the European enlightenment — it must give way to the scientific cavemen opposite. Those who would overturn that mechanism of human progress need to consider their position as to how rational scientific decision making

underpins proper policy. Those scientific geniuses opposite want to argue the toss as to whether or not the consequences of several centuries of increased carbon and greenhouse gas-producing activities across the globe will have an impact on climate change.

It is difficult to know where to start in a sensible rebuttal of the flat earth science promoted by those opposite. Let us stick to some of the basics. The Intergovernmental Panel on Climate Change in its fourth assessment report nailed the matter when it reasonably stated:

Warming of the climate system ... is now evident from observations of increases in global average air and ocean temperatures, widespread melting of snow and ice, and rising global average sea level.

Perhaps we could look to our own CSIRO, which as far back as 2005, through Dr Barrie Pittock, concluded that the overwhelming body of evidence from relevant scientists is that there is a high probability that human-induced climate change, with associated changes in other climatic conditions, is happening. Yet many of those opposite steadfastly hold to a denialist position, and not just at a federal level.

Mr Finn, a member for Western Metropolitan Region in the other place, is reported as having said that:

Overwhelming scientific evidence shows global warming ended a decade ago, but the Left has never let the facts get in the way of a good story.

One of the Mr Davises in the other place is reported to have said:

There is a great deal of uncertainty about the contribution greenhouse gases make to global warming

Mr Stensholt interjected.

Mr FOLEY — No, it was Philip Davis, a member for Eastern Victoria Region, but I will talk later about David Davis, a member for Southern Metropolitan Region. There are other reasonable contributions which have been set against their federal denialist brothers.

According to media reports, federal parliamentarian Mr Abbott recently said to a Liberal Party meeting that the argument on climate change is absolute crap. Excuse my language, Acting Speaker.

Senator Joyce from Queensland has been particularly active in this debate. He was reported as saying:

This has become a form of religious fanaticism and these environmental goosesteppers are pretty scary. You're branded a denier. The last time that word was in vogue, it related to the holocaust.

Besides being historically incorrect, Senator Joyce's linking of the worst racist genocide in history and the attempts to destroy European Jewish people and culture with a response to climate change is highly offensive. The devaluing of the language of the holocaust and its implications is an all too regular trend amongst extreme groups in our society. It is not only insulting to the memory of the 6 million victims of the holocaust, it is devaluing the language and the consequences of the holocaust that can only enhance the views of those who are motivated by racist and objectionable groups that tend to promote this area of debate. The fact that he is misusing this context shows the depth to which the federal opposition has sunk in this area.

The third horse-of-the-apocalypse position that those opposite have employed is that of despair. This black horse, like its biblical partner of famine, is where this Liberal Party has taken us. The other Mr Davis in the other place, Mr David Davis, believes that somehow or other a carbon pollution reduction scheme devil would pull the rug out from under a city like Geelong and that it would have a really bad impact on jobs.

Mr Rich-Phillips, a member for South Eastern Metropolitan Region in the other place, has said that Labor's emission trading scheme is going to drive up costs even more for working families.

The ever reliable Mr Finn also said:

An emission trading scheme has the potential to plunge this nation into a depression the likes of which we have never known. What it could do to the western suburbs of Melbourne fills me with horror. There will be mass bankruptcy with bigger companies fleeing offshore to escape the ideological lunacy coming from Canberra, and the resultant unemployment and social misery are all on the cards if we continue down this track.

This very sad position is one that the opposition needs to very quickly change if it is to be in a position to engage broadly with the community during 2010 at both a state and national level.

The final horse of the opposition's apocalyptic position is disunity. Here its pale horse is that of death. We have seen a disunited party incapable of running its own affairs, incapable of leading a consistent and sound policy debate that is broadly in line with community, scientific and world opinion, and incapable of convincing the people of Australia and Victoria that it is in a position to form an alternative government. The disunity that we have seen among opposition members at both a state and national level is a condemnation of their inability to get their own house in order. In that context, it is no wonder that the people of Victoria and the people of Australia look to the Australian Labor

Party to form government to deal with all the major issues of the day, and there is no more important issue than coping with climate change.

Liquor: licences

Mr O'BRIEN (Malvern) — I grieve for the state of liquor licensing in Victoria and the damage that will be done to businesses and communities right across the length and breadth of the state if this government proceeds with its ill-informed, poorly thought out, badly designed and deeply flawed so-called risk-based assessment of liquor licensing fees.

The first point to make about the government's proposed liquor licensing fees is that it is a massive tax grab. The government took \$10 million in liquor licensing fees in 2008. It then increased that figure to \$15 million this year, so there was a 50 per cent jump in liquor licensing fees between 2008 and 2009. When the government was trying to justify this huge liquor licence fee increase in 2008, it put out a regulatory impact statement which stated at page 9 that:

The regulated fees will recover the costs associated with the liquor licensing framework ...

That is, the government said, in effect, 'The reason we need to increase liquor licensing fees by 50 per cent in one year is because we need to recover the costs that are associated with liquor licensing'. I do not think that people in the industry were particularly happy about that, but they thought that on principle some level of cost recovery was not unreasonable. The government has said to members of the industry and the community that the regulated fees — that is, the fees that licensees are being charged this year — will recover the costs associated with the liquor licensing framework. How, then, can the government say, 'We are going to increase your fees from \$5 million last year to \$10 million this year to \$35.8 million next year'? How can the government justify a 250 per cent increase in just two years? The answer is that the government cannot justify it at all. What the government is attempting to do is to throw in every cost that could conceivably be related to the service of alcohol in this state and say, 'That is all the responsibility of liquor licensees, and we are going to make them pay for it'.

Conveniently, the government does not look at the revenue it collects from the sale of liquor. Until 1996, when the High Court struck them down as being unconstitutional, the government collected alcohol franchise fees. What happened then was that the federal government collected those fees on behalf of the states. Those payments have all been rolled into the GST payment, so the state government is still getting money

from taxation on sales of alcohol. Based on the last estimates, it is probably about \$300 million worth. The government is very keen to look at the cost side of the ledger and say that everything up to and including teaching police about liquor licensing laws is a direct cost that must be recovered from liquor licensees, but nowhere does the government mention the fact that it is taking at least \$300 million in tax receipts from the sales of liquor, which is done through the very same liquor licensees that the government is currently attacking with its proposal.

If that were not bad enough — if the fact the government has gone from collecting \$10 million in fees last year to \$15 million this year and wanting to collect \$35 million this year — there is one line in the government's regulatory impact statement on these proposed fees which just shows how completely out of touch this government is after 10 long years in office. This is what the government says:

The proposed risk-based renewal fees are not considered a burden on businesses ...

How can a \$35 million tax — a \$20 million tax hike — not be considered a burden on business? Apparently, it is only in Laborland that businesses can pay millions and millions of dollars in increased fees and they not be a burden. This is the way Labor runs the state. It thinks that any time it wants more money it can just put on another tax, because businesses are there only to provide tax revenue to the government. Forget about employing people; that is a secondary consideration for this mob opposite. They think that businesses are there to be tax collectors to fund their various promises. Later in my contribution I will get to the impact that this will have on businesses, but just that one line tells you how completely out of touch this government is when it comes to the reality of running a business and an economy. It is no surprise, given none of those opposite have ever run a business in their lives.

Mr Helper interjected.

Mr O'BRIEN — With the possible exception of the minister at the table!

I would now like to take the house to the proposed liquor licence fees. The government says these will be risk based. That is something that I and other members on this side of the house support. We support the notion that liquor licensing fees should be set based on the level of risk that a venue provides to the community, and the riskier the venue in terms of the potential for antisocial behaviour, the more the operator should pay in liquor license fees. Why, then, we ask, are community groups such as the Yarra Valley Fly Fishers

being hit by massively increased fees, why are bowls clubs being hit by massively increased fees and why are RSL (Returned and Services League) clubs being hit by massively increased fees? It is unfair to these community groups.

Mr Helper interjected.

Mr O'BRIEN — I can quote to the minister at the table, who has suddenly developed an interest in this matter, from two letters that I have received from the member for Evelyn who has been very active in speaking to her community groups about these issues. One is from the Returned and Services League Lilydale sub-branch, which states:

Our committee, and members, were shocked and dismayed to see the proposed increase for this club. We have a full club licence and the proposed 49.3 per cent increase is intimidating for a club like ours.

The operating hours for our club are limited as we rely upon volunteers to do the work. We are a not-for-profit club.

We hope that the efforts you and your colleagues can persuade the Victorian government to review, and hopefully change, the proposed new fees.

I refer also to a letter from the Yarra Valley Fly Fishers which is addressed to the Premier, and of which I have received a copy. The club notes that it has approximately 130 members, it has a BYO permit which essentially is used only once or twice a year and it has had no complaints from the local police. However, it states:

The BYO permit fee for 2009 was \$154.00 (an increase of \$37.10 over 2008) and was barely acceptable.

However, the proposed fee for 2010 is \$355.00 (an increase of \$238.10 over 2008). This is totally unacceptable.

Should this proposal proceed we will not apply to renew our permit, and no doubt our disgruntled members will hold your government responsible for their loss of privilege.

This proposal is an attack on community groups. It is also an attack on well-run local clubs that have no history of violence. I refer to a number in my electorate, including the Malvern Hotel and the Orrong Hotel, and there are many others. These are good, decent family pubs. They do not have problems with drunks. These are foodie pubs which attract a clientele whose members go in for a quiet drink, and yet they are being treated by the government in the same way or worse than King Street nightclubs. It is unfair to gastro-pubs and it is attacking our tourism market. The Royal Mail Hotel in Dunkeld is treated as a hotel notwithstanding that people tend to go there essentially for the food.

Mr Helper — Have you been there?

Mr O'BRIEN — I have been there, and it has excellent food. In fact, recently it won an award from *Gourmet Traveller* magazine as the best regional restaurant in Australia. But as it is being treated as a pub it will pay tens of thousands of dollars for its liquor licensing fee compared to an equivalent restaurant in Melbourne, which will pay only a few hundred dollars. This is unfair to accommodation hotels, including the Park Hyatt, the Windsor and the Langham, which, according to the *Herald Sun*, is a favourite of the current Prime Minister. These are all being treated as high-risk venues simply because of the number of people who go there.

We have a government that on the one hand is trying to say, 'We have a fantastic tourism strategy attracting people to this state. We want people to stay in our hotels'. But at the same time if the hotels are full, the government is saying, 'This is a terrible thing. This is a higher risk for social unrest and alcohol-related violence. We are going to slug you with tens of thousands of dollars worth of liquor licensing fees'. This is a government in which the left hand does not speak to the right hand. This government has no idea what it is doing.

This is a package which is unfair to packaged liquor outlets. It has a flat fee for packaged liquor outlets, which means that your huge liquor barn, your liquor supermarket, which does hundreds of thousands of dollars of turnover each and every week, is paying exactly the same fee as the little mum-and-dad mixed grocers that might sell half a dozen bottles of wine a week. How can that be risk based? How can that be justified? How can that be fair? This is unfair to small business. Florists that sell a bottle of champagne with a bunch of flowers have to pay increased fees. I do not know how many people get drunk on a bottle of champagne they have purchased from a florist and then spill out onto the street and cause alcohol-related violence. Not many. Chocolate retailers that sell a bottle of wine with a chocolate hamper are getting whacked with increased fees under this model. How many people have been attacked on our streets by somebody who has been affected alcohol they have bought with chocolates? This is absolute nonsense. This is an attack on small business.

Make no mistake: these proposed liquor fee increases will cost jobs. I refer the house to the ABC TV news report of 8 October, which was filmed in the Malvern Hotel, which is in my electorate funnily enough, and a terrific hotel it is. Michael Burke, one of the co-owners, said,

We are predominantly a family hotel.

The journalist then said:

But Michael Burke says his pub will face a jump of more than 200 per cent in fees — about \$2500 per year.

Michael Burke continued:

... which is just too much for us to bear. That money is going to have to come from somewhere. It will be out of our casual staff. We will have to cut their hours back.

This is a measure which will cost jobs across the length and breadth of this state. It is hurting the community, and it is hurting businesses, costing jobs and damaging local sponsorships. I refer the house to the *Sunday Herald Sun* article of 11 October of this year, where the headline says it all: 'Liquor law gives sleaze a break'. The article states:

Sleazy King Street strip bars will pay half as much for their liquor licences as Melbourne's finest hotels in the latest controversy to hit Victoria's new liquor laws.

We have a government here that thinks that table-top dancing venues pose less of a risk when it comes to alcohol-related violence and social disorder compared to the Windsor Hotel across the road from the Parliament on Spring Street. What planet are these people on?

On 15 September this year the minister claimed in this house that these massive fee increases are designed to 'seriously tackle the scourge of antisocial activity'. If only they did. If only the government even believed that they did. Despite the minister's rhetoric, what has the government actually admitted? Before I answer that question let us just remind ourselves that we are talking about a \$20 million fee increase that government says will not affect businesses, but businesses have already said that is not true. We are talking about a fee increase which will cost jobs, which will damage community groups and which will lead to a loss of sponsorship for community groups right across the state. The minister has said that this is designed to 'seriously tackle the scourge of antisocial activity'. What does the *Liquor Control Reform Regulations — Regulatory Impact Statement* state on page 17? It states that licence fee renewal increases 'are not in themselves expected to bring about dramatic changes in licensees' behaviour'.

We are having a \$20 million fee increase that is going to hit community groups, hit small businesses, hit good family-run pubs, give a break to the sleazy end of town and cost jobs across the length and breadth of this state, and yet these fee changes are not in themselves expected to bring about dramatic changes in the behaviour of licensees. Then what is the point of them? Why would you go out of your way to damage

businesses across Victoria in this way when you do not expect these fee changes to bring about dramatic changes in licensees' behaviour? This is a minister who just has not done his homework. He does not understand what he is doing. He has been sold a pup by somebody, whether it is somebody in his department or somebody in his cabinet, I do not know. He has been sold a pup, and he is going to damage many, many businesses, towns, suburbs and communities across this state unless he pulls his head in and decides to scrap this ridiculous system.

We support risk-based liquor licence fee assessments, but when you get headlines like 'Liquor law gives sleaze a break', where you have table-top dancing venues paying half as much as five-star, top-class hotels, this is not risk-based fee assessment; this is just another bureaucratic mess of the Labor government that is damaging business, damaging communities, damaging individuals, and costing jobs. If the government does not fix this up now, it will pay a very heavy price.

Bushfires: recovery

Ms GREEN (Yan Yean) — Today I grieve for the fire-affected members of my community and indeed fire-affected communities across the state that are having their recovery impeded and exploited by the shameless politicisation of this terrible tragedy by the Liberal Party and The Nationals.

I was very proud to be a member of this place in the first sitting week — prouder than I have ever been — when both sides of politics put down the cudgels and spoke passionately and with great compassion about the 173 lives that were lost on Black Saturday, about the communities that were devastated, about the hundreds of people who lost homes and businesses and about the lives of many of the people affected by the fires that will never be the same again. I was incredibly proud. I valued the support of my own colleagues but also the support of members on the other side.

Then we had a change. Some weeks ago we had a debate on the *2009 Victorian Bushfires Royal Commission — Interim Report*, when we heard details of some media reports and were exposed to the behaviour of those opposite.

I sat with gritted teeth and listened mostly through tears — and I was very angry, I must say — when I heard speaker after speaker on the other side, and when I read the *Hansard* for the other place, throwing around blame, making ill-informed comments about who might be culpable in relation to the bushfires, being

disparaging to our firefighters, agencies, the hardworking public servants and firefighters in the DSE (Department of Sustainability and Environment), and local government. This is not the way to help our communities heal from this terrible tragedy.

It has not just been members of the Liberal Party and The Nationals in this place who have been doing this. It has been the federal member for McEwen, Fran Bailey, who recently announced her retirement. The member for McEwen and I have never had a particularly warm working relationship, but since February I have resisted adding to the pain of my community by criticising the member for McEwen. But my patience has run out. After many uninformed statements which add to the pain of my community, comments she made when she announced her retirement took the cake. I quote from an article in the *Age* by Misha Schubert on 7 October which states:

And she vowed to be more outspoken in the coming months ... warning she would be more vocal about the failings of the state response to bushfire victims.

'Those wonderful people who donated \$384 million — they would be shocked because nothing has happened, there is no rebuilding, the only work really happening has been a few temporary villages', she said.

What an outrageous statement. How on earth can she say that she represents the electorate of McEwen when she still calls the survivors of bushfires 'victims'? They are not victims; the victims are those who perished on the day. Those who are trying to get on with their lives are survivors, and any person who represents a bushfire-affected area should have the respect to describe them in those terms.

To say that nothing has been done shows an absolute disrespect for the work of the fantastic community recovery committees, including those in my electorate. Whether it be the Whittlesea Community Recovery Committee, the Strathewen Community Recovery Committee, the St Andrews Community Recovery Committee, the Kinglake West Community Recovery Committee, the Kinglake Community Recovery Committee, an enormous amount of work has been done.

Ms Bailey referred to 'a few temporary villages' and said that there are no businesses back up and running. How does she then explain the Kinglake Ranges business hub? It is so successful that the community has to build another building. So many new businesses are wanting to start up there that it is having to expand and build a second building to accommodate all these self-starters who are home-based businesses and others who are now getting back on their feet. I am really

pleased that we have seen survivors helping other survivors. In particular, the brother of Angela Brunton — a great friend of mine who, with her partner Reg Evans, died at St Andrews — has donated the desks and the phone system that have gone into this hub helping those businesses.

From the work my staff has done with local businesses, over 42 businesses have been recognised and supported financially for the outstanding generosity that they showed post-fires. There are great examples of economic support. I had the privilege of going to the first key handover at the Whittlesea temporary village with Christine Nixon, the head of the Victorian Bushfire Reconstruction and Recovery Authority (VBRRA). There are 10 temporary homes there for families that allow them to move back into the local area and be supported by that wonderful community, and it has also provided construction jobs and increased economic activity for that township.

I have been at pains to be bipartisan in my approach. Every survivor has their own individual needs and they need to be worked through with their case managers, local government and Department of Human Services support services. Not only is the opposition's approach true gutter politics, but it can contribute to the prevention of the healing process of survivors. If opposition members had bothered to read any of the literature produced by trauma experts like Rob Gordon and those involved with the Canberra fires, they would know that this type of grandstanding, this total lack of empathy and consideration of the real needs of bushfire survivors, impedes healing.

The taxpayer and the Parliament provide members of this place with a printing and communications budget to enable them to communicate with their electorates. Particularly after the bushfires, it is incumbent on us to use it wisely to assist bushfire survivors, not scare the cripeys out of them and make their lives worse. Last week I distributed an information brochure about preparations for next summer, which could be as catastrophic as the last season; I hope it will not be. Not only do we have communities rebuilding, we have the need to prepare for the next fire season. I hope my community will see this as a wise use of my communications budget to provide information about how householders can help themselves.

But what do others in this Parliament use their communications budget for? I refer to a publication from Donna Petrovich, a member for Northern Victoria Region in the other place, that one of my constituents has shown me. It is a postcard which says:

Help me make them listen!

The Brumby government is ignoring our local fire dangers.

Where are your local fire hazards?

This is rather than using her budget to advise people of how they can find out what action is being taken in terms of dealing with fire hazards, rather than providing information and saying, 'If you see a fire hazard, draw it to the attention of the municipality, the DSE or Parks Victoria', or referring them to the DSE website, which actually identifies across the state where fuel reduction burns are occurring and when they are occurring. That would be a responsible use of our communications budget to support people in feeling empowered and not feeling frightened.

I will go back to some of the great work that has been done. There is no one answer in this. I have said in this place before that regrettably in my life I have had experience of catastrophic fires. My extended family was very affected by the Ash Wednesday fires. What occurred then was that each individual householder had to organise clean-up of their property and deal with insurance. There was no counselling, none of that.

We are always trying to work on improvements but particularly in terms of clean-up. After Black Saturday there was an overall coordinated response so that individual householders did not have to worry about clean-up of their blocks. I absolutely commend VBRRA for its work in this, for the work of Grocon and those fantastic contractors who concluded this work in the most sensitive way possible. I have had wonderful feedback from property owners about how gentle and supportive these burly workers were in terms of supporting them. They finished this work a month ahead of schedule. That did not happen after Ash Wednesday; it did not happen with the Canberra fires. For people like Fran Bailey and the opposition to be saying, 'Nothing is being done' and 'Where is the rebuilding?' demonstrates a lack of understanding of how people recover after trauma. What people like consultant psychologist Rob Gordon say is that individuals who take the longest to contemplate how their lives are going to be post-catastrophe recover the best.

We should not push people; they need to go at their own pace. They might want to rebuild quickly, but they might also want to sit back and know how their lives are going to be. To do anything other than that is like trying to put a second storey on a house when you do not have good foundations.

Returning to the comments made by the federal member for McEwen, I have been very concerned for a number of months about her uninformed comments about everyone having bunkers. I lost a close friend who perished in a bunker on Black Saturday, and until standards are in place politicians should not be making these sorts of uninformed comments. The bushfires royal commission is working on this issue and building standards will come out of its deliberations, but people should not be out there making proposals before the royal commission has made its recommendations. Fran Bailey's uninformed comments have fed into a situation where unscrupulous businesses are trying to profit from people's fear, to the point where the Australian Competition and Consumer Commission has had to step in.

I have referred to members of the Liberal Party politicising this debate, and I suppose one should not be surprised because we know they do not understand country Victoria. But members of The Nationals should know better than to politicise the recovery of these fantastic people who are trying to get back on their feet. The Leader of The Nationals has called for an ombudsman to oversee the recommendations from the bushfires royal commission, and coming from a legal background he should know better. He is not respecting the royal commission's ability to conduct this inquiry.

When the Premier announced the royal commission he said we would leave no stone unturned when investigating the cause of the bushfires. I stand by that statement, and I call on the Liberal Party and The Nationals to desist from adding to the pain of my community, to return to a bipartisan approach and get the politics out of this issue. It is too important. We need to work together to assist the survivors of this terrible tragedy to get their lives back in order but at the same time to support those communities and communities across the state that are now preparing for what could be another catastrophic fire season. That is what I will be doing, and that is what other members of the Brumby government will be doing. We will be continuing to work in a collaborative manner with all the agencies, with the federal government, with local government and with the great volunteers who are doing so much on the ground. I call on the Liberal Party and The Nationals to get their houses in order.

Minister for Community Services: performance

Ms WOOLDRIDGE (Doncaster) — I rise to grieve for the thousands of vulnerable Victorians who are not getting the services, care and support they need and deserve because the Minister for Community Services, who is also the Minister for Mental Health, is clearly

not up to the job and should be removed from her important position. This is a minister who has presided over one horrific disaster after another concerning abused children, people living with mental illness, disability or addiction to drugs and alcohol. Each story exposes her failure to put in place the processes and services to protect those who are most vulnerable in our community.

Victorians have been particularly disturbed by a number of recent cases. Just last month it was revealed that residents in state government-monitored supported residential services (SRSs) were living in squalid and often unsafe environments where vulnerable women were trading sex for cigarettes. The minister has long known about the dire state of our SRSs. She says it is a key Brumby government priority, but she has admitted that she has not bothered to visit a single one of them in her time as the responsible minister.

There was also the case of the toddler who was bashed to death by her father. The Labor government had previously been made aware of violence in the child's home, but no action was taken. We then had the failure of the government's child protection services to undertake proper police checks, resulting in a child being placed with a convicted sex offender, and the government's failure to act on alerts that five-year-old and six-year-old boys were living with a convicted child-sex offender. The Minister for Community Services claims that she only found out about these horrendous failures in services through the Ombudsman's report in September, but the Ombudsman has said that he informed the minister of these issues earlier in the year. What is the minister trying to hide, other than her incompetence? The disturbing reality is that these are just a few cases that have come to light because of the media spotlight. How many more cases remain buried in the bureaucratic mess that makes up this Labor government?

In this house I recently asked the minister a number of times to explain her actions in relation to these children. Each time she has refused to answer the question, shifting the blame to her department. When she was grilled by the media the minister floundered and was unable to answer basic but critical questions. The Premier has been forced to repeatedly step in to protect the minister from her own ineptitude. It is clear that the areas that come under the responsibility of the Minister for Community Services are now in crisis.

But it is not just me saying this; it has been said far and wide. It has been said in particular by those who have been appointed by the government to be independent watchdogs of this government's performance, including

the Auditor-General, the coroner, the public advocate, the Ombudsman and the child safety commissioner. Let me go through the repeated and significant failures of this minister and show how these respected individuals have been forced to speak out so strongly as a result of the government's ongoing failures and the minister's inability to deliver improved outcomes.

Firstly there is supported accommodation. Last year the Victorian Auditor-General revealed that supported accommodation for people with a disability was in crisis. In his March 2008 report he stated:

The reactive nature of DHS's response to accommodation needs, combined with the stringent prioritisation criteria, is likely to continue, and therefore perpetuate a crisis-driven system.

In addition he concluded that the supported accommodation service system is 'reactive and crisis driven'. After 10 years of Labor our supported accommodation is still crisis driven. Why are carers afraid to die for fear of what the future holds for their adult children with disabilities?

The Auditor-General says the Brumby government has not invested in one new supported accommodation bed year after year. He said the current system is unable to meet the current demand for services let alone plan for future demand, which is increasing by 4 per cent to 5 per cent annually.

With demand for supported accommodation places expected to grow by more than 50 per cent by 2016, even further pressure will be placed on a system that is clearly in crisis. The current waiting list of 1292 saw an increase of 45 people in the last six months. These are individuals who need accommodation now, not next week, not next year and not in 10 years, although that is the time that some have been waiting on the government's supported accommodation waiting list. They are considered to be among our most urgent cases, and yet there is no sense of urgency from this government or this minister.

Carers, many of whom are ageing, are crying out for help, frustrated with an inefficient and poorly planned system that cannot meet the demands of thousands of Victorians.

In June this year it was reported that the Victorian coroner found that:

... the mental health system in this state is in crisis, in that the availability of accommodation for persons suffering from compromised mental health was and still is unsatisfactory at all levels.

A failure to invest in appropriate housing has left thousands of Victorians with a mental illness homeless or without stable, safe and affordable housing. A failure to provide adequate housing compounds the effect of mental illness and reduces the likelihood of accessing clinical mental health or treatment services.

It is estimated that over 50 per cent of Victorians with a mental illness get no access to care in any one year. People are unable to get community-based care, so they present at emergency departments where they often wait for hours. This wait is accentuated because nearly half of all inpatient mental health beds are blocked because of a chronic shortage of discharge options. One third of people leaving acute mental health services do not receive community care when they leave hospital, so they are readmitted. Victorian government performance indicators show that Victoria's mental health system is repeatedly failing all but one of the government's own performance targets for acute adult services.

The government says it has a strategy in place to address these issues. But so far we have seen little more than a 160-page glossy document. The coroner has clearly indicated that this is still not enough.

The Brumby government claims to have increased spending on mental health services; however, the reality is that during Labor's time in office Victoria has plummeted from first to sixth in terms of state government per capita investment in mental health, and families and individuals often cannot access appropriate care and support.

In terms of supported residential services, the Office of the Public Advocate found that the shortage in accommodation options had resulted in increasing numbers of young people with an intellectual disability or mental illness languishing in supported residential services, which are private low-care facilities meant for frail elderly residents.

In recent weeks the public advocate highlighted years of government neglect and inaction in relation to accommodation for people with a mental illness, disability or an age-related frailty. Her words explain it so well. She said, 'We have left vulnerable Victorians without support. It is a shameful situation'. She went on to say that the minister's attempts to reform the supported residential services sector were 'piecemeal' and a 'bandaid solution'.

In October 2008 the Office of the Public Advocate found that inadequate and undignified facilities negatively impacted on the quality of life of residents,

with a lack of private space and shared bedrooms which are cold, old and in need of maintenance. The report also found that the safety of residents is compromised and threatened due to inadequate staff numbers, workers with temporary contracts and inadequate training, supervision and support.

What we know is that supported residential services are often the only option for many of our vulnerable people due to the failure to provide supported accommodation mentioned earlier and the failure to provide accommodation for people with a mental illness. Unacceptable waiting lists and a lack of suitable supported accommodation mean that thousands of people with complex medical and care needs, such as acquired brain injuries in addition to mental illness and disabilities, are living in supported residential services, and the system is at breaking point.

The reality is that 62 per cent of people living in a pension-level supported residential service have a mental illness and regularly fail to receive treatment.

In 2007, two and a half years ago, the minister confessed that there is more to do, but Victorians are left waiting and waiting, and we are still waiting. We have not seen the reforms and changes that are needed.

In September 2009 the Ombudsman revealed systemic failures in Victoria's child protection system, largely a result of a burnt out workforce. The Ombudsman said that he was concerned about the capacity of the Department of Human Services to meet its statutory responsibilities and provide child protection services. This is the most basic of responsibilities.

He went on to say in regard to the requirement to conduct police checks that some staff members lacked adequate knowledge of the department's internal practice standards which govern their work. The culture established by the minister and the government of failing to act until exposed permeates all aspects of this minister's department. The Ombudsman said in his 2008–09 annual report:

... it is not until a complaint is made to my office that the department's actions are more closely examined.

At the same time Bernie Geary, the child safety commissioner, was reported in the *Age* as saying that a lack of resources had 'proven to be dangerous' and that 'capacity has been one of the big problems' with the child protection system. In relation to the recent and sad death of the toddler, Hayley, who was bashed to death by her father in July 2009, the child safety commissioner was reported in the *Australian* as saying:

We could all feel that we've let down this child ... we need to walk the talk of our children's act.

The problems in child protection continue. Data received by the opposition under freedom of information show that children are being bounced around and moved from one child protection place to another in out-of-home care. The child safety commissioner was reported in the *Herald Sun* as saying that constantly moving children in out of home care was a form of 're-traumatisation' and that 'we have got to be doing a lot more to protect our children'.

Labor's failure to invest in our child protection workforce has meant that one in every five front-line professional staff member leaves child protection services every year. There is no doubt it is a challenging job, but our 20 per cent to 25 per cent annual turnover is in contrast to that of Western Australia, which has reformed its workforce approach and has a 5 per cent annual turnover. So it is possible, but just not under this minister.

The minister's negligence in failing to retain child protection workers has resulted in 2000 at-risk and abused children not being allocated a case manager. Caseworkers are overburdened and managing double workloads, meaning that even children and families with a case manager often miss out on a full range of services and support.

Even the government's rushed announcement that it would recruit more staff elicited from Community and Public Sector Union assistant secretary Jim Walton the comment, 'We are dramatically disappointed as our members will be extremely unhappy'. The government is seeking to recruit more workers and to retain the workers it has, yet the union's spokesperson says the union members will be extremely unhappy.

No area of child protection services is immune from this government's failures, which extend to foster care. This minister has overseen a massive decline in the number of foster carers, meaning that abused and neglected children who are referred to foster care are unable to be placed. Thirty-five per cent of abused children identified as needing foster care were not able to be placed, with the reason said to be that there are just not enough foster carers.

There are numerous other failures of this minister to deliver. We are still waiting on the proposed alcohol and other drugs treatment bill. Work on it first started in 2005; it was promised in the 2008 annual statement of government intentions, but we still have not seen it. Portable long service leave is an area where the government committed to introducing legislation

during this sitting of the Parliament, but it has been unable to honour that commitment. That legislation had to be delayed because of the minister's inability to get in place a program that was even slightly acceptable to any part of the community sector — despite the desire of the community sector to have a program in place. Because of the failure to fund them appropriately, disability organisations are threatening to lay off staff and reduce services. Yet again this is a failure of the minister to ensure that the areas she is responsible for have the support, the resources and the leadership they need.

The government has repeatedly heard it from the opposition, has repeatedly heard it from thousands of individuals, families and carers, and is now hearing it from respected individuals it has appointed to positions of oversight. The Auditor-General says disability accommodation is reactive and crisis driven. The coroner says the mental health system is in crisis. The public advocate says vulnerable Victorians going without support is a shameful situation. The Ombudsman is concerned the government cannot meet its statutory requirement to protect abused children. The child safety commissioner says the government's lack of funding has proven to be dangerous for abused children. We repeatedly hear from the minister that she offers her sympathies, but she has had reform recommendations sitting on her desk for months and in some cases years. By and large these have been ignored, while our most vulnerable are abandoned, exposed and subjected to harm. The minister clearly cannot make decisions and clearly cannot deliver the reforms needed, and the Premier has repeatedly had to step in to protect her and to oversee the areas for which she is responsible. On top of it all she refuses to take responsibility for any of it and blames her department.

Victorians have had enough and do not think it is good enough. The Premier should do the right thing and sack the weak and ineffective mental health and community services minister, because vulnerable Victorians deserve so much better.

Housing: availability

Mr STENSHOLT (Burwood) — I grieve for the people of Victoria over the unhealthy attitude of some people in our community, including people in the Liberal Party, to social housing and public housing. I should say from the outset that I am a passionate supporter of ensuring everyone in our community has a roof over their heads. It is not just myself. The Universal Declaration of Human Rights enshrines in article 25, part 1, the right, among other rights, to housing. That was followed up by the International

Covenant on Economic, Social and Cultural Rights, which repeated and reinforced the right of everybody to have adequate housing — you will find that in article 11, part 1.

Unfortunately for our community, on social and public housing the Liberal Party seems yet again to stand for nothing. I am aware that since the last election the Liberal and Nationals opposition — the parties are together now — has published more than 60 media releases on housing, yet not one has put forward a single policy. We know what its members are opposed to; we do not know what they stand for. We can only assume that they stand for nothing. I guess that is a bit of an exaggeration; they probably stand for opposition, which is quite unfortunate in this particular case.

Here on the Labor side we stand for an inclusive, multicultural society, a society that protects, a society that looks after the weak, a society that supports the less fortunate, a society that creates opportunities for all, a society that aims to provide adequate housing and seeks to break the cycles of despair and unemployment and a society that with open arms welcomes new citizens, including refugees.

It is not everyone who stands for that. In the other place a Liberal member for the Western Metropolitan Region has called for the two towers of public housing in Williamstown to be sold off to property developers who would convert them into multimillion-dollar precincts, with potential buyers falling over themselves to get hold of a unit, presumably for the view. From the leaks of various emails last year we know that in the Liberal Party office there was correspondence to the effect that public housing is for lazy layabouts who do not work and are a drain on the rest of us. From that we also know that the Liberal Party's secret plan was joked about — to abolish public housing.

We also know that the federal Liberal Party's spokesman on housing has declared that social housing is not a very good economic stimulus and that the Rudd government's Nation Building economic stimulus plan is a social agenda dressed up as economic stimulus. Despite all the evidence we have in front of us revealing Liberal attitudes, it has actually been the economic stimulus efforts of the federal Labor government, joined with those of the state Labor government, that have kept Australia and Victoria out of recession. People in the Liberal Party have been critical of this program of public housing put forward by the federal government from day one.

We are greatly disturbed that people in the Liberal Party, including many Liberal MPs, are out there

campaigning against social housing, which is in contrast to what the Labor Party has done. Since 2007 — I have spoken a number of times about this in the house — this government has made a marvellous commitment of \$500 million to new social housing projects; it has taken a large chunk of the surplus and applied it to public housing. It has also passed bills to enact legislation to reinforce the role of housing cooperatives or housing associations in Victoria.

The Victorian government is a recipient of the massive commitment under the nation-building economic stimulus plan for public housing, of some \$6 billion worth of public housing and social housing, with well over \$1 billion of it for Victoria. That equates to some 5000 new residences. Also, the federal and state governments have continued to invest in upgrading our housing stock. A lot of work has been done in repairing and upgrading the stock and redeveloping the estates.

There is also a continued commitment to the revitalisation that is occurring in our communities through the neighbourhood renewal initiative, which I can speak proudly of because I have one such program in my electorate. This program has actually given hope, it has given strength and it has given a new pride and resilience to members of the community. It means that they can stand up and trust, and can actually move forward to create and develop new lives for themselves and their communities. It has been a wonderful program, which I support very strongly.

As I said before, however, I have been greatly disturbed that people in our community, including some Liberal MPs, have been out there campaigning against social housing. For example, the member for Warrandyte has been campaigning to collect signatures from his constituents against a significant project in his electorate. The federal member for Dunkley has been caught spreading misinformation about how much investment in public housing has been planned for the city of Frankston.

We have also seen other activities in other parts of Melbourne, including a member for Southern Metropolitan Region in the other place and Cr Paul Peulich from the Kingston City Council vocally opposing a project adjacent to the old Moorabbin town hall, which was designed to provide a range of much-needed social housing near services and transport. It is a very sensible development in terms of access for these people. There was even misleading information put about in regard to that. I will talk a little bit more about that in a second — —

Mrs Powell — On a point of order, Acting Speaker, the member is making accusations about members of this house in their absence, and I seek your guidance as to whether that is parliamentary and whether it is allowable, given that those members are not here to defend themselves. If the member wants to make accusations, there are other more appropriate ways of doing so.

Ms Kosky — On the point of order, if in fact the member had been listening to previous contributions that occurred during this grievance debate, she would have realised that members from her own side have been talking about other members and been critical of them in their absence as well. So in the interests of being consistent, I would say that this is not a proper point of order.

The ACTING SPEAKER (Mrs Fyffe) — Order! There is no point of order.

Mr STENSCHOLT — Thank you, Acting Speaker. I refer to matters raised in the house by the member for Mordialloc. The member for Bentleigh has also raised these matters in the past. There have been articles written in local papers. I refer the member for Shepparton to the *Mordialloc Chelsea Leader* of 8 July and the *Moorabbin Glen Eira Leader* of 22 July. She may wish to look at those to inform herself, particularly at an article written by Stephen Hartney of Highett.

We know about Stephen Hartney. He was a Liberal Party candidate — not a very good one — for the seat of Chisholm in the federal election and he also stood as a Liberal candidate in the last state election. Cr Paul Peulich also wrote a letter in one of those papers.

Stephen Hartney, particularly, talked about public housing becoming slums. This is denigration. This is victimisation of people who are less fortunate in our society, who we are seeking to assist. Putting about fear and innuendo is really not in the best interests of our community. I would hope the member for Shepparton would agree with that. The former member of the then Higinbotham Province, Noel Pullen, wrote to the paper and said he was not surprised that two well-known Liberals would attack the proposal to build much-needed housing on the car park. He also said in his letter that he wondered if these two would have written to the newspapers if this much-needed housing had not been social housing, or public housing. If expensive units had been planned to be built next to the town hall, their response may well have been completely different.

I know there have been instances of people suggesting that social housing should not be in people's backyards — that is the nimby (not in my backyard) principle. I know, for example, though, that in Shepparton and elsewhere the community has been very accepting of people coming from overseas and settling in their communities, but that is not always the case. I know that notices have been put about on the lampposts of Frankston which say, 'Not welcome in our community', and, 'We do not want our community to be like Dandenong or Noble Park', and also criticising the local member there, who is actually a fine example of someone who does stand up for his community. There was a photo as well of the south Sudanese, or Horn of Africa, community. If that is not imputation, if that is not victimisation, if that is not unwelcoming of people coming into our community, I do not know what is. I also noticed meetings even recently in Moorabbin at which people were saying, 'We would be better off sending these people over to Footscray'.

We need to be a welcoming and inclusive society right across the board. We need a full range of people and a full range of support for people right through our community and in all parts of our community. I am ashamed that this has not been happening in this area. It is akin to demonising or victimising the very people in our community who need this support. I have grave concerns, as I have already mentioned, about the attitudes of these people.

I have noticed that this is not occurring in only that area but is occurring also in Ferntree Gully. The member for Ferntree Gully and the federal member for La Trobe, Jason Wood, went around collecting a petition. The language they used was, 'Do you want this type of housing on your doorstep?'. The implication is, 'Do you want this type of people in our community?'.

Mr Wells — That is clearly not the case.

Mr STENSHOLT — The member for Scoresby says that — —

Honourable members interjecting.

The ACTING SPEAKER (Mrs Fyffe) — Order! The member for Scoresby should not interject across the chamber, and the member for Burwood should not respond to interjections.

Mr STENSHOLT — I will not respond, but let me quote from an article by Winston Tan which appeared in the *Knox Leader*. The article quotes Cr McMillan, who I think is a member of the Liberal Party. Apparently she looked at the petition taken up by the

member for Ferntree Gully. The article quotes Cr McMillan as saying:

I found the phrasing to read, 'Do you want this type of housing on your doorstep?'

I have since emailed Nick and Jason saying, 'I'm one of the people you supposedly don't want on your doorstep'.

I remind the member for Scoresby, through the Chair, that I have talked about some members of the Liberal Party and I am expressing my disappointment in some members, not all members.

Mr R. Smith — On a point of order, Acting Speaker, I think the member for Burwood is misleading the house. He has said that the member for Ferntree Gully and I are against social housing and that we have raised petitions to say that. That has not happened at any stage, and I ask you to request that he withdraw that imputation.

The ACTING SPEAKER (Mrs Fyffe) — Order! That is not a point of order.

Mr STENSHOLT — I said that the member for Warrandyte was out there campaigning to collect signatures from his constituents who are against the significant public housing and social housing project in his electorate. That is exactly what I said. Perhaps he needs to listen more carefully than he has in the past.

I quote from an article that appeared in the *Age* of 6 October. Jason Dowling wrote:

The evidence suggests there is growing hostility towards public housing, yet the case for more such accommodation is overwhelming.

He wrote also:

Public housing is not a dirty little secret we need to contain to what are seen as disadvantaged suburbs. It should be spread around Melbourne, around different types of communities. It should be close to services and job opportunities.

I am proud of our support of public housing.

The ACTING SPEAKER (Mrs Fyffe) — Order! The member's time has expired, and the time set down for the grievance debate has now concluded.

Question agreed to.

STATEMENTS ON REPORTS

Public Accounts and Estimates Committee: budget estimates 2009–10 (part 1)

Mr WELLS (Scoresby) — I rise to speak on the Public Accounts and Estimates Committee report on the 2009–10 budget estimates, part 1, volume 2. I thank members of the committee secretariat for the amount of work they have done in putting together an enormous number of reports on public accounts. I also thank committee members for the hard work they do over the year.

In particular I refer to the issue of debt. It seems that the government has a problem with accepting the amount of debt it is accumulating. As a side note, even as recently as today, with the financial report for 30 June 2009, the government is keen to talk about the general government debt but does not talk about the total public sector net debt.

I refer the house to the transcript of the Public Accounts and Estimates Committee's estimates hearing on 12 May for the Treasury portfolio. On page 22 the transcript records that I asked the Treasurer a question and referred him to page 90 of budget paper 4, which shows that non-financial public sector net debt will rise from \$11.2 billion to \$31.3 billion in 2012–13. The question I asked at that time is perhaps even more relevant today: what will the debt repayment schedule or plan be over the forward estimates period? Opposition members are very keen to have some better understanding of the debt.

Members of this house will remember that when the Kennett government came to office in 1992 that government was faced with a \$32 billion debt. Under the Kennett government's structured and extended repayment plan over the time it was in government, that debt was brought down to about \$3 billion in 2002. Through the budget papers we now find that that debt will go back up to \$32 billion, yet we do not have any idea of when that debt will be repaid and what plans have been made to repay it. The closest we can get to some sort of explanation is the government arguing that as the economy grows there will be more revenue to pay that debt.

We asked the Treasurer when this debt would be repaid and what the schedule for paying it was, yet we were unable to get any sort of answer from him. In a follow-up question we asked whether the Treasurer was able to provide details of the amount of debt allocated to each specific new infrastructure project or groupings. We understand that debt needs to be rolled over by

appropriate authorities, but the issue we have is that if claims are made — I refer to page 63 of budget paper 2 — that 42.4 per cent of new infrastructure will be funded by cash surpluses and the remainder will be funded by borrowings, then there needs to be an explanation of what the borrowings will be used for.

Perhaps there is more reason now to place a greater emphasis on cash surpluses. Today's announcement was that there is a surplus of \$250 million, although opposition members have concerns about how much of that is commonwealth-specific grants. We want to know what these borrowings will be used for over the forward estimates period.

I note also that at the estimates hearing on 12 May for the Treasury portfolio, the Treasurer said:

To my knowledge we have never had an accounting treatment where we have an individual line item by item going forward. That is a legitimate part of public debate. It is just something that the state of Victoria has not done, and fundamentals have always been that we look at the aggregates across this area.

I agree in part with what he said, but I have concerns about the other part, because we are not looking for debt associated line by line in the budget papers or further in the appendices. We are looking for more accountable treatment of the debt and its association — —

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

Road Safety Committee: improving safety at level crossings

Ms BEATTIE (Yuroke) — I wish to make a few comments on the Road Safety Committee's report on its inquiry into improving safety at level crossings which was tabled in December 2008. It is a very good report, and I congratulate the members of the committee, who are very ably chaired by the member for Lara. The report makes 44 recommendations, and I will quote from the executive summary.

The reason I want to speak on this report today is because a few days ago there was a significant accident at a level crossing in Oak Park, where a taxi attempted to do a U-turn on a level crossing. Most members of this house would think such an action was unbelievably stupid, for want of a better word. My information from press reports is that the taxidriver and two other people jumped from the taxi and fled for their lives. Fortunately nobody was killed, but I have to say somebody's life was probably ruined in that accident. The driver of the train was not to know if there were people in the car or not, and the sight of one's train

hurtling towards a car must inevitably have an impact on the train driver's state of mind for the rest of his or her life. Before people do silly, dangerous and potentially fatal things like U-turns on crossings, they should think about the lives they may be ruining.

The executive summary of the report states:

Crashes and fatalities at crossings are caused, in the main, by the failure of drivers and pedestrians to detect approaching trains, or if the train is detected, to ignore or not to comprehend the risk of a crash. If there is no safety technology at these crossings —

which was not the case in Oak Park —

to warn users of approaching trains, or if the crossings are poorly designed or maintained, the task of the driver or pedestrian to make a judgement about whether it is safe to cross, can be very difficult.

None of those circumstances applied at Oak Park; it was just stupidity. The executive summary goes on to say:

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

We know there are many crossings in the urban and rural areas of the state, and it is just not possible to allocate funds for every crossing to have grade separation. I would be interested to know if that is Liberal Party policy, if it has a policy for the next election, because it often calls for grade separations, but is it saying that every —

Mr Stensholt — Or The Nationals.

Ms BEATTIE — Or indeed The Nationals; is the coalition saying it would provide the funds for every crossing to be grade separated? I think not.

I also want to focus on improvements in train conspicuousness. The committee conceded that:

... every opportunity should be taken to ensure trains are visible as a means to improve safety at level crossings. Using trains to carry safety measures would be far more cost effective than installing expensive equipment at level crossings.

It is timely that I speak on this report, because regardless of what governments do, we cannot save people from their own stupidity. Doing a U-turn on a level crossing, no matter what your position, is just dumb.

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

Mr WELLER (Rodney) — I wish to talk about the Environment and Natural Resources Committee's June 2008 report on the impact of public land management practices on bushfires in Victoria. There are some interesting comments in the report. The committee was unable to determine whether the Department of Sustainability and Environment's current annual expenditure on fuel reduction and ecological burning remains in the order of around 3 to 4 per cent of DSE's total expenditure on fire management. There is an interesting table that gives DSE's total expenditure on fire management as \$289 million, and yet it has only spent approximately \$19 million on fuel reduction burning. A stitch in time saves nine, and fuel reduction burning should have been taking place since the horrific fires of 2003. The government could have invested money in fuel reduction and prevented some of the terrible outcomes we had on 7 February this year.

There is some interesting stakeholder evidence in the report. Simon Ramsay, president of the Victorian Farmers Federation, is quoted as saying:

The involvement of local communities is vital to Victoria's fire response. However, this resource is often not fully utilised. The VFF believes there are considerable opportunities to utilise those engaged in traditional uses of Crown land to improve the standard of fire management. Groups engaged in traditional uses such as timber harvesting, grazing, four-wheel driving, hunting, mining and prospecting by definition all have a strong interest in preventing bushfires ...

What does the government do? It seems to ignore that. The committee, which is dominated by government members, made the finding:

That the decline in local knowledge, skill, resources and infrastructure associated with the restriction of traditional land uses has had a negative impact on the ability of relevant agencies to manage fire on public land.

Finding 5.2 is:

That the reduction in the extent of timber harvesting on public land and associated loss of local knowledge and expertise, machinery available for fire prevention and suppression, and a decline in the number and accessibility of vehicle access tracks has had a negative impact on land and fire management, particularly the bushfire suppression capacity of relevant agencies.

The report quotes the evidence from Mr Howard Crothers in relation to grazing. It reports him as saying:

Another area of concern to us is the bushland reserves surrounding the small towns in this region. In many cases

native vegetation, introduced grasses and weeds are growing alongside residential properties. ... There are a lot of small Crown land reserves in this region, most ranging in an area from 10 hectares to 200 hectares, with no fire management program at all — to our knowledge. Some are trees and scrub, some are open grassland. It is rather difficult to have some sort of a fire management plan for these small reserves. The fuel load in some of the reserves could be greatly reduced by strategic grazing as controlled bans would be difficult in those reserves.

That is a point the Barmah community was trying to make last year when it wanted to graze the Crown land next to its town, but DSE did not allow it. The conclusion of the committee states:

In conclusion, the committee notes the scientific evidence that grazing may not be an effective or preferable bushfire mitigation strategy alone but believes that it can be used as a tool to complement other fuel reduction strategies on public land.

This Labor-dominated committee has come up with these conclusions. Today we have the government bringing in a bill for more national parks and to exclude grazing and timber harvesting from the Gunbower and Barmah forests. The government has not listened to the 2008 report of the ENRC on how to minimise fire risk in forests and on Crown land. Its committee has come out and said to use cattle grazing, timber harvesting and local knowledge to reduce fires. The Picola brigade says it is reluctant to go into the Barmah forest if it is locked up and becomes too dangerous for fire brigades to enter safely.

Electoral Matters Committee: voter participation and informal voting

Ms CAMPBELL (Pascoe Vale) — I rise to speak on the Electoral Matters Committee report into voter participation and informal voting, which was tabled in the house in July 2009. At the outset can I say how much I enjoyed working with the other members and committee staff to produce this high-quality report for the Parliament. I would particularly like to focus my attention on chapter 6 in relation to youth enrolment in Victoria and the measures we need to work on collectively to ensure that our high level of enrolment remains at least at its current level and if possible, with additional efforts by the Victorian Electoral Commission, the Australian Electoral Commission, the Department of Justice working with the federal departments and people in the Parliament, be they in parliamentary services or be they MPs, increase the youth enrolment in Victoria.

It is worth highlighting a few of the facts that were identified in chapters 6.2 and 6.34 of that report. Chapter 6.2 states, in part:

For 2007–08, Victoria's youth enrolment rate was 84.78 per cent, approximately 3.3 per cent higher than the national average in 2007–08.

That is heartening, but it is not good enough:

A total of 89.68 per cent of enrolled 18 to 24-year-olds voted at the 2006 Victorian state election.

Committee members and the committee staff went to great pains to identify that when we reported '89.68 per cent of young people voted', that was only 89.68 per cent of enrolled people who voted. We are looking at well below 90 per cent of 18 to 24-year-olds having voted at the last state election. We are able to say that 76 per cent of those eligible to vote cast a vote, as is identified in chapter 6.2.

In chapter 6.34 we acknowledge that youth enrolment rates are 3.3 per cent higher than the national average for those aged 18 to 24. However, the youth enrolment rate in Victoria is approximately 8 per cent lower compared with the enrolment rate of the general eligible voting population.

I think there is a lesson for us as MPs when we speak at high schools, or when we bring young people through the Parliament and proudly acclaim the great tradition of Victorian democracy: we must highlight to young people who come in here the importance of enrolling to vote.

The committee made only four recommendations but they were quite poignant in relation to youth enrolment. I put on record what those recommendations were. Firstly, that:

The Victorian Electoral Commission considers including in their annual report to Parliament a section specifically examining youth electoral enrolment and electoral participation.

The committee wants this implemented because with the combined efforts of the Victorian Electoral Commission and the attention of MPs, that rate can improve. The second recommendation was that:

The Victorian Electoral Commission considers examining the feasibility of conducting electoral enrolment drives at Victorian universities, TAFE colleges and secondary schools in the year of Victorian state elections.

There are many advantages in having set election dates, and it is clear to people who have a strong interest in politics that on the last Saturday in November every four years, people cast their votes for the Victorian Parliament. Having that set date makes planning for the electoral commission and us collectively much easier. We also want the electoral commission's passport to democracy program to continue.

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

**Environment and Natural Resources
Committee: Melbourne's future water supply**

Mr MORRIS (Mornington) — In June this year the Environment and Natural Resources Committee presented a report on Melbourne's future water supply — a report with which you, Acting Speaker, are very familiar. The terms of reference essentially revolved around supplementing Melbourne's water supply, and a range of alternatives were considered for investigation. The committee ultimately came back with some 48 recommendations, including recommendations relating to groundwater, desalination, the treatment of waste water, and stormwater harvesting. It covered efficiency issues and included discussions on a number of other options for water sources.

The coalition members of the committee — the members for Evelyn and Swan Hill, and Mrs Petrovich in the other place — also contributed a minority report, which rightly condemned the Brumby government for its decision to abandon a 2005 commitment to not rip water away from northern Victoria. The minority report highlighted in particular the need to recover the environmental flows for the Living Murray initiative, and also highlighted the lack of delivery in terms of the promises made about reinstating flows for the Snowy River. A separate minority report talked about the Gippsland Lakes, a subject that was canvassed thoroughly in a matter of public importance debate in this chamber on 2 September.

The reality is life in Victoria from first settlement came with water scarcity. While it is a reasonably green place and has a temperate climate, we simply never have had a lot of water. Back in 1803 — more than 200 years ago — when Colonel David Collins settled near Sorrento, 400 souls had to rely on six barrels sunk in the sand to try to eke out enough groundwater to survive. That supply was clearly not viable then, and we have had a succession of pressure points ever since. In 1840 — five years after permanent settlement — Melbourne consisted of some 7000 souls, and water was selling for 3 shillings a barrel, which at the time must have been an absolutely extortionate price. I have not had time to do the conversion, but it would be substantial.

Ever since then our population and water supply needs have grown at a rapid pace. If you go back to 1968, about the time when work started on into the Thomson Dam, the population of the Melbourne statistical

division was some 2.4 million; it is now 4 million. Growth is going to continue, and that is a good thing, but we need to look at alternatives, and we need to particularly look at alternatives to our reliance on rainfall and static storage.

The committee made some recommendations in terms of stormwater harvesting. I want to highlight a submission to the climate change green paper from the Mornington Peninsula Shire Council, which picks up these things. It states:

The shire supports decentralised water capture and storage solutions.

It talks about the importance of locally based projects for water storage and for enhancing local employment opportunities and seeks some clarification from the state government on the responsibility and ownership with regard to stormwater and some support for the development of stormwater harvesting precincts.

The shire also makes some recommendations which link in with chapter 5 of the committee's report on recycled water. In its green paper response it highlights the importance of using recycled water for agricultural purposes, including a project called the Bunyip Food Belt, which links activities in the shire of Mornington Peninsula, the city of Casey and the shire of Cardinia and correctly talks about the potential to offset the challenges to food production that climate change will bring. Not only is it about close access to recycled water but of course a substantial reduction in transport costs in terms of getting to markets and therefore emissions as well. I commend the council for the work it has done on the water issue and its response to the climate change green paper, and I urge the government to consider its propositions. It should be an extremely valuable contribution.

**Public Accounts and Estimates Committee:
report 2008–09**

Mr STENSHOLT (Burwood) — I rise to speak on the 2008–09 annual report of the Public Accounts and Estimates Committee. This report, which is provided every year, details the committee's responsibilities as well as the year in review. Also, as we would think is very much appropriate for a committee like the Public Accounts and Estimates Committee, it provides a detailed exposition of the performance of the committee against its targets, as well as targets for the following year. Members can read about that on pages 12 to 18 in particular.

I note that the role of the committee is obviously public accounts, which means looking at what has happened in

the past year and accounting for the money expended and the outcomes achieved. The emphasis these days is very much on performance and on achieving value for money. The committee reviews the financial and performance outcomes of the various departments and agencies here in Victoria. There are well over 600 annual reports, not that the committee looks at all of them. It looks at the most material ones, particularly, I suppose, the 40 or 50 that are most material. It also has its estimates functions, which are probably the most well-known part of the work of the committee insofar as it holds public hearings. In those hearings it scrutinises the budget initiatives, the programs and capital projects — in other words, what departments are going to do with the money.

I note the member for Scoresby, who spoke before me, talked about what happened at one of the estimates hearings. He also spoke on 2 September about this year's estimate hearings. I remind the house that estimates hearings are about what is in the budget. They are not about what Neil Mitchell might want to hear on his program or the questions he might want ministers to answer. It is not about the latest issue which might have come up and which is unrelated to the budget papers. The member for Scoresby bemoaned that. He said, 'We had to stop the meeting and try to get the minister to answer questions'. I can assure the house that as chair of the Public Accounts and Estimates Committee I am very focused on making sure that ministers answer the questions put to them with regard to the estimates.

Mr Kotsiras interjected.

Mr STENSHOLT — We do a very good job, thank you very much, in terms of getting ministers to respond to questions asked. If members ask questions about something that is irrelevant then it is my task, under the functions given by the Parliament to the Public Accounts and Estimates Committee, to say to a minister, 'Minister, you are not required to answer those particular questions because they are not about this inquiry'. We seek to be quite consistent in our judgement, and I am sure that were the deputy chair sitting in my place he would do exactly the same. I am sure he is well aware of that, but perhaps he needs to be reminded of it.

The committee provided nine reports last year and has provided a detailed examination of them in its annual report. I should note a couple of things with regard to the staffing of the committee. The previous Premier, with the support of the then Treasurer, who is now Premier, gave us \$360 000 a year for staffing. There seems to be a problem annually in convincing the officers of the Parliament that this funding should

continue. There also seems to be a problem with recruiting senior economists and research officers. I am a bit concerned that we are unable to recruit them. There seem to be some limits on that, and I hope that will be addressed in the future.

Sitting suspended 12.58 p.m. until 2.04 p.m.

Business interrupted pursuant to standing orders.

Mr Cameron — On a point of order, Speaker, last night in another place a Liberal member for Western Metropolitan Region, Mr Finn, once again cast a number of outrageous and utterly false personal slurs on the former Chief Commissioner of Police, Christine Nixon. Notwithstanding the usual standard of that person's statements in Parliament, some of the comments were particularly shocking. He said things like 'Christine Nixon caused more damage to Victoria Police than Ned Kelly, Squizzy Taylor and Alphonse Gangitano combined'. He said that she set out at the beginning of her tenure as chief commissioner to destroy the Victorian police force as we knew it.

These offensive remarks have been reported in the media today. He cast slurs on the current chief commissioner, Simon Overland. These comments reflect very poorly on the member concerned and they reflect very poorly on the members in another place. I call on the Leader of the Opposition to refute these outrageous statements and discipline Mr Finn.

Honourable members interjecting.

The SPEAKER — Order! There is no point of order.

QUESTIONS WITHOUT NOTICE

Bushfires: recovery

Mr BAILLIEU (Leader of the Opposition) — My question is to the Premier. I refer to the fact that the head of the Victorian Bushfire Reconstruction and Recovery Authority has stated that although 2200 houses were destroyed in this year's tragic fires, eight months after the fires only 5 houses have been rebuilt. Further, I refer to a letter sent to the Premier by Mr Colin Hill, a Country Fire Authority officer who is attempting to rebuild his home destroyed by the fires in Humevale, which states:

Government departments, particularly, the Building Commission are causing no end of grief, stress, additional trauma, frustration and massive cost overruns to the victims of these fires.

I ask: is it not a fact that government red tape and incompetence are creating delays and difficulties in the reconstruction of bushfire-affected areas?

Mr BRUMBY (Premier) — I thank the Leader of the Opposition for his question. It is unfortunate, given that he has asked a question about the Victorian Bushfire Reconstruction and Recovery Authority and the head of that authority, Christine Nixon, that he could not do the decent thing and apologise to her. He has an opportunity to do that.

Honourable members interjecting.

The SPEAKER — Order! The Premier is debating the question, and I ask him to cease.

Mr BRUMBY — It is a fact that in the aftermath of the shocking bushfires we had earlier this year there was a high degree of bipartisanship in the approach between political parties to the recovery and rebuilding efforts in those bushfire areas. I have never had any representations from the Leader of the Opposition in relation to the matters that he raises today in Parliament. Of course he is entitled to raise them; that is what this forum is for.

Let us be clear about this: we have embarked on what is the biggest rebuilding process ever after the biggest natural disaster in the state's history. All of the —

Honourable members interjecting.

The SPEAKER — Order! The Premier will not be shouted down.

Mr BRUMBY — All of the blocks which were affected — thousands of them — have been cleaned up through the bushfire reconstruction authority at a cost of close to \$100 million and at no cost to individuals. All of that has been done —

Mr Wakeling interjected.

The SPEAKER — Order! The member for Ferntree Gully will not interject in that manner.

Mr BRUMBY — All of that has been done in a way which exceeds best practice in these cases anywhere in Australia or anywhere in the world. If you look at all the other things that we have done, you will see we have put in place the temporary villages in Marysville, Flowerdale and Kinglake. As I understand it, something like 900 building permits have been approved. It is true that the bulk of those building permits have been for replacement sheds, garages and so on.

We have put in place stronger regulations in terms of rebuilding. It is true that we thought long and hard about that as a government, but it would have been completely the wrong thing, having seen the devastating fires move through those areas, to have simply put back in place the same regulations and the same standards that meant that many houses were not built to the standard required.

In addition to that, something like 6000 kilometres of fire-damaged fencing has been repaired or replaced. There have been 21 000 pallets of donated goods. I have mentioned the temporary villages. We have commenced constructing the rebuilding advisory centres. We have worked closely with groups like Archicentre, which has already assisted more than 100 households with new plans for new designs for their homes. In addition to that, we have formed partnerships with the commonwealth government to provide a \$51 million assistance package for small business. We have established the community recovery fund and the \$10 million tourism fund.

In terms of the further rebuilding, the next steps, as I have made very clear — and Christine Nixon has made very clear — we have been consulting with the dozens of communities and townships concerned, and we will shortly be announcing the next substantial phase of that rebuilding effort. I should mention too the bushfire appeal fund. The other day on radio I heard the new chair of that fund, Pat McNamara, a former Deputy Premier of this place, again making very clear the extraordinary efforts that have been made through the fund and through government to get the rebuilding process under way. Let us understand too that I saw the Leader of The Nationals interviewed on television on Friday, 11 September. He was asked about some of these questions, and he took a different view to the Leader of the Opposition.

In response to Christine Nixon's answer regarding case managers, support and communities working together to rebuild, he said:

... as a state, we need to make sure that we maintain the great efforts that Christine's involved in, because this is a generational issue. This will take a long, long time.

That is true. That is the fact of the matter. Let us not begrudge or belittle the efforts of hundreds, in fact thousands, of people who have been at work —

Mr Baillieu — On a point of order, Speaker, the Premier is debating the question. I invited him to —

Honourable members interjecting.

The SPEAKER — Order! Government members will come to order.

Mr Baillieu — The Premier is debating the question. The question invited him to consider the concerns of Mr Colin Hill about the failure and the capacity to rebuild. Mr Hill's letter went to the Premier. He said further in that letter that all he wanted to do was to rebuild and go home.

Honourable members interjecting.

The SPEAKER — Order! I ask the Deputy Premier not to assist with the smooth running of question time in that particular manner.

I do not uphold the point of order raised by the Leader of the Opposition; however, I suggest to the Premier that he has been speaking for some considerable time, and I ask him to conclude his answer.

Mr BRUMBY — In relation to the specific matter, I have not seen that letter, but I can say in relation to the building arrangements that the only circumstances which have changed are the building regulations for the requirements to be fire safe in terms of those building standards. There are no other standards which have changed. It means that if you are rebuilding a house in an area which is heavily forested on a steep slope, you will need to put in place, according to the fire ratings, a higher level of fire safety in your building design. I have not seen the specifics about that matter, but that is the only regulation that has changed.

More generally, can I repeat, in terms of the clean-up, the township redevelopment and support through the authority, all of these things have been designed to help people rebuild at the earliest possible opportunity, and that has been assisted by something like 363 case managers that we have put in place to support the 5000 victims of the fire.

Bushfires: community preparedness

Mr CRUTCHFIELD (South Barwon) — My question is for the Premier. Can the Premier advise the house on how the government is working with families, communities and emergency services to prepare for the upcoming fire season?

Mr BRUMBY (Premier) — Earlier today, with the Minister for Police and Emergency Services, the Minister for Tourism and Major Events and the member for South Barwon, I visited the Otways to inspect the fire preparation works that are under way. If you look at the Otways, which is a beautiful and magnificent area of our state, you see it is always

presented as a significant fire risk. Its beauty is inherently part of the danger; it is a heavily forested area.

I am pleased to say that because of the extraordinary efforts of the Department of Sustainability and Environment, Parks Victoria and the Country Fire Authority, more than 3000 hectares of fuel reduction burning has taken place in the Otways this year. To put that in context, it is the largest amount in the last 30 years. Today I was able to see from the air all of the burning off which has occurred. I was able to see work at Anglesea where they have pushed back into the forest to provide protection there. While these things may not be of any interest to the opposition, they are of interest to members on this side of the house. As I have said, this is the best effort in 30 years.

During my visit to the Otways I also travelled to Aireys Inlet to present the Aireys Inlet CFA brigade with a new \$225 000 heavy tanker. I also presented a new \$106 826 tanker to the Wurdale brigade. It was great to see the members of both CFA brigades there today together with students from Aireys Inlet P-12 school and to see the extraordinary community support behind our CFA and CFA volunteers.

One of the points the minister and I made while we were there was that we have the greatest rural fire brigade anywhere in the world. Nearly 60 000 volunteers are part of that service, and whether you go to a place like Aireys Inlet, as we did today, whether you go to Wurdale or to Plenty, as we did the other day, across the state you see this extraordinary community partnership between and involving the CFA and the local community. In these cases today, in Wurdale and Aireys Inlet, the local communities had raised money towards those trucks. They are delighted with the new trucks, and they would agree that the level of fire preparation this year surpasses anything that has been in place in our state for the last 20 or 30 years.

Despite the wet weather and the rain we are continuing to reinforce the message right through this week, which is Fire Action Week. This is a great opportunity to get things done and to prepare for the forthcoming fire season. That means things like clean-ups at local parks, and it means community working bees. We are seeing free green waste disposal being provided in some local council areas and we are seeing CFA community meetings.

Also today at one of the B & Bs in the area the Minister for Tourism and Major Events and I launched the guide for tourism operators that is going out to all tourism operators in the fire-affected areas this year. It identifies

what they should do to prepare before the fire season, what they should do during the fire season and what they should do in a fire emergency. We launched the guide at one of the beautiful B & Bs in one of the loveliest areas of our state.

I would like to echo the comments made recently by the mayor of the Northern Grampians Shire, Cr Kevin Erwin, who is reported in the *Ararat Advertiser* as saying:

All of Victoria is at risk of bushfire, including communities near bush, paddocks, grassland and parks. It is less than a month until the next fire season, so there is no time for delay ...

The mayor is reported as having gone on to say:

Council is — —

Honourable members interjecting.

The SPEAKER — Order! I suggest to the member for Bass that his advice to the Premier is not welcomed, especially not by the Chair.

Mr BRUMBY — He went on to say:

Council is working in partnership with the state government and the fire agencies to make our municipality fire ready. Our council recognises the need to plan and prepare to meet local needs, make our communities safer and help protect human life.

I endorse the mayor's comments, and I know they are endorsed by municipal leaders across the state.

Fire Action Week will conclude on Sunday, and we have seen a huge amount of activity across the state. On Sunday I was at the Bunnings store at Mill Park — one of its 44 stores across the state — and it is running do-it-yourself workshops. People are getting the message out right across the state about the need to prepare, act and survive.

I conclude by saying that we have the new fire danger rating system in place across the state with catastrophic code red to be used on the very worst days; we have the new household self-assessment tool, which is online with the CFA; we have fire-ready kits that are also available through the CFA website; we have new protocols for the limited broadcast of the state emergency warning signal; and as I said in the Parliament yesterday, we are upgrading the 43 incident control centres across the state. All of these things are designed to ensure that there is a partnership between the state government, local government, community groups, fire agencies and households, and all of this unsurpassed and unprecedented effort is about making

our state as fire safe and as fire ready as possible as we prepare for this year's fire season.

Bushfires: incident control centres

Mr RYAN (Leader of The Nationals) — My question is to the Premier. Will the Premier provide a commitment that Victoria has enough appropriately qualified incident management team personnel to service all 43 of the level 3 incident control centres this bushfire season, or will the state again be left dangerously unprepared?

Mr BRUMBY (Premier) — I have just made it very clear in my answer to the previous question that the state will be better prepared this year than it has been at any time in our history, and certainly in my lifetime — better prepared in every single sense and way. Whether you are talking about the vast increases in resources, about communications, about community knowledge and involvement, about Country Fire Authority resources, about the incident control centres, about the fire danger ratings or about the new telephone warning system, all of these things will give us a degree of fire preparedness, fire safety and fire readiness at a much higher level than we have ever previously had.

Mr Ryan — On a point of order, Speaker, the Premier is debating the question. It is a very specific question that relates to the incident management team personnel qualified to level 3 who are going to service the 43 incident control centres. I ask the Premier to answer the question I have asked him.

Honourable members interjecting.

The SPEAKER — Order! The members for Caulfield, Polwarth and Warrandyte!

Ms Marshall interjected.

The SPEAKER — Order! I warn the member for Forest Hill. Members have a right to take a point of order, and when they do so they will be heard in silence.

Mr Batchelor — On the point of order, Speaker, the Premier was asked a question which went on to canvass the fire preparedness across the state — —

Mr Wells — No it didn't.

Mr Batchelor — Yes it did. The Premier is entitled to answer the question in the form he is answering it in.

The SPEAKER — Order! I am happy to rule on the point of order. My recollection of the question is that it was directed at incident management level 3 incident

control centres. I believe the Premier's response is entirely relevant to the question as it was asked.

Mr BRUMBY — Yesterday, with the Minister for Police and Emergency Services and the member for Gisborne, I was in Gisborne looking at improvements that are being made to the incident control centre. The government is upgrading 43 of them across the state at a cost to the budget of \$29 million. We have an upgrading program in place. It is the most substantial upgrading program to our incident control centres so far, and as part of that the Country Fire Authority and the Department of Sustainability and Environment have in train programs to ensure that all of the relevant staff required in those centres will be trained at the appropriate level.

Bushfires: community preparedness

Ms GREEN (Yan Yean) — My question is to the Minister for Community Services, and I ask: as the state makes itself as fire ready as possible for this coming bushfire season, will the minister inform the house what actions the government has taken and continues to take to support and assist Black Saturday survivors and their communities?

Ms NEVILLE (Minister for Community Services) — I thank the member for Yan Yean for her question and for her ongoing commitment to and support for the communities impacted on by the Black Saturday fires. As the house has just heard, the Premier has outlined the actions across government, communities and agencies and with families to make our state as fire ready as possible for this coming fire season. Of course the continuation of support and assistance to those families and communities who suffered so much during the last bushfire season remains an absolute priority for the Brumby government.

Eight months has now passed since the devastating fires. We know that recovery for the individuals, the families and the communities who lived through the fires is a long-term process. Trauma experts tell us that this coming fire season has the potential to be a trigger for heightened distress and trauma for individuals affected by the fires, and that is why the government is taking action to provide the services and supports that families need.

I was pleased recently to join the appeal fund chairman, Pat McNamara, in announcing an additional \$4.2 million from the appeal fund to further support psychological recovery for families and older people affected by the fires. That means providing practical

things like parent information and support, community activities for seniors, respite and retreats for men and women affected by grief and the opportunity to develop support networks. This most recent initiative builds on the \$8.8 million already allocated for targeted counselling and support and programs for primary students, high school children and young adults. The additional counselling has been welcomed, and I am pleased to inform the house that to date 830 families have taken up this extra counselling.

These initiatives complement the additional funding provided by state and federal governments for specialist mental health and primary-care services. Equally as important is our case management service. As the Premier indicated before, the government has employed almost 400 case managers who have been helping and supporting thousands of Victorian families affected by the fires. Currently about 3600 families continue to access case management support. Similarly our community hubs are helping to coordinate services and disseminate information to bushfire-affected communities. They are proving critical during Fire Action Week in distributing a range of resources on how families and communities can get fire ready.

Nearly \$20 million has been paid through 11 000 personal hardship grants to families affected by the fires. The appeal fund has received nearly 15 000 applications and has allocated \$321 million. To date over 400 bushfire-affected families have been assisted with accommodation in temporary villages, in caravans on properties, in public housing and in community housing.

We know that this fire season has the potential to be tough for Victorians. It will be particularly tough for those communities whose members lived through the Black Saturday fires. That is why the government is continuing to provide support to families affected by the fires. That support will be there to help throughout this fire season and as long as those communities need it as they recover.

Bushfires: emergency services communications

Mr McINTOSH (Kew) — My question is to the Minister for Police and Emergency Services. I refer the minister to evidence given before the bushfires royal commission today by Superintendent Peter Billing that police radio communications were 'downright dangerous' because country police are relying on outdated and failing technology. I further refer the minister to a leaked internal police document obtained by the coalition earlier this year which shows that this serious risk was identified in August 2008. I ask: is it

not a fact that yet again the minister was warned and did nothing, leaving Victoria dangerously unprepared for bushfires?

Mr CAMERON (Minister for Police and Emergency Services) — If the honourable member for Kew claims to have some sort of document — it may very well be a newspaper clipping — he will see that the document does not refer to any upgrade in relation to the previous firefighting season.

We have two emergency services radio networks that operate in Victoria. There is the metropolitan radio network, the MMR (mobile metropolitan radio) system, which is a digital network. The party that has invested in that has been Labor. That operates in the Melbourne and Geelong areas. We also have the StateNet Mobile Radio (SMR) network, an analogue network that operates throughout the rest of Victoria. You have to remember that the analogue network has a broader coverage, which is important when you are trying to eliminate black spots and bring about that important coverage. That is why issues of technology and adapting to new technology are so important, and that is why we as a government have been prepared to do that.

Since 2001 we have invested \$440 million as part of the statewide integrated public safety communications strategy, known as SIPSaCS. That was \$440 million as we continue to improve the communication system that operates across the state. That has delivered MMR for Victoria Police, the ambulance service and the Metropolitan Fire Brigade; a new mobile data network — the MDN — for Victoria Police and the ambulance service; the new emergency alerting system, the EAS pager network, for the Country Fire Authority, the ambulance service and VICSES (Victoria State Emergency Service). There has been a refreshed StateNet Mobile Radio network for regional police, the ambulance service and DSE (Department of Sustainability and Environment).

In addition in this year's budget \$167 million has been provided to enhance Victoria's emergency services communication capabilities, including improved call taking and dispatch of emergency services, radios for SES, pagers for DSE and additional funding for the Victorian bushfire information line. Part of that includes \$20 million to upgrade communications coverage of black spots on both the MMR and SMR networks. Certainly you will see, Speaker, that our commitment has been there. We continue to work with the agencies and continue to see all of these improvements. What we are doing in relation to communications is consistent with the interim recommendations of the bushfire royal commission.

Bushfires: fencing

Ms DUNCAN (Macedon) — My question is for the Minister for Agriculture. Can the minister inform the house how the government is supporting land-holders to rebuild fences damaged or destroyed in the Black Saturday fires?

Mr HELPER (Minister for Agriculture) — I thank the member for Macedon for her question. It gives me the opportunity to first of all acknowledge many terrific organisations that have supported fire-affected land-holders, farmers in particular and also lifestyle land-holders as well — organisations such as the Alexandra farm fencing project, the Redesdale neighbourhood house or Blaze Aid.

I particularly identify the Victorian Farmers Federation as an organisation that has supported land-holders and worked extremely well together with government to restore more than 8000 kilometres of boundary fences and 5000 kilometres of internal fencing damaged by the tragic fires earlier this year. The government was able to sit down with the VFF and come to an arrangement very shortly after the fires to have the VFF coordinate the huge number of volunteers — something like 9500 volunteers — who have worked to help land-holders restore their fencing.

When we think about the issue of fencing after a fire, we realise how important it is for safety on our roads, for livestock and for land-holders to have particularly boundary fencing restored as quickly as possible. To the VFF and to those other organisations I say a very big thankyou for being prepared to roll up their sleeves and for VFF members and the general community so strongly supporting the restoration of fencing.

The government committed close to \$1.5 million towards this coordination effort of the VFF. We also provided tools, safety equipment, amenities, meals and travel expenses for many volunteers. I know that when I visited a number of fire-affected properties I encountered volunteers from Tasmania, from Queensland and from the Northern Territory. To all of those a heartfelt thankyou for your efforts.

The member for Macedon asked what the government is doing. Beyond this terrific ability to partner with organisations including the VFF, there has of course been substantial support to land-holders in response to fencing and other needs. Firstly, the state and commonwealth governments announced clean-up and restoration grants of up to \$25 000 along with the availability of \$200 000 in low-interest loans.

We have also seen additional assistance provided to all who experienced the impact of the fires in the form of a special primary producer grant of \$5000 to \$10 000 which is now also available. We would estimate that that would disburse a total of \$7 million from the bushfire appeal fund. That provides an opportunity to acknowledge the generosity of the Victorian community and the community across the country and the international community. With those measures we are supporting farmers to rebuild fences, and we are supporting land-holders to rebuild fences.

The commonwealth government, through Caring for our Country grants, has also made assistance available for internal conservation and catchment protection fencing. Again, that is a terrific initiative by the commonwealth. I congratulate it on its enormous effort.

In my answer so far I have spoken a lot about the terrific volunteer effort that has gone into fencing restoration. It is an interesting statistic that we estimate that something like 90 000 volunteer hours have gone into volunteer fencing. I think every member of this house should take an opportunity at some stage to express their gratitude to all those volunteers.

Children: protection

Ms WOOLDRIDGE (Doncaster) — My question is to the Minister for Community Services. I refer the minister to her commitment in Parliament on 16 September to review all child placement cases to ensure that mandatory police checks have been made on each registered carer, and I ask: can the minister confirm how many carers have been found not to have had police checks, and can the minister assure the house and the people of Victoria that every child placed in care is now with a carer who has had and passed a mandatory police check?

Ms NEVILLE (Minister for Community Services) — I thank the member for her question. As I have stated in the house previously, what the Ombudsman found in the case studies in his recent report were examples of practices by the department that were unacceptable. They were unacceptable to me, to the Parliament and to the community. That is why I asked for an audit of all placements — to satisfy myself that mandatory police checks had been undertaken, as required under existing policy and procedures. A review of screening policies and their application is also being undertaken. I expect the audit, which is currently under way, to be thorough and detailed. It is assessing approximately 4000 placements right across the state. I am expecting the outcome of that audit shortly.

The role of government is to make sure that child protection professionals are supported and that the policy settings are right. That is why the Premier and I recently announced an additional \$77.2 million for child protection, to support our child protection professionals in this important and complex work.

Bushfires: community preparedness

Mr HARDMAN (Seymour) — My question is to the Minister for Rural and Regional Development. Can the minister outline to the house how the government has assisted bushfire-affected communities to rebuild?

Ms ALLAN (Minister for Regional and Rural Development) — I thank the member for Seymour for his question. Can I put on the record the outstanding work that the member for Seymour is doing in representing this part of Victoria, which of course has been devastated by the bushfires.

There is an enormous effort going on right across Victoria to rebuild lives and to rebuild homes and communities following those devastating bushfires in late January in Gippsland and on Black Saturday in February of this year. We have heard already from the Premier and a number of ministers about the work that is under way, particularly around the clean-up.

We have seen that to date more than 3000 registered properties that were destroyed or damaged by the bushfires have been cleaned up.

In recognition that local businesses needed to be supported during this time of the immediate aftermath of the fires, the Brumby government provided a link to Grocon, the company that has the contract for this work, through our Industry Capability Network to ensure that local businesses were able to capitalise on the opportunities arising from the clean-up effort in their local areas. The rebuilding effort is well under way, with around 900 building permits issued already for the rebuilding or repair of homes, shops, sheds and other buildings.

To help people rebuild their homes we are also in the process of establishing rebuilding advisory centres in bushfire-affected areas. There are also a number of programs that are designed to support communities and individuals. Many of those, including those that have been supported through the Victorian Bushfire Appeal Fund, are providing great support. Can I also mention a program that the Brumby government is working on in partnership with the Bendigo and Adelaide Bank, which is the \$4 million Bushfire Recovery Community Infrastructure program designed to help local councils

in bushfire-affected areas to invest in community infrastructure. I can also advise that the first of these projects will soon be announced.

The Brumby government also understands that supporting businesses and supporting people to find employment and get back to work is an important part of the rebuilding and recovery process. That is why in partnership with the federal Rudd government we announced a \$51 million business assistance package to assist small businesses and farmers. We have heard already from the Minister for Agriculture about the detailed support that is being provided to farmers and primary producers. In addition to those dedicated supports for farmers and primary producers, this business assistance package is providing grants of up to \$25 000. It is providing access to low-income loans and access also to business advisers to help people plan for the future. Of course it is a difficult time and people need a bit of extra assistance to help them plan for the future. I am pleased to inform the house that to date around 600 businesses have already accessed the services of a small business mentor and around 2300 grants have been issued to small businesses and farmers, which are a vital part of that rebuilding process.

Tourism, as we have heard already, is also an important part of rebuilding, and that is why as part of the package the Brumby and Rudd governments have invested \$10 million in a bushfire tourism industry support package. The government recognises that tourism is a very important part of the economic base of regional and rural communities.

Many members of the house have visited many parts of these communities. I have personally held round tables with small local businesses as we continue to hear directly from them about the ongoing support that is needed to help businesses and communities rebuild. Part of that feedback is that we need to provide assistance to help people get back into the workforce.

I am pleased to announce that new support will be available for people who have lost their jobs in bushfire-affected areas. A Back to Work response team has been established, and its members will be providing assistance to people who have lost their jobs. Their work will be supplemented by Back to Work information kits that are going to be available through all of our bushfire community services hubs. As I said, this is in addition to the vast range of programs and support mechanisms that are under way and have been detailed this afternoon.

The Brumby government will continue its work in rebuilding communities and helping people, helping communities, helping businesses and helping farmers to rebuild, to get back to work and to help invest in the future of those communities. This is part of our whole-of-government effort to support bushfire-affected communities through this difficult time.

Children: protection

Ms WOOLDRIDGE (Doncaster) — My question is to the Minister for Community Services. I refer to the minister's radio interview on 5 August 2009 in which she said it was 'unacceptable' that 2000 at-risk, abused and neglected children known to child protection had not been allocated a case manager, and I ask: now, more than two months later, what is the total number of children who are currently without an allocated case manager, and is that number now acceptable?

Ms NEVILLE (Minister for Community Services) — As I have discussed here in the house and in the community, there are critical pressure points in the child protection system. That is why a couple of weeks ago the Premier and I announced an additional package of \$77.2 million in order to employ more front-line child protection staff and to provide more quality assurance processes and more supports to our workers to make the best decisions possible. There are pressures in our system, and that is why we have invested, on top of more than doubling the funding to child protection since coming to government — —

Honourable members interjecting.

The SPEAKER — Order! The minister will not be shouted down.

Ms NEVILLE — On top of more than doubling the funding to child protection we have invested this additional money to assist our workers to provide the best care for vulnerable children.

Ms Wooldridge — On a point of order, Speaker, the minister is debating the question. Her question was in relation — —

The SPEAKER — Order! There is no point of order. The minister has clearly completed her answer and had done so before — —

Mr Mulder interjected.

The SPEAKER — Order! I warn the member for Polwarth. The minister has completed her answer. There is no point of order.

Bushfires: community preparedness

Ms LOBATO (Gembrook) — My question is for the Minister for Police and Emergency Services. Can the minister advise the house what measures the government is taking, together with our fire agencies, local government and the broader community, to ensure that Victoria is best prepared for this fire season?

Mr CAMERON (Minister for Police and Emergency Services) — I thank the member for Gembrook for her extreme interest in relation to bushfire and the protection of her community not only in times of bushfire in the past but in her ongoing commitment for the future.

This is Fire Action Week, with its emphasis on preparation for bushfire. What we want as a community is people to be prepared and people to act and, as a consequence, to survive bushfire. Everybody has their role to play. Individuals have their roles to play and community leaders, such as MPs, have a role to play, as do the fire services and governments of all levels, particularly the state government and local government.

Fire Action Week was launched by the Premier at Plenty last Sunday. The launch involved several agencies and was located in the Plenty Gorge, from where you can see the city as a backdrop 20 kilometres away; you are near an urban area there, but nevertheless you are in a very large bushfire-prone area.

As you know, Speaker, we want to leave no stone unturned. That is why we established the royal commission and requested that it provide an interim report and a final report about preparing for the future as a consequence of what we saw on Black Saturday. In addition to working through the recommendations of the royal commission, the government and agencies are working on other things that have already been announced post Black Saturday, including Victoria leading the Council of Australian Governments agreed national emergency warning system, which is a telephone-based system. The first phase of that is based on landlines and on a billing address. Telstra is putting that infrastructure in place now, and in November that will be tested and used.

There is a heavy emphasis on community education and community awareness. As you will be aware, Speaker, 700 Department of Sustainability and Environment seasonal firefighters have been brought on earlier. There has been a revision of the 'prepare, stay and defend or leave early' policy to have a greater emphasis on the protection of life by leaving early. You will be aware, Speaker, that the new national fire

danger rating system is in place, which says that on a code red day the only way you can 100 per cent guarantee your safety is by not being in a bushfire-prone area at that time. That really came out of Black Saturday, where we saw fire of an intensity that we had not seen before. There were houses that people thought were defensible that simply were not. That is what we hope to get through to people this week: the issue about preparedness and about cleaning up. Part of that is the many fireguard groups that have been established and the many Fire Ready meetings that are being held around the state.

We want everybody in the community to be involved, to be aware of the dangers of bushfire, to know what they can do to mitigate their own risk and to know what they have to do, because we want people to prepare, we want people to act and we want people to survive.

The SPEAKER — Order! The time set aside for questions has expired.

Mr Wells — On a point of order, Speaker, I ask you to investigate the reason the government is deliberately hoarding hundreds of annual reports in the room next to the papers office. This is going to be a usual situation for the government. The government will table these reports en masse tomorrow rather than tabling them when they become available. For example, the papers office dealt with these reports yesterday and has been dealing with them today, but the reports will be dumped en masse tomorrow, which means that the government will not be able to be scrutinised properly through these reports. I ask you to investigate this practice by the government and to report back to the Parliament.

Mr Batchelor — On the point of order, Speaker, the government will meet its statutory requirements to make the annual reports available by the due date.

The SPEAKER — Order! Under the Financial Management Act the annual reports need to be tabled by the end of October. They will be tabled at the first available opportunity, which is tomorrow.

Mr Wells — On a further point of order, Speaker, in your ruling you said that they will be tabled at the first available opportunity. They were put into the room next to the papers office on Tuesday — yesterday — and today. If the government is fulfilling its requirements, then they should have been tabled yesterday and today so they can be properly scrutinised by the opposition.

The SPEAKER — Order! Documents are tabled during formal business. The next formal business will be conducted tomorrow morning.

LOCAL GOVERNMENT (BRIMBANK CITY COUNCIL) BILL*Second reading***Debate resumed from 13 October; motion of Mr WYNNE (Minister for Local Government).**

Mrs POWELL (Shepparton) — I am pleased to speak on the Local Government (Brimbank City Council) Bill 2009. This is another local government bill being rushed through both houses of Parliament because of the Labor government's failure to deal with corruption in Labor-dominated councils. The debate was allowed to continue by leave and with the cooperation of the coalition. Earlier today we sought leave to debate the bill after question time, which is what we are doing now but more by luck than good management, because the fire warning bells went and we were delayed for 15 to 20 minutes.

The Liberal Party Whip asked the Leader of the House if we would be able to start the debate after question time to give us a chance to debate in a controlled manner and not have to do it for 20 minutes after the grievance debate. But the Leader of the House refused to allow us to do that. We offered to debate the Land (Revocation of Reservations and Other Matters) Bill, but the Leader of the House said he would not allow all coalition members to speak on the land bill because he wanted to guillotine it. That was the government's attempt to gag a number of coalition members from speaking on a bill. We allowed this bill to be introduced and second read because we thought it was in the best interests of the Brimbank council, and we were very disappointed that the same respect was not afforded the coalition when it was sought.

The purpose of the bill is to dismiss the Brimbank City Council and to provide for the appointment of a panel of administrators for the council and for a general election in November 2012 along with all other local councils. As far as local government bills go this is quite a small bill. Usually local government bills in this house are very long, complex and quite unwieldy with a lot of clauses and provisions. This is a very important bill, and it is very important to the people of Brimbank.

The Liberal-Nationals coalition will not be opposing this bill because the Brimbank community is finally getting what it wants and what it has called for for many years: the sacking of the Brimbank council and hope for a new start for democracy in that community. But the bill has not been scrutinised, because it has been rushed through. The Scrutiny of Acts and Regulations Committee (SARC) has not seen this legislation, so

members are not aware of whether it has flaws on the human rights side. The community of Brimbank has not seen it. The coalition will be able to put the bill under scrutiny when it goes into the upper house and intends to do so.

The government might think it will get this bill through Parliament and that will be the end of its problems, that the community, the coalition and the media will be happy and will move on, but it needs to think again. Much more about corruption at Brimbank council is yet to come out. Investigations are still ongoing. Former councillors are being investigated at the moment, but it is interesting that no members of Parliament are being investigated. The Ombudsman raised issues about a number of former and current members of Parliament, but those people are not being investigated. When I read through the *Hansard* report of the debate I noticed that the Minister for Local Government said he had spoken to those members of Parliament. I hope there will be a bit more than just speaking to them; I hope there will be more investigation.

The Brumby government is using councillors as scapegoats because of the Ombudsman's scathing report. This is not all about corruption by councillors. This is about corruption by Labor members of Parliament and in the Labor Party. It is not just about councillors, but sadly councillors feel bad because they are the only ones taking the brunt of that.

A number of current Labor state and federal MPs as well as members of the ALP are mentioned in the report as having used undue influence, interference and intimidation. Their involvement must be investigated, and the coalition will keep up the scrutiny of people who have done the wrong thing and of those named in the Ombudsman's report.

Mr Nardella — Like who?

The SPEAKER — Order! I ask the member for Melton to cease interjecting in that manner.

Mrs POWELL — The member for Melton asks me to name those people, and I am quite happy to do so further on in my contribution. The failure of the Brumby government to act on corruption in local government when it knew about that corruption shows there is a need for an independent, broadbased anticorruption commission, but the government refuses to establish one. Other states have them, but this government refuses to establish one, and we wonder why.

Honourable members interjecting.

Mrs POWELL — A number of members ask why. I think the government is a bit worried about what a corruption commission would turn up when it investigates. The public needs to know what corruption has occurred and by whom to make sure it does not happen again. The public deserves to have that information.

On Tuesday last week, 6 October, I was contacted by the minister's adviser, Mr Nick Quinn, who said the government would like to bring in a bill this week to sack the Brimbank council and it needed the leave of the Liberal-National coalition. I said we would need to see copies of the bill and the second-reading speech before we would give any commitment whether we agreed with the legislation or not. On 8 October I received an emailed draft copy, and as was said, the bill's purpose was to sack the Brimbank council and allow for the appointment of administrators and a later election. There was nothing other than that in the bill.

It is not normal practice to introduce and debate a bill in the same week. Usually there is a two-week adjournment period. I asked why there was a rush to get this through both houses of Parliament, and I was told it was in the interests of the community to have the structure in place as soon as possible to provide stability and a framework that will govern the council until the next round of elections. That would allow the process to be truncated by two weeks. The government has said the structure of the bill is the same as has been used in the past. The only other council this government has sacked in the past is the Glen Eira council, a Liberal-dominated council. The reason it was sacked in 2005 was because of its inability to govern, which is what we see with the Brimbank council.

The coalition was told that if this bill is not passed, the government cannot appoint administrators until the end of November. The bill provides for a panel of three — —

Mr Nardella — That's why you agreed with this.

The SPEAKER — Order! The member for Melton will cease interjecting in that manner.

Mrs POWELL — I have to say the reason the coalition is not opposing this bill is that we want to see democracy back at Brimbank, unlike the Labor government that tried to remove democracy from local government over many years after being told by the community that there were problems in the Brimbank council. The coalition has listened to the community, and we are saying we would like to put democracy back into local government. The way this government

is putting democracy back into local government is by putting three administrators in for three years. We could call them commissioners, if we liked, but the government is calling them administrators. What the government is doing to reintroduce democracy to Brimbank council is introducing a panel of three administrators for three years until the council goes to the general elections that other councils will have.

Mr Nardella — I agree with that!

Mrs POWELL — The member for Melton agrees with that. The government's second-reading speech says:

It is the government's view that a panel of three administrators working together will be the most effective governance structure to bring about comprehensive reform in a council as large and complex as Brimbank.

Mr Wynne — Yes!

Mrs POWELL — While we agree with the fact that it says that in the second-reading speech, the bill does not say there is going to be a panel of three administrators. New section 6, headed 'Subsequent order in council', says:

The Governor in Council may, on the recommendation of the Minister, by Order in Council published in the Government Gazette, do any or all of the following —

- (a) appoint a panel of administrators for the Brimbank City Council;
- (b) appoint one of the administrators to be the Chairperson of the panel ...
- (c) appoint a person to fill a vacancy ...
- (d) appoint a temporary administrator ...

It does not say 'three administrators'. I raised this with the minister, and he said, 'I will put it in a commitment that there are to be three'. But the bill itself does not say 'three administrators'; it says 'a panel of administrators'. I do not know whether it has been overlooked, whether it is sloppy drafting or whether someone has forgotten it again — as has been the case with other rushed-through bills that have come to this Parliament with amendment after amendment. The second-reading speech says there will be 'three administrators' and the bill says 'a panel of administrators'. I would have thought it would have said in the bill — which is what goes into the act — 'three administrators' rather than 'a panel of administrators'.

We are being told that it is not in there because the government needs more flexibility in the bill. The

flexibility is fine, but do we need four panel members? Or are we going to have two panel members? I would have liked to have seen it spelt out in the bill. It is not in the bill.

Mr Wynne — Try three! It is what the second-reading speech says.

Mrs POWELL — The minister is putting on the record that there will be three.

The minister also gave us a commitment when we raised concerns about who those administrators would be. We do not want to see Labor cronies — former members of Parliament or current members who are leaving the Parliament at the next election — given cushy jobs as administrators and put on there to look after Brimbank council. I said that to the minister, and the minister said, ‘No, there will be no political appointments. There will be no former MPs and there will be no current MPs who are leaving Parliament at the next election’. He said, ‘They will be independent and they will be non-party political’. I am hoping that the minister in his summing up will agree to that and will put it on the record as well. We do not want former members of Parliament who are Labor-leaning to get a job on Brimbank. We need to remove the culture of ALP-domination for Brimbank people. We need to remove their sticky fingers, which have been getting into everything the council does. They have been seeing it as their own fiefdom.

Mr Hodgett interjected.

The SPEAKER — Order! The member for Kilsyth will not interject in that manner.

Mrs POWELL — The panel of administrators will constitute the Brimbank City Council; they will be seen as the council. The chairman will be seen as the mayor, will have all the rights of the mayor and will be treated as though everything was performed by the mayor. That is how it should be. The remuneration allowances are to be fixed by the minister and paid by the Brimbank City Council. Again the Brimbank City Council has not seen this bill. It is not aware of how much money it is going to be paying for these administrators. We have to remember this is ratepayers money, and this is all because the Labor government did not deal with this matter many years ago when it still could have had an elected council.

Clause 7(f) says the administrators cannot:

... without the minister’s consent, directly or indirectly engage in any paid employment ...

The government said in the second-reading speech:

It is hard to overstate the scale of that task, which will require rebuilding of effective governance from the ground up, as well as the restoration of community confidence, which is presently in a fragile state.

This bill is far too little, far too late. We know that the Brimbank community is in a fragile state. There have been problems in Brimbank for decades that the media, the community and the local members have known about, but nothing has been done. Nothing was done until the coalition called on the Ombudsman to conduct an inquiry. The coalition asked for that inquiry because it knew the government would do nothing.

The government knew of the branch stacking at Brimbank. A number of years ago it had an internal investigation, and it did nothing. It knew of the secret deals and the secret meetings. It has mandatory rules that make Labor-endorsed councillors caucus before every meeting. The government knows about those issues; it knows about the secret meetings, the deals done behind closed doors and the money spent based on decisions made behind closed doors with people other than councillors. It has done nothing. I believe Labor councillors still caucus.

The government knew of the undue interference by Labor MPs and ALP members and did nothing. It knew of the corrupt practices by some Labor councillors and did nothing. There is a history of corruption at Brimbank council. There have been calls from the community, including hundreds of letters from the Sunshine Residents and Ratepayers Association and comments from the president Darlene Reilly. I have seen many letters from Marilyn Canet. Surely government members read the papers, listen to the radio or watch television and see the problems at Brimbank council reported on by the media.

Before the last election, there were many calls in Parliament for the sacking of the former Brimbank council. Calls for investigations into the allegations have been made many times. I think it was in 2005 that former member Bill Forwood moved a motion in the upper house calling for a full investigation into Brimbank council. Guess what happened? The motion was lost because the Labor government voted against it. It knew about it back in 2005. The former shadow Minister for Local Government, John Vogels, called for an investigation. Nothing happened. The local member, Bernie Finn, a member for Western Metropolitan Region in the other place, called for the sacking of the council. He has raised many concerns in the Parliament. Again nothing has happened.

Mr Nardella interjected.

Mrs POWELL — The Labor government is criticising members who have raised the issue, but I wonder if it will criticise the next member I am going to talk about — the Labor member for Keilor — for raising the issue. On 30 July 2008 the member for Keilor raised the issue of allegations of corruption, bribery, misuse of council funds, threats, mismanagement, improper behaviour and council's failure to govern effectively. All this from a respected Labor member who has been in Parliament for over 20 years.

Mr Walsh — An elder statesman.

Mrs POWELL — An elder statesman, as the member for Swan Hill reminds me. The only way this Labor member could get the government to listen was by standing on the floor of this Parliament and talking about it. Obviously it has not done his career much good, but at least he stood up for his principles and he stood up for his community.

After that outburst, as shadow minister and on behalf of the opposition, I wrote to the Ombudsman, George Brouwer, requesting an investigation into the Brimbank City Council and the conduct of individuals associated with the council. I sent the Ombudsman a copy of the *Hansard* report that included the member for Keilor's speech, which I am sure he thought made good reading. I also gave him a transcript of the ABC's *Stateline* program on 25 July 2008, on which a number of serious allegations were raised including branch stacking, misuse of council money and misuse of council property.

On 7 August 2008 I received a response from the Ombudsman thanking me for raising my concerns about the governance of Brimbank and advising me that he would conduct a formal investigation into the operation and governance of the council under section 14 of the Ombudsman Act and that he had notified the mayor and the chief executive officer of Brimbank council and the Minister for Local Government of his investigation.

The Victorian Ombudsman's report was tabled in Parliament in May, nine months after the request. It was an absolutely damning report, but it justifies the concerns that people have had for years about the dysfunctional council. It shows evidence of many years of corrupt practices by the Labor Party, factional in-fighting, interference by people not elected to council, secret meetings, secret deals and councillors misusing their position for political or personal gain,

and it identified the former mayor, Cr Natalie Suleyman, who misused her position for political gain in the Kororoit preselection, and when she did not get it she sought revenge.

As I said, it showed the misuse of council's funds. This is ratepayers money. It is not money the Labor government or Labor councils can use at their own discretion; it is to be used in the best interests of the people of Brimbank. It is the community's money, and it is meant to be spent on the infrastructure and services that local governments provide. Instead, these Labor councillors were spending it on their own pet projects, and the Ombudsman's report identifies all of those issues.

There was also evidence of Cr Natalie Suleyman and Mr Hakki Suleyman attempting to mislead the Ombudsman's office while under oath. I wonder if there have been any further investigations about a councillor giving evidence under oath and being found not to be telling the truth? The misleading evidence related to a direction to the chief executive officer to redirect funds in the 2008–09 budget from the Keilor Lodge Reserve and to place them into other projects at the direction of the mayor. Guess who the mayor was? It was Cr Suleyman. This money was to be used at her discretion.

On 7 May I asked a question of the Minister for Local Government. I said:

I refer the minister to the findings of the Ombudsman's report that the minister's department took 'little action' and failed to 'adequately deal with a number of complaints', and I ask: is it a fact that no adequate investigation occurred, and will the minister now accept responsibility for his complete failure to fulfil his ministerial duty and his role in this cover-up ...

I asked him to resign, but the minister declined. The minister's response was to thank me for my question. He then said:

The Ombudsman's report that has been tabled today is a huge disappointment to the government because it shows a fundamental failure of governance by the Brimbank City Council.

Mr Wynne — That is right.

Mrs POWELL — That is right. But then and there the minister could have suspended the council. It breached section 219 of the Local Government Act, and I happen to have a copy of that act. Section 219 is headed 'Suspension of councillors'. It states:

The minister may recommend to the Governor in Council that all the councillors of a council be suspended — —

Honourable members interjecting.

Mrs POWELL — This has been happening time and again. What I say — —

The ACTING SPEAKER (Mr Ingram) — Order! The minister should not interject across the table, and the member for Melton should not — —

Mrs POWELL — The minister is not listening!

The ACTING SPEAKER (Mr Ingram) — Order! Members should cease interjecting in that manner and allow the member for Shepparton to continue her remarks.

Mrs POWELL — There is evidence on the record that the former council was dysfunctional and could not govern adequately. There was plenty of evidence. The minister's office was made aware of it, and section 219 of the Local Government Act states — —

Mr Wynne interjected.

Mrs POWELL — Not retrospectively. The minister could have done that before the last election. The minister could have sacked that council.

Mr Wynne interjected.

Mrs POWELL — This has not just happened. The minister is now happy to — —

The ACTING SPEAKER (Mr Ingram) — Order! The minister should not hold a conversation with the lead speaker for the opposition across the table, and the lead speaker should make her comments through the Chair.

Mrs POWELL — Thank you, Acting Speaker. The minister is trying to make out that this has just happened because the Ombudsman has just found it out. This type of dysfunctional behaviour has been going on for years. Local Government Victoria knew about it and the minister knew about it, and he had at his disposal a tool which would have allowed him to suspend the council then and there. Section 219 of the Local Government Act states that a council may be suspended if the minister is satisfied on reasonable grounds:

- (a) subject to subsection (1A), that there has been a serious failure to provide good government; or
- (b) that the council has acted unlawfully in a serious respect.

That is the basis on which the government sacked the council at Glen Eira, but it would not sack the Brimbank council because there were a lot of people in Brimbank who were probably helping the political

careers of government members. Again we have one law for Labor-dominated councils and one law for other councils. We need to have an investigation into those individuals identified in the Ombudsman's report as exercising influence over the council from outside Brimbank.

Mr Nardella interjected.

Mrs POWELL — If the member for Melton would listen, we need to investigate those individuals identified in the Ombudsman's report. The member for Melton asks me to say who they are. They are the member for Keilor; a member for Northern Metropolitan Region in the other place, the Honourable Theo Theophanous; and the member for Derrimut; as well as Mr Hakki Suleyman, who is Cr Suleyman's father; Dr Andrew Theophanous, who is Cr Eriksson's husband and the Honourable Theo Theophanous's brother; Mr Craig Ottie; and Senator Stephen Conroy, who is the Minister for Broadband, Communications and the Digital Economy. All of those people were identified in the Ombudsman's report.

The government brought in legislation to prohibit councillors from working for members of Parliament. Again this was to be seen to be doing something. This government is saying that we are talking about a previous council, yet it has also just sacked all the councillors in Victoria who worked for members of Parliament because of what happened in the previous council. Again the government is saying one thing and doing another. It is rushing through legislation, including legislation prohibiting councillors from working for members of Parliament. Not all councillors are doing the wrong thing here, and even the Labor councillors are angry at being treated in this way by the government. That is the way it is.

We can see that what the Ombudsman has found in this council could have been dealt with under the existing legislation without any changes to it. The minister will probably try to say that he could not have used this legislation to sack the previous council, but he does not need to. The Local Government Act contains the tools to sack the old council, but the government refused to do it. The government only realised something was going on when the Ombudsman embarrassed it and shamed it into doing something.

The government also brought in a bill to increase penalties. It did not need to do that. The Local Government Act already contains enough penalties to be able to penalise those former councillors, but the government did not impose them. In fact when I had a

briefing with Local Government Victoria and asked how many councillors had been charged under the Local Government Act and had fines imposed on them, I was told there were about three: two Geelong councillors and another councillor. There were about three councillors — and they were all ALP councillors, I might add. The fact is that this government is not willing to go after councillors who are doing the wrong thing. It needs to make sure that it sends a strong message to all councillors and to local government that breaches of the Local Government Act will not be tolerated. They certainly would not be tolerated by a coalition government. This is just window-dressing, allowing the government to pretend it is doing something.

One of the recommendations in the report was to monitor the activities of the Brimbank City Council. It was recommended that if the poor practices were to continue, the minister should consider suspending or dismissing the council. A municipal inspector, Mr Bill Scales, was appointed. His report was tabled on 15 September this year. He found that Brimbank council continued to unashamedly breach the Local Government Act, that corrupt practices and inappropriate behaviour continued and that unelected persons are still trying to inappropriately influence Labor councillors to vote a certain way. One of the examples given was of the St Albans branch of the ALP, whose members attempted to influence councillors who are also members of the ALP.

There is one common denominator here — that is, the ALP. The problems identified by the Ombudsman were so deep seated they were still going on in the Brimbank council. Brimbank council has shown that it will not and cannot provide good governance to the people of Brimbank. The municipal inspector said that due to the systemic nature of the problems of Brimbank the council should be suspended and/or dismissed. That is now being done.

The government has ignored the calls for sacking. An article was published in the *Star* newspaper of Tuesday, 26 May, headed 'Brimbank councillor calls for new election'. The article was by Belinda Nolan and its headline was 'Sack us'. It states:

Harvester Ward councillor Geraldine Brooks —

she is a non-Labor councillor —

has unleashed a stinging attack on Brimbank City Council, calling for the immediate sacking of the current councillors and a re-election for the municipality.

In an explosive letter to *Star* Cr Brooks claimed the ALP influences over the council exposed by the Victorian

Ombudsman George Brouwer's report were still apparent in the current council and said all councillors should be sacked, including herself.

A number of people have been reported in the media talking about how bad this council has been and how much this government is not listening. It is important that the administrators be put in as soon as possible. It is also important that those administrators be impartial and fair, and that they work in the best interests of the people of the Brimbank council.

I would urge the Minister for Local Government to use the powers of the Local Government Act to penalise any breaches of the Local Government Act without fear or favour, because when you see Labor councillors doing the wrong thing, they must also be punished. We have had decades of this government turning a blind eye, allowing breaches of the Local Government Act by ALP councillors to grow and fester and allowing these people to think they are above the law.

Ms D'AMBROSIO (Mill Park) — I am pleased to rise in support of the Local Government (Brimbank City Council) Bill. In the short time available to me I wish to lend my full support to the bill and to praise the speed with which the Minister for Local Government has taken on board the recommendations of Mr Bill Scales, whose report has led to the presentation of this bill before the house today.

The bill gives effect to the recommendations of Mr Bill Scales arising from his investigation into, or monitoring of, the Brimbank City Council in recent months. That recommendation was to dismiss the elected local government of Brimbank. I remind the house that Mr Scales's monitoring of the current Brimbank council arose from the initial inquiries by the Ombudsman into the conduct of the previous Brimbank City Council. Of course Mr Scales's role was to monitor Brimbank on an ongoing basis so that this government could keep a watch on the culture and governance of the council as it is today to ensure that it meets basic standards of good governance for the benefit of local residents.

Sadly, this monitoring found ongoing bad practices, failures of governance and conduct at an unacceptable level, at an unacceptable scale, and amongst councillors who were newly elected to the council. The bill will allow for the appointment of a panel of administrators to govern for the period of the dismissal, which will be for the period that the elected council would otherwise have continued to exist — that is, until the election scheduled for November 2012.

Bill Scales concluded very cleanly and resolutely that there was only one option available, having considered the conduct of the council in recent months. That was simply that the opportunity had to be taken to allow for a proper rebuilding of the governance practices of the Brimbank City Council. This government has taken a full-throttle approach to dismiss the council, not to suspend it. To suspend it would have only allowed for a very short-term response of up to 12 months to get the house in order, if you like, the Brimbank City Council. Given the repeated and continuing abrogation of responsibility and good governance practice by the current council, this government felt that it had no other choice but to actively dismiss council to allow ample opportunity for a good administration to be rebuilt at Brimbank. Local residents deserve much better than what they have had. They certainly deserve a clean slate. They deserve a rebuilding of sound and robust governance practices and culture. This cannot happen in a short time frame.

In the short time that I have left I wish to indicate that the Ombudsman's report was very clear in all of its recommendations. This government's response to the recommendations in the Ombudsman's report was also very clear: that every single recommendation will be accepted. We have done so. We have implemented every single recommendation in the Ombudsman's report.

At no point in any of those recommendations presented by the Ombudsman was it recommended that this government pursue further actions against people other than elected Brimbank councillors at the time. We are very clear in that. We have wholeheartedly embraced not only the report of the Ombudsman and every single recommendation presented by the Ombudsman but also the monitoring role of Mr Bill Scales and his recommendations; we are unequivocal in our support. I am very pleased to conclude my expression of support for this bill.

Mr MORRIS (Mornington) — The Local Government (Brimbank City Council) Bill 2009 is exactly the sort of measure that you do not want to see brought into this Parliament. You do not want to see any need for it to be brought into this Parliament. You do not want to see the proud institution that is local government dragged down to the level it has been dragged down to by the Brimbank City Council. You do not want to see that happen.

The minister has been compelled to bring in this bill; he has been compelled to act. I am not implying in that any reluctance in the final analysis and the decision to act. He has done it, and the Parliament will certainly

give effect to the bill. I am sure it will have the full support of opposition members and government members. But it is a sad commentary on the way the Australian Labor Party has conducted itself in the governance of the state and in particular in local government. Unfortunately the failure to act, despite repeated warnings over a very long time, has meant that, in the eyes of many, all local governments and all local councillors have been tarnished. That is, unjustly, guilt by association, and it is so because of failure to act quickly and clean up the problem when it first became apparent.

Recently we have had to effectively sack a raft of councillors. Now we will sack an entire council. As I say, there is no alternative to the action that needs to be taken. The purpose clause of the bill lays it out pretty clearly: it is to dismiss the council, to allow the appointment of a panel of administrators and to provide for the revocation of the original order in council, which of course is the order in council which back in September suspended the sitting councillors. The purpose is also to provide for a general election a considerable time down the track.

The meat of the bill is in clause 5(1), which provides that:

The Brimbank City Council is dismissed.

Clause 5(2) provides that:

The persons holding office as Councillors ... cease to hold office.

The machinery provisions are in clauses 6 and 7, which essentially set in place the necessary arrangements. It is interesting to note that subclause (e) of clause 7, which contains the provisions applying in respect of the panel of administrators, relates to the remuneration of the administrators. Of course we do not know who the administrators will be. We do not know whether substituting administrators for elected councillors will improve the situation, given who the personalities may be, although I understand — —

Mr Nardella — We have got no idea.

Mr MORRIS — That is exactly right. As the member for Melton interjected, we have no idea. All we are doing is operating on faith in the government to do the right thing. That is a long stretch for me, but that is probably another story and off the bill. What we do not know is who they will be, how much they will cost and what the overall cost will be to the ratepayers and citizens of Brimbank.

Clause 8 relates to the operation of subsequent orders in council, and I will not waste the time of the house by talking about that. Clause 9 provides the administrators with coverage, in that they can occupy any role normally occupied by a councillor. Clause 10 provides for the proposed general election to be held on the last Saturday in November 2012.

I know Brimbank is a mess, and I know it has been a mess for a very long time, but surely it will not take 38 months to fix this mess — that is, have administrators in place for 38 months — and all the while the citizens of the Brimbank community will have absolutely no say in the running of their city. They will have no say in what could well be and is likely to be a very important time for their community, and they will have no say in how the funds, rates and taxes are spent. As I say, 38 months is a very long time.

The corporation remains intact, the boundaries are not changed, and the staff structure remains basically the same. This is about cleaning up the rotteness, the stench of the ALP, in Brimbank. Surely it is not so bad that it is going to take 38 months to clean it up. When you look at Mr Scales's report, it does make you wonder somewhat. The allegations of course relate to this council, not the council that was the subject of the Ombudsman's report. According to Mr Scales there were attempts by a councillor to inappropriately challenge the legitimate action of council staff. There are two separate allegations there. There were two incidents of the leaking of confidential information: one relating to the Errington Reserve in St Albans and the other to a grade separation on the train line from a briefing given by VicRoads staff, including the regional director of VicRoads.

There are allegations relating to the conduct of councillors, and there are of course allegations again relating to the activities of the Australian Labor Party in the state seat. I just want to mention quickly that I have no problem with members of political parties seeking to express their view to councillors, but if they do, they need to be telling all the councillors and it needs to be a view of where they see the community going. It should not be delivered as a direction to elected members, because that is not what they are there for.

The bill addresses the activities of the current council, which was elected in November last year. The inspector noted that despite the Ombudsman's report:

Unfortunately some of the current group of Brimbank councillors have not learnt from the matters adversely affecting Brimbank over the past few years ...

This is a gem:

... one councillor has freely indicated to me a belief that had the issues in Brimbank not been made public in the Victorian Parliament, then everything in Brimbank would have been 'Okay'.

I think that probably summarises the mentality. The bottom line in all this is that despite the spotlight, despite the TV cameras when the code of conduct was adopted with great fanfare — and the member for Shepparton and I were present at that meeting — and despite that scrutiny and the intense scrutiny of the public, absolutely nothing has changed. The inspector indicates that factional alliances are again beginning to form — and that was confirmed to him in a private conversation — and it is also becoming clear that the system of transparently recording voting patterns is being manipulated by the councillors.

Sacking the council deals with the immediate embarrassment for the government. It hopes it will take the heat off its ALP mates, because we on this side know, as do government members, that they cannot be trusted to behave. It gets them out of the spotlight. It gets them out of the way in November 2010. I would have thought that the appropriate thing to do was to hold over the election of councillors to the same day as the state election, but of course government members do not want that distraction; they do not want these people rearing their heads again.

This bill, like everything else the government does on Brimbank, is about politics, pure and simple. Until the minister and his party learn from their mistakes that the western suburbs are not their personal property, and until they understand that they cannot treat them in the way they have, until they learn that even the Labor Party has to meet basic standards in public life, nothing will ever change.

Mr FOLEY (Albert Park) — It gives me great pleasure to speak very briefly on the Local Government (Brimbank City Council) Bill. This bill shows that the rigorous framework the government has in place to monitor the activities of local government, and at a much broader level the powers this government has given the Ombudsman to deal with allegations of wrongdoing, corruption and misbehaviour in different levels of government, are amongst the most rigorous and most effective in the country. This bill shows that those procedures, when applied, result in the appropriate evidence being provided. It also demonstrates that this government is prepared to take action as needed and as appropriate.

This bill reflects this government's determination to keep local government clean, and it is deserving of support by this house. I wish it a speedy passage.

Mr WAKELING (Ferntree Gully) — It gives me great pleasure to contribute to debate on the Local Government (Brimbank City Council) Bill. I am underwhelmed by the contributions of members on the other side of the house to the debate on this important piece of legislation because this bill strikes at the heart of the activities of the Australian Labor Party. Clearly members opposite are embarrassed by the findings in the Ombudsman's report, but more importantly, they are embarrassed by the report handed down by Mr William Scales in September 2009 which strikes at the heart of the activities of the Australian Labor Party in the western suburbs of Melbourne. It is clear from the contributions — or should I say the lack of contributions — by those opposite that the last thing they want to be doing in this house is talking about those activities.

The irony is that it was a member of the Australian Labor Party who raised these issues in this house in the first place. How ironic it is that one member of the Australian Labor Party had the courage of his convictions, stood up for what was right and identified a festering sore in the western suburbs of Melbourne. History will tell us that he made the ultimate sacrifice by having the courage of his convictions and standing up on this important issue.

As I said earlier, this damning report was presented in September 2009 by Bill Scales, the inspector of municipal administration, and as we know, this occurred after the handing down of the damning Ombudsman's report. If the Ombudsman's report was not bad enough, the report by Mr Scales was even more damning about the activities of this government.

Mr Scales's report tells of an organisation that was clearly bereft of governance. In a previous life I worked in a local council that was dismissed whilst I was an employee, that being Nillumbik Shire Council.

An honourable member — It was your fault!

Mr WAKELING — I was there only very briefly. I understood that I had an influence, but I did not know it was as great as that! Having been an employee of an organisation which had a lack of regard for governance by elected administration, I understand not only the impact that has on a community but the impact it has on the hundreds of staff members who work in that organisation. Morale at that council was at an all-time low; people were very quick to get out of the

organisation and move to other local governments where there was good governance. I can only feel for those employees, let alone the ratepayers, of the Brimbank municipality who are having to put up with this abomination.

Mr Scales's report lists a number of allegations and, as I have said and others before me have highlighted, the many concerns associated with the activities of the elected councillors. In his observations, which commence on page 15 of the report, Mr Scales says:

Regretfully, I have come to the conclusion that while the recommendations of the Ombudsman's report have or are in the process of being implemented, members of the current Brimbank City Council have shown by their actions that they are not committed to the principles implicit in that report and therefore they will not and cannot provide good government to the people of Brimbank.

That is a tragedy for members of the Victorian public who reside in that municipality.

In going through the activities of the Brimbank council dealt with in the report it is a tragedy to read how the actions of the Labor Party have caused the parlous state of that council. On page 17 of his report Mr Scales talked about the rise of factionalism which had beset that council and pointed out that despite the fact that the Ombudsman had handed down his report and the organisation was under investigation by Mr Scales, the making of decisions on factional grounds continued. Even under the microscope, with Mr Scales watching their every activity, the factional games of those within the Australian Labor Party were more important to them than good governance. Interestingly while he made the point that some tried to hide the factional grounds on which decisions were being made:

It is also becoming clear that the system of transparently recording voting patterns is being 'manipulated' by councillors in an attempt to disguise voting on factional lines.

As Mr Scales rightly pointed out, such actions are contrary to the intent of the councillors oath of office as required by section 63 of the Local Government Act 1989, where it says:

I will undertake the duties of the office ... to the best of my skill and judgement.

This is also contrary to the role of a councillor, as it states in the act that he or she must act with integrity and impartially exercise his or her responsibilities in the interests of the local government. I know that the members for Mornington, Shepparton and Mildura and other members of this house who have served in local government clearly understand the role of councillors. As a former councillor myself I can clearly remember

voting differently to people who would be considered of the same political persuasion as me because we took the view that we were there to represent the community and not there to represent a particular party. Unfortunately that was not always the case, as can be seen from actions taken by the Labor Party.

One needs to look specifically at the actions of the St Albans branch of the Australian Labor Party. As Mr Scales rightly pointed out, that organisation sought to take it upon itself to direct ALP-affiliated councillors to vote a particular way on an issue affecting the local municipality. The issue related to the possible relocation of the municipal office, and the branch had taken it upon itself to write to particular councillors informing them of its view of how it believed councillors should vote. Mr Scales said that while he could not conclude as to the reasons why people chose to vote the way they did on a particular matter he drew the conclusion that this organisation, being the St Albans branch of the ALP, was attempting to inappropriately influence the decision of these councillors solely because they were members of the ALP.

One has to ask: what steps since then have the Minister for Local Government, the Deputy Premier, the Premier and in fact any member of the government taken to ensure that the actions of the St Albans branch of the ALP were thoroughly investigated in relation to the inappropriate influence it sought to exert over a group of elected councillors in a municipality of this state?

We are not talking about allegations or hearsay but about the fact that has been clearly spelt out in a report by Mr Scales that has been presented to this Parliament. The people of Brimbank can rightly ask: what has this government done to ensure that the activities of the St Albans branch of the Labor Party are investigated? It is incumbent upon this government to ensure that that matter is investigated.

A number of concerns have been raised about this parlous state, and I hope that when the next election occurs we will see good governance. I am concerned, as are other members, that we will be waiting for many years before good governance will be returned to Brimbank City Council, but let us hope that what the community faces is far better than what it has received.

Mr STENSHOLT (Burwood) — I rise to support the Local Government (Brimbank City Council) Bill 2009. As other speakers have pointed out, the bill provides for the dismissal of the Brimbank City Council and provides for sitting councillors to go out of office. The bill allows for the appointment of a panel of

administrators for the council and a chairperson of the panel, and if there are any vacancies, it makes proper arrangements for that situation. It provides for the revocation of the previous order to suspend the council, which will happen just before the new order comes in, and finally, the bill provides for a general election of councillors at Brimbank City Council.

Members on this side of the house, as I am sure do members opposite, support good governance at all levels of council. This dismissal is not something that is unique; it happened before when the Melbourne City Council was in a situation where it was dismissed. We remember when all the councils were dismissed during the seven dark years of the Liberal Party government. In more recent history the house will remember that councillors of the City of Glen Eira were dismissed. I am sure some Liberal branches may have had members who were on that council at that time. I knew a councillor who owned a shop in one of my local shopping centres; he was a member of the Liberal Party, and I asked him about this and he shook his head about the antics that went on in the Glen Eira council. I am sure the member for Ferntree Gully would be able to wax lyrical about the Glen Eira council if he had the opportunity to do so. The government supports good governance.

The bill is based on several reports. The first is the Ombudsman's report, and the government accepted all the recommendations of that report. More recently Bill Scales, an inspector of municipal administration, reported on 17 September. One of the jobs I have in Parliament is as a member of the Public Accounts and Estimates Committee, which takes a particular interest in the role of independent officers of the Parliament, of which the Ombudsman is one and the Auditor-General is another. The committee looks very closely at the role of the Auditor-General and plays a role in appointing the Auditor-General. It looks at the terms of reference and also looks through the accounts. One thing that the committee does, and I am sure I can speak for other members of the committee, is to make sure the Auditor-General produces good reports based on evidence-based facts going forward in helping to ensure good governance, good administration and value for money throughout the state. Similarly the Parliament has the expectation that the Ombudsman will produce reports that are evidence based and indeed that the reports of any other independent reporting body coming to Parliament, whether they be from Mr Scales or others, are well balanced and based on evidence.

I mention in this debate that the Public Accounts and Estimates Committee provided a report to Parliament in 2006 — there was an article in a weekend newspaper

regarding some aspects of this — about the legal framework of independent officers of Parliament such as the Ombudsman. I commend that report to members of Parliament in terms of what is a good framework for officers such as the Auditor-General and the Ombudsman to act within. I commend this bill to the house.

Mr CRISP (Mildura) — I rise to make a contribution on the Local Government (Brimbank City Council) Bill 2009, which The Nationals in coalition are not opposing. The purpose of this bill is to dismiss the Brimbank council, to provide for the appointment of a panel of administrators for the Brimbank council, to provide for the revocation of an original order in council that applies to Brimbank council, to provide for the expiry of a subsequent order in council and to provide for a general election for the Brimbank council. This is a new start for democracy for the council, through its death and resurrection, which are provided for by this bill. The bill both kills democracy and provides a path for democracy to be resurrected. One can but hope the council passes down that path with no more event.

The provisions of the bill are extensive. The bill will dismiss Brimbank council in response to the recommendations of two separate reports, the first by the Victorian Ombudsman and the second by Mr William Scales. The proposal to dismiss the council follows an order in council dated 15 September which suspended the Brimbank council pursuant to section 219 of the Local Government Act. In his May report into alleged improper conduct of Brimbank councillors the Ombudsman made a range of serious adverse findings and recommended amongst other things that the Minister for Local Government closely monitor the activities of the council and, should the poor practices that occurred prior to that 2008 election continue, that he consider suspending or dismissing the council and appointing an administrator.

Mr Scales was appointed to monitor the council in response to that recommendation, and he subsequently recommended in his report that the council should be suspended or dismissed. That has led to this bill being here today. In his report, which was tabled on 15 September, Mr Scales expressed some very strong views about serious failures of the previous council. His view was that they persisted in the present council. In summary his findings demonstrated a profound systemic failure by the council to provide acceptable standards of government to the municipality of Brimbank. The government implemented the temporary suspension through the mechanism of section 219 of the Local Government Act.

I note that three administrators will be appointed to Brimbank, and I also note that the member for Shepparton raised a concern that there was a difference between the bill and the second-reading speech in respect of the number of administrators to be appointed. I am sure the minister will clarify that in his summing up. We also note that the administrators are to be independent and are not to be party political, and that is certainly very wise in this situation, given how difficult is the mess we are cleaning up at Brimbank.

The concern that the Scrutiny of Acts and Regulations Committee has not been able to provide a view on this legislation weighs heavily on my mind. However, I am sure that will be addressed between the houses and that any view SARC has will no doubt be aired in the upper house. There are also concerns that investigations should continue, and previous speakers from the coalition side have gone through a whole number of those issues, which I find concerning and which are no doubt embarrassing for the government.

I cannot help but wonder whether this matter could not have been assisted by a broadbased anticorruption body, something this side of the house is very dedicated to. A broadbased anticorruption body may have been able to deal with some of the allegations made by people who were raising concerns and alarms long before this matter came into the Parliament and so perhaps avert what we are doing today.

That leads me to the fact that in the second-reading speech the minister concedes a huge rebuilding effort is required. I think it would have been far better if we had avoided that. There has been some effort in this respect. Last November we introduced a code of conduct. It is not settling well, particularly in my council, the Mildura Rural City Council, members of which recently met with the member for Shepparton as the shadow Minister for Local Government and me. The code of conduct issues dominated most of those discussions.

I know that in relation to a bill that subsequently came before this house the minister in his summing up mentioned some of the issues raised by the Mildura council, but despite those efforts those concerns persist. I am informed by the shadow minister that in her conversations and meetings with councils across the state the code of conduct is a continuing difficult issue. It is meant to avoid what we are doing today, so I urge the minister to keep working with those councils to clear up those code of conduct issues, because they are persisting.

Mrs Powell — And conflict of interest.

Mr CRISP — I am reminded by the shadow minister that the conflict-of-interest issue is part of that code of conduct issue and should be included in those discussions. I know this is difficult, and many of those councils do have their problems.

Could action have been taken earlier? Section 219 of the Local Government Act allows for earlier action, and one cannot help but wonder whether the minister could or should have acted earlier at Brimbank. I am of the view that earlier action should have been taken. A stitch in time saves nine, and in this particular case there were a great number of warning signs that something needed to be done. Lessons have to be learnt, and they have to be learnt well beyond Brimbank as a result of this experience. They have to be learnt not just in the local government sector but in the parliamentary sector as well, in terms of how we conduct ourselves with our local councils. I am surprised and disappointed to have read in the Ombudsman's report of what happened between the two levels of government.

It is a sad day when actions such as this are necessary on the part of government, but we need to reflect on why this has happened and learn those lessons that go beyond this immediate situation. To merely rely on a code of conduct that has passed through the legislature and to think that it will correct the matter is to sell the problem short. There is a great deal of work to be done for councils to assist them to learn from the Brimbank experience. The Nationals are not opposing this legislation.

Mr NOONAN (Williamstown) — I rise to support the Local Government (Brimbank City Council) Bill. The objective of this bill, as other members have put it, is to dismiss the Brimbank City Council and to provide for the appointment of a panel of administrators in its place. This panel of administrators will replace the former elected councillors and will be responsible for governing the council until the next scheduled council elections in 2012.

For the record I need to make clear that my electorate of Williamstown does not cross into the local government area of Brimbank. In fact about two-thirds of my electorate falls within the Hobsons Bay City Council area whilst the remaining third is in the Maribyrnong City Council area. I have been fortunate in my first term as the member for Williamstown to have worked collaboratively with my two local councils to achieve better outcomes for the residents in our shared local communities. We have collectively worked on a range of projects, including the restoration of the Yarraville Community Centre in Francis Street; an upgrade to the Clare Court Child Care Centre in

Yarraville; the delivery of a new regional kitchen in Hobsons Bay, which will help produce more than 1 million meals a year for the Meals on Wheels program; an extensive upgrade to the Williamstown Cricket Ground's facilities; substantial funding for a new state-of-the-art library in Altona North; a new community arts centre in Newport; a major new swimming pool and gymnasium in Newport; and significant upgrades to boating facilities in Seaholme and Newport, at the Warmies. These are just a few of the major achievements that have occurred in that short time. There have been a host of other minor grants that have helped in improving the living standards of local residents in the inner west.

I have followed the member for Shepparton's commentary on this Brimbank council issue for quite some time, and she conveniently talked about the west as if it were one catchment area, moving beyond the Brimbank boundaries. I can say to her quite confidently that she is winning no friends in the west, because there is terrific work going on by many of the other local councils in the western catchment of Melbourne.

Acting with integrity and placing the broader community's interests first have been critical in achieving the results that I have seen working across both levels of government in the short period of time of my first term. In the context of local government, this of course has been a key point picked up by the Victorian Ombudsman's *Investigation into the Alleged Improper Conduct of Councillors at Brimbank City Council*, which was released in May 2009.

The Ombudsman very clearly indicated that:

... Councillors are mandated to represent the interests of the community and to faithfully and impartially carry out their functions to the best of their skill and judgement. They are required to act honestly and to exercise reasonable care and diligence; and must not make improper use of their position, or information acquired because of their position, to advantage themselves or any other person, or to cause detriment to the council.

... Sadly, my investigation —

being the Ombudsman's —

into the conduct of councillors at Brimbank City Council ... identified that the behaviour of many councillors failed to meet these standards.

The Ombudsman's report details a range of serious matters, including improper use of powers, bullying and intimidation, misuse of council funds and equipment, inappropriate release of information and improper use of electoral information. After a second report by local government inspector Bill Scales, which concluded that

some councillors had failed to reform their practices and address issues of probity and misconduct, the Minister for Local Government announced that he would suspend the councillors and then move to dismiss them. The minister, to his credit, has demonstrated leadership on this issue by placing the interests of the Brimbank community first. Clearly, sacking a set of councillors is a very serious step. It is one this minister and this government have been prepared to take.

I think at this point it is worth acknowledging the work of Bill Scales, who has been able to steer the Brimbank council through this early period of administration. I think it is also worth acknowledging the work of Brimbank City Council chief executive officer Nick Foa and his staff. The actions of some individual councillors should not be a reflection on the chief executive officer or the many hardworking staff of this organisation.

In conclusion, I support this bill, as I do the minister, who has made the right decision in relation to this matter.

Mr K. SMITH (Bass) — It gives me pleasure to get up to speak on the Local Government (Brimbank City Council) Bill 2009, which has been brought before the house to dismiss the Brimbank City Council; provide for the appointment of a panel of administrators, being three independent administrators; provide for the revocation of the original order in council that applies to Brimbank council; provide for the expiry of the subsequent order in council; and provide for the general election of the new Brimbank City Council.

This bill is finally before the house after some years of concern being expressed by a number of people over the actions of some of the councillors and also I think previous officers of the council. I do not reflect on Nick Foa at all in regard to that. The minister was made aware of the problems of Brimbank City Council: the corruption concerns, the ALP's involvement and the directions it was giving to councillors, the involvement of Hakki Suleyman and his daughter Natalie, and the involvement that former minister André Haermeyer and some of his electorate officers had with the council.

We also had plenty of evidence put forward by the Sunshine Residents and Ratepayers Association on its very good website highlighting a number of the weaknesses in that particular council: the corruption in the council, the decisions that were made at the direction of Labor Party people outside the council and the extent of loans being allocated in one area for sporting clubs and then being removed and given to

another area because of decisions that were made outside the council. Even recently the St Albans branch of the ALP was trying to dictate terms on where the new council offices should be built and whether or not they should be on the Errington Reserve.

I am concerned that it has taken so long to reach this stage. The minister, as I said, was made aware of it. There were numerous newspaper articles talking about council corruption, talking about the Suleymans and talking about André Haermeyer, the former minister, going back to 2005 and 2006. There were times when the minister should have picked up on all this sort of stuff. But this is not the first time the minister has been negligent in picking up on accusations of problems within local government.

When I held the responsibility of shadow Minister for Local Government there were a number of times when we raised issues and concerns about councils with the minister. Eventually we would get back a letter saying, 'It is not up to me to make decisions. The Local Government Act has to be followed. That is what should happen, and we will refer this matter back to the council'. But that is where this sort of corruption comes from! It is because we have a minister who is not game enough to stand up to the councils. The minister has now finally done it in Brimbank, but only because George Seitz had the guts to stand up in this — —

The ACTING SPEAKER (Mr Ingram) — Order! The member will refer to members by their correct title.

Mr K. SMITH — The member for Keilor.

Mr Nardella interjected.

The ACTING SPEAKER (Mr Ingram) — Order! The member for Melton should not interject.

Mr K. SMITH — The member for Keilor had the guts to stand up in this Parliament and raise some of the corruption that was occurring within the Brimbank council and to name people who were involved in that corruption. That actually got the minister moving, and yet he had known about it for over two years — it goes back two and a half, three or four years. It goes back that far. Before the Premier was the Premier — while he was Treasurer — he was made aware of all the problems at Brimbank council. The government did nothing about it because it related to factionalism within the ALP in those areas. That is what it is all about — factionalism in the ALP.

We have seen it happening in local government time and again. As soon as Labor councillors get involved they get directions from outside bodies, which is what

happened with the St Albans branch of the ALP. They get directions on what they should be doing. Instead of acting on behalf of the ratepayers — the people who are paying them — they are acting for a small corps of people who think they do not have to be elected and can make decisions on behalf of all ratepayers. That is not the way it works.

The Ombudsman came out with his report in June. It eventually led to the minister making a decision to put somebody in there to follow up on the new council. What the Ombudsman said about this council was a disgrace. He said what that council had been getting up to over a period of time was a disgrace. People from outside the council were feathering their nests from decisions that were made by councils and councillors who they had directed to make decisions that suited them. The minister, to his credit, put somebody in there — Bill Scales — to investigate the matter. I was interested in Bill Scales's letter, which is the prelude to the report.

In his letter Bill Scales wrote that his first report covered from 11 May to 11 June. I ask the minister whether a copy of that was given to us here in the Parliament. I do not think it was. I wonder what was suggested by Bill Scales at that particular time? I wonder what direction or advice he may have given the minister and why it was not tabled in the house?

The second report covers the period from 12 June until the minister tabled the report in September. That report showed that some of what the new council got up to was appalling — this is not the old council. One councillor attempted to inappropriately intervene in an issue with a council. Another four councillors acted inappropriately in relation to their responsibilities as councillors. Three councillors had inappropriately contacted council staff to have things changed. One councillor confused his private commercial activities with his public responsibilities as a councillor. At worst he attempted to use his elected position as a councillor to advance his personal business interests. This is appalling, from a council that had been replaced and was then being investigated or watched over by somebody who had been appointed by the minister. This is Bill Scales's report on what he found in the short period of time he was there. What a disgraceful council! I cry for the money that has gone out there.

Mr Nardella — Cry!

Mr K. SMITH — I would not cry for you, Don.

The ACTING SPEAKER (Mr Ingram) — Order! The member for Melton should not interject.

Mr K. SMITH — I understand I should not refer to him as 'Don'. It should have been Donny Boy!

The ACTING SPEAKER (Mr Ingram) — Order! The member, through the Chair!

Mr K. SMITH — I weep when I think of the money that has been wasted out there by councillors who are just doing the bidding of the ALP in that area. I really do weep for the people in that area. I just say thank God for people like the members of the Sunshine Residents and Ratepayers Association, who at one stage were banned from going to council meetings because they asked hard questions of the council. They had every right to be there. They were paying the salaries of the councillors, and they were paying the rates. They should have been able to ask questions if they were unhappy.

I am pleased the minister has put Bill Scales in there, but I am disappointed that he came up with a report that has brought about the bill that is before the house, through which we are going to dismiss the council. In fact the minister is going to appoint three administrators. I hope those administrators are not politically motivated administrators. We will see at the time.

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

Mrs MADDIGAN (Essendon) — It is a pleasure to rise to support the Local Government (Brimbank City Council) Bill. At the outset let me say what an interesting and educational experience it has been listening to the debate, particularly the comments from the opposition. I am a little curious about the approach of opposition members to this bill. They say they do not support it — in their very neat way, using 'neat' in the original sense — and that they do not oppose it. I have been listening to find out why they would not support the bill. I have heard most of the comments from the members. They have attacked western suburbs councils all over the place, regardless of knowing anything about them. They have attacked any Labor member who has ever been a councillor in the past, now and presumably in the future, and they have given a few whacks to incidental people along the way.

Why would they not support a bill that brings that forward? I listened to the debate very carefully, and the only interesting thing I picked up was something said by the member for Mornington. The member for Mornington is the shadow parliamentary secretary for local government. He made a very interesting point when he was making his contribution to the debate on

the bill — that is, that opposition members do not support the bill but do not oppose it — when he suggested that council elections should be on the same day as the state election. I was a little confused, because I did not know it was Liberal Party policy that council elections should be held on the same day as state elections. I would think that probably a number of councillors of all political persuasions would have a great deal of difficulty with that as a proposition to go forward with into the future. I was surprised by that.

I am also surprised at comments made by the member for Bass, who said he thought Brimbank City Council was disgraceful, and yet in the same sentence he said he does not support the bill but does not oppose it. I think it is very peculiar. What do opposition members not support? Is it that they do not support the government accepting every recommendation of the Ombudsman and the municipal inspector? What is the point? What do they not support? It seems odd to me that there is confusion among opposition members about what their position is.

Coming to this bill, I would have thought the opposition would support it, particularly when many opposition members have commented on the bill. This is a very sensible bill. The government has done the appropriate thing. It has discussed the matter with the Ombudsman, the Ombudsman has made a report and the government quite rightly has accepted every recommendation. I am not quite sure what else a government is supposed to do, except accept the recommendations of the Ombudsman, unless of course the opposition is saying the government should not have accepted the Ombudsman's recommendations. Opposition members seem to be saying that we should have done something different to what the Ombudsman suggested.

Obviously the whole point of the Ombudsman's report was that the new council should be given the opportunity to see if it could operate in a manner that went along with the Local Government Act. It seems to me it would be very unfair to sack people who have only just been elected, not allowing them the opportunity to put themselves forward and operate for the council. But then after a further investigation ordered by the Minister for Local Government, a further recommendation came through from the inspector of municipal administration, and the government accepted that. What else could one ask for?

Mr INGRAM (Gippsland East) — I rise to speak on the Local Government (Brimbank City Council) Bill 2009. Many members have said they are proud to speak on this bill, but I am not necessarily proud to do so.

This bill comes after a fairly disappointing process that highlights what happens when a level of government goes wrong for some reason, and that has been well discussed in here and by the public. The history of the dysfunctional and inappropriate behaviour of the Brimbank City Council has made its way into this Parliament on a number of occasions.

There have been two reports. The Ombudsman's report earlier this year made quite interesting reading. Like many members of this place I sat down and read it shaking my head. There was a new scandal or issue on just about every page. While clearly the issues in the subsequent inspector's report were not as serious as those in the Ombudsman's report, the inspector's report acknowledged that some of the systems and practices of the council had not improved to a level where the inspector could say with confidence that the problems that were there before would not eventuate again, so it quite clearly recommended that the council should be dismissed and administrators put in place.

That is a decision that should not be taken lightly. There have been a number of discussions about why the council was not sacked after the Ombudsman's report. One of the challenges with these types of investigations is that they take a lengthy period, and there is a delay from the initial reporting to the investigation, the outcome of which often comes after a council has gone through an election process. It would arguably be inappropriate to dismiss a new council once a report had identified problems and steps were in place to try to improve practices.

Unfortunately in this case that did not occur. The state government is one level of government and it should not interfere with another independent level of government, but there have to be measures in place to ensure that councils follow proper accountability and probity practices. A number of councils have had a range of different investigations, not just Brimbank. Some investigations have come from this place, and the reports of the Ombudsman normally end up here. The Shire of East Gippsland had some issues not that long ago where inappropriate behaviour was identified and reported by the Ombudsman, but that council was not dismissed. Many of the people involved were no longer on council by the time the report was tabled in the Parliament, but there were serious probity issues identified in the report to this Parliament.

We have seen other cases where councils have been stood down. It is not a decision we should take lightly, and it is not one that this Parliament should take often. A number of people on both sides of this debate seem to be looking through rose-coloured glasses. Some

members on the opposition side of the chamber think everything looks fine, but under the previous government all councils across the state were dismissed, and many of them were well-functioning local governments. I stand by the comments I made on a number of occasions, that the dismissal of local government at that time was a large part of the reason the Kennett government suffered such a large setback in regional areas. Because people had access to local government, the dismissal of local government was a very damaging process that damaged the government's vote right across the area.

Likewise, a number of members on the government side seem to think this bill will fix all the behaviours that have been identified as occurring in Brimbank and other councils. It does not fix it all, and further measures need to be put in place. We have recently had some discussions on other legislation which will deal with some of the potential conflicts that could occur.

I support the legislation. It is important when we get recommendations from the Ombudsman and from local government inspectors that we do what we are advised. If we have evidence that the issues that led to the original Ombudsman's report have not been addressed, we should try to fix it. We need administrators in place in this case, and then council should be allowed to set up the right processes and probity checks. Hopefully we will then get a new council at some stage down the track. We need to make sure that we improve the governance arrangements and the outcomes for the communities that those councils represent, because that is what we are here to do. We are here to try to put in place the rules that govern local government and make the best local government for the ratepayers, who are ultimately the people we are trying to protect in this place through legislation like this. I commend the bill to the house.

Mr WELLS (Scoresby) — I join the debate on the Local Government (Brimbank City Council) Bill 2009 and state that our position is that we do not oppose the bill. The member for Essendon asked why we do not support the bill. The reason we do not support the bill is that we do not trust the government. For many months we have been calling for Brimbank City Council to be sacked. It has not been sacked because of factional problems within the Labor Party. We have this dilemma where the factions have been pushing each other around. The Minister for Local Government would not sack the council, and yet this has been going on for months and running into years.

There is no doubt that we want to know who the administrators are, because how can we come into this

place, hand on heart, and support the bill when we do not know who the administrators are? If they are Labor Party hacks, how can we possibly support the piece of legislation before us? Maybe the minister in his summary will announce who the three administrators are, and once we know who they are we may have a different approach to this bill, but as we do not know, our stance is that we do not oppose it.

The Brimbank council has been sacked. There is no question that there is a smell about it and about Labor Party involvement in influencing the council. There were lots of dodgy deals, standover tactics and a huge effort put in by the Labor Party to cover up this saga. I want to know at what point the Minister for Planning, Justin Madden, will be investigated. That is the bit I do not understand in all this. We tried to do it through the Public Accounts and Estimates Committee (PAEC) process, but even though we were given an assurance by the Premier on the Neil Mitchell program the day before that the minister would be accountable to the Public Accounts and Estimates Committee and would answer any questions we wanted, when we got to the hearing we were restricted strictly to the forward estimates period. When it came to asking the Minister for Planning about his involvement in the dodgy deals that went on in Brimbank Council we were restricted.

Mr Stensholt interjected.

Mr WELLS — We had a difficult situation — and I take up the point the member for Burwood, as chairman of the Public Accounts and Estimates Committee, makes. No, there was a difficult situation. We had the Premier on the one hand telling us that the Minister for Planning would be fully accountable to PAEC, and in an interview the Premier gave us that assurance; on the other hand, when we went into the hearing we had the chairman of PAEC restricting us to the public accounts and the forward estimates. We had that situation. We wanted to know the role that the Minister for Planning — —

Ms D'Ambrosio — On a point of order, Acting Speaker, the member is straying far from the bill, and I would ask you to bring him back to it. His contribution is fairly much irrelevant to the bill.

Mr WELLS — On the point of order, Acting Speaker, the point I am making is that we wanted to know what involvement the Minister for Planning, who was the local member in that area, had in the dodgy deals and corruption within Brimbank. I ask you to rule the point of order out of order.

Mr Stensholt — On the point of order, Acting Speaker, I support the point of order. The bill is about local government arrangements. It is not about what happens in the Public Accounts and Estimates Committee. The Public Accounts and Estimates Committee deals with estimates; it does not deal with other matters. I am sure the deputy chair of the committee knows as well as the chair that we deal with the estimates. The Premier said that we could ask any questions of the minister about the estimates and that he would answer questions about the estimates. The member for Scoresby knows full well that PAEC is not a fishing expedition; it is a matter of asking questions about the estimates. I suggest that the member for Scoresby read the act and read the objectives of the committee.

Mrs Fyffe — On the point of order, Acting Speaker, I have been following this debate with great interest. This is something that affects all of us in this house — that is, dealing with councils. The debate today has been very wide ranging, and the member for Scoresby has not strayed any further than any other contributor from either side of this house has strayed on the debate. I ask you to rule the point of order out of order.

Mr WELLS — Can we stop the clock?

Mr Wynne — On the point of order, Acting Speaker, I do not want to suspend the time of the member for Scoresby. All I will say is that the debate has been quite contained to the extent of the bill and not to the Public Accounts and Estimates Committee or the position of ministers in the other house. I ask you to draw the member in his contribution back to the bill at hand.

The ACTING SPEAKER (Dr Harkness) — Order! Notwithstanding that there has been wide-ranging debate, I ask the member to restrict his comments as closely as possible to the bill at hand.

Mr WELLS — Thank you for that guidance. At the end of the day this is about the Labor Party and the corruption in Brimbank. There is a real smell about it, which involves Labor Party members. It involves the Minister for Planning, Justin Madden. What we want to know is: when did the Minister for Planning know what was going on in his electorate office with Hakki Suleyman? We asked the question: at what point did the minister know what was going on in his electorate office with regard to dodgy deals and standover tactics with the Brimbank council? Do you know what the Minister for Planning said? He said, 'I only found out about it when the Ombudsman's report came out'. No-one in their right mind could possibly believe that

in a pink fit, but he was trying to tell us that once he had read the Ombudsman's report he knew. My understanding is that he had been the local member there for about seven years, and my understanding is also that Hakki Suleyman worked with him for a number of those years, so I dispute what the minister said.

We also asked the Minister for Planning what was the involvement of Hakki Suleyman in inappropriately influencing the Keilor Park Reserve planning issue? Do you know what it boiled down to? There was an ALP preselection dispute, and to try to work out another dodgy deal the Labor Party was going to have Hakki Suleyman inappropriately influence the Keilor Park Reserve decision at the Brimbank council. It does not make any sense.

The next point we put to the minister was the issue of 76–78 Biggs Street, St Albans, being used free of charge by the Maribyrnong North Turkish branch of the ALP. How can you possibly have the situation where Hakki Suleyman is working for the Minister for Planning, Justin Madden, and 76–78 Biggs Street, St Albans, is being used free of charge by a branch of the Labor Party? Imagine for one second that it was a branch of the Greens, a branch of The Nationals or a branch of the Liberal Party: the amount of screaming from the other side would have been phenomenal. But because it was the ALP's own problem, it tried to shut it down as quickly as possible and get the spin out.

What about the issue at Brimbank council regarding a soccer club at Cairnlea Park? Once again, Hakki Suleyman in the Minister for Planning's office was involved in inappropriately influencing decisions around Cairnlea Park's soccer club. Then we had the Sunshine Pool planning issue. But when it came to getting any answers from the minister, they were not forthcoming. No! This is all about a smell surrounding the Labor Party and a smell surrounding Brimbank council. The reason we are not supporting this bill is that we do not trust the Labor Party.

Mr WYNNE (Minister for Local Government) — In summary, I thank members for their contribution today. I acknowledge the cooperation of the shadow Minister for Local Government in bringing this bill on expeditiously. It was important to us, and I thank the opposition parties more generally. We think it is important that we get this bill into the upper house as soon as possible. We would seek to negotiate a similar outcome in the upper house and have the bill dealt with expeditiously, because it is important to put in place administrators to run the Brimbank council going forward.

When he took on the job of monitoring the council, Mr Scales indicated that he was not in a position to be able to take on any further duties on a full-time basis as a potential administrator going forward, but he was prepared to take on interregnum — between the suspension and the subsequent passing of the bill through the house — the position of administrator.

I want to draw the attention of the house to some of the history, because by any measure I think it is fair to submit to the house that over the last couple of years the government has put in place the broadest and most robust local governance framework of any state in Australia. I remind the house of the Ombudsman's report of mid-last year, when the Ombudsman tabled a report in the Parliament which dealt specifically with the questions of conflict of interest and his concern about the need to further clarify the conflict-of-interest provisions. The house will recall that we acted upon that report, and after extensive consultation, including with the opposition, we noted a need for broadened and clearer conflict-of-interest provisions, and they went through this Parliament in November of last year.

Of course, the provisions included the new conduct panels for councils to deal with inappropriate behaviour by elected representatives at the local level, and in the most extreme and gross examples of misconduct those matters could be brought before the Victorian Civil and Administrative Tribunal. The councillor going before the tribunal could potentially be suspended for a period. The conduct provisions were supported by both sides of the Parliament and were, I think, a very good response to the broad consultation that was put in place by the government in constructing its response to the Ombudsman's report.

I remind the house of the Local Government Amendments (Offences and Other Matters) Bill, which is currently before the upper house and which will modernise the penalties in the act, some of which have not been reviewed since 1989. The Local Government Amendment (Conflicting Duties) Bill has passed through the Parliament, and again that was in response to the Ombudsman's recommendations in relation to the Brimbank council matter. All of the councillors who found themselves in a conflicted situation have in fact now resolved those matters. I am advised by my department that two councillors have chosen to stand down from their respective councils. Their positions will be dealt with by way of countback.

I can also indicate to the house, as I have during question time on a previous occasion, that the government has considerably strengthened its investigations and compliance unit so that it has

become a stand-alone business unit which reports directly to the secretary of my department. We think it is important to have a strengthened investigations and compliance unit. It will have 12 officers, and I am pleased to say that we have managed to recruit some staff from the Ombudsman's office; I think in the first instance on transfer. Also senior officers, formerly from Victoria Police, have come into the unit. This sends a clear and unambiguous message to local government more generally that we have put in place — in my view — the best framework of any state in Australia, and we have a very strong investigations and compliance unit to deal with any breaches of the Local Government Act going forward.

In relation to the bill itself, members have canvassed more broadly the matters that have arisen from the Ombudsman's report. In turning to those matters I indicate to the house that the government was investigating Brimbank prior to the Ombudsman's investigations.

Mr K. Smith interjected.

Mr WYNNE — That is simply a statement of fact. The government was in fact investigating at Brimbank prior to the Ombudsman's investigations. On the advice of the Ombudsman we handed over all of our investigatory material to the Ombudsman, as you would expect us to do — —

Mrs Powell interjected.

Mr WYNNE — No, first time. The Ombudsman's report speaks for itself. It is clear that the behaviours that were reported in relation to that report bring great shame to the Brimbank council, because those behaviours were completely unacceptable. The report of the Ombudsman and all of his recommendations were adopted in full by the government, and I remind the house that at that point the Ombudsman did not recommend the dismissal of the Brimbank council.

I remind the house also that the investigations of the Ombudsman were of the previous council, because there was a change of council in the interregnum, in November 2008, while the report was being dealt with. The recommendation of the Ombudsman was that a monitor needed to be appointed, as the member for Bass indicated. We appointed a monitor to look at the question of whether the behaviours that were reported through the Ombudsman's investigation had continued, and that if the monitor was of the view that that behaviour continued in the council, the minister should consider in the first instance suspending the council and ultimately considering the question of the dismissal of

the council. Guess what? That is in fact exactly what I did.

There is not a person in this chamber who could for one moment not suggest that we appointed perhaps the finest public servant in this state to undertake the monitoring role — —

Mr K. Smith interjected.

The ACTING SPEAKER (Dr Harkness) — Order! The interjections from the member for Bass are far too loud.

Mr WYNNE — Mr Scales undertook that role for a period of three months, and it was in that three-month period that he arrived reluctantly at his recommendations — and the report speaks for itself. He felt there was no other course of action he could take but to recommend to me the suspension and ultimately the dismissal of the council, and of course that is what we did. By order in council we suspended the council. We brought the bill which will provide for the dismissal of the council into the house as quickly as possible, and again I thank the opposition for its support for that, and we are debating it.

I indicate and clarify yet again for the member for Shepparton and for speakers on the other side of the house, the second-reading speech is absolutely clear and unambiguous in that we will be appointing three administrators to administer this council for the next three years.

Mrs Fyffe interjected.

Mr WYNNE — The member opposite interjects and asks if they will be non-political. I think there can be great confidence that we will appoint people who will discharge their duties in the interests of the people of Brimbank — —

Honourable members interjecting.

The ACTING SPEAKER (Dr Harkness) — Order! The members for Bass and Hastings and the Minister for Agriculture will not interject in that manner!

Mr WYNNE — Those people who will be appointed will have no political affiliations whatsoever.

The second-reading speech is clear and unambiguous on these matters. I indicate to the member for Shepparton that the second-reading speech, as she knows, is relied upon if matters are subsequently referred to the courts for interpretation purposes and

that the second-reading speech is, in fact, a base document that is looked upon by courts as to the meaning and interpretation of a particular bill. It is fundamental. I do not quite know what that is about except that I have made it clear to the member for Shepparton on a couple of occasions, in conversation and I again say it here in the Parliament, that we will be appointing three administrators to the task for the next three years.

A question was raised in relation to the first report of Mr Scales, the report covering 11 May to 11 June. Essentially that was a process report in which he indicated the activities he had been engaged in during the first months of his work. That report is available on the Local Government Victoria website.

Mrs Powell — Since when?

Mr WYNNE — It has been available since 15 September, the day the second report was tabled. It is available and has been available now for some weeks. I do not know what the imputation in that was, but that report is open and available. Members will find that it is a process report which indicates what Mr Scales was up to in the first few weeks of his commission in overseeing the council's activities.

For this side of politics — and here I speak for myself, as someone who has come from a local government background, somebody who has had the honour of representing people in the great city of Melbourne and had the opportunity to hold the highest local government position available — —

Mr K. Smith interjected.

Mr WYNNE — Are you finished? Stop being a fool. Get serious about it!

I have had the opportunity of being the lord mayor of this great city of Melbourne. I did not come easily to this decision to sack this council. It is not a decision one makes easily, to say we are going to take away the democratic rights of a community, which is a very, very serious — —

Mr K. Smith interjected.

The ACTING SPEAKER (Dr Harkness) — Order! The member for Bass has had his opportunity to speak and he will not interject in that loud manner.

Mr WYNNE — It was not easy to make that decision to sack a council. The decision was one that had to be taken because the evidence was overwhelming. The independent advice was provided

to me by Mr Scales and was of a high standard and came from a person of high standing in the Victorian community. Mr Scales has tried very hard to look at that council in an objective way. He reached the conclusion that good governance was not being served by the continuation of that elected council and that we needed a period of time to break down this culture and to give the council the opportunity to regain community confidence. This community confidence in an elected council will be put in place under this bill along with the full cycle of council elections in November 2012.

Subject to the bill being passed in Parliament, we will have the administrators in place hopefully by mid-November, which will be a very important message. It is an onerous task that the administrators will have to take on for a three-year period, but I am confident that we will find administrators of standing who will very much look after the interests of the council and the community of Brimbank going forward.

Motion agreed to.

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

Third reading

Motion agreed to.

Read third time.

SENTENCING AMENDMENT BILL

Second reading

Debate resumed from 17 September; motion of Mr HULLS (Attorney-General).

Mr CLARK (Box Hill) — The Sentencing Amendment Bill 2009 is a bill to require that a court must have regard to a motivation of hatred or prejudice against a group of people in sentencing an offender. The bill does this by inserting into section 5(2) of the Sentencing Act 1991 the following paragraph as one of the matters the court must have regard to in sentencing an offender:

(daaa) whether the offence was motivated (wholly or partly) by hatred for or prejudice against a group of people with common characteristics with which the victim was associated or with which the offender believed the victim was associated.

The Liberal Party and The Nationals support this bill. We support it not necessarily for the reasons the

government announced it or introduced it and certainly not in the belief that it goes anywhere near being enough to tackle the ever-increasing levels of violence on Melbourne streets. However, we support it for the reasons I will give.

The Liberal Party and The Nationals believe in justice for all and in the equality of all before the law. We believe that everyone who lives in or visits Victoria should be able to walk the streets and live their lives without fear of violence or other crime, regardless of their race, religion or background. We also believe that Victorians are entitled to expect that in order to protect their safety their government will ensure that there is a zero tolerance approach to violent crime, that there are sufficient police on the streets to uphold the law and that there is strong and effective sentencing.

The Brumby government has manifestly failed in its responsibilities in these regards, leaving judges to cope with an increasingly inadequate and ineffective sentencing regime, as was the case when it came to the recent sentencing of the ringleader of a particularly horrific and tragic gang attack that led to the untimely death of a young university lecturer from Victoria University, leaving his wife without a husband and his daughter without a father.

Nonetheless, as Justice David Harper rightly said in passing sentence in the case, and I quote:

Everyone in this city, in this state, and in this country — visitors, students, residents, everyone, whatever their race or gender or beliefs — has the right to walk its streets without fear. This is a fundamental right, one which all of us are entitled to take for granted. It is a necessary element of any decent community. You have flouted that right. You have added to the level of community fear, and fear is a particularly corrosive force. You have therefore diminished the quality of life of us all. You must pay the price.

Crimes that attack a person because of a recognised group characteristic can have a particularly harmful effect, not only on the direct victim but also through the creation of justifiable fear in the minds of other members of the group that they might also be the subject of similar attacks as they go about their lives. Crimes that are overtly motivated by hatred or prejudice against a person's shared beliefs or sense of identity may also be more hurtful to the victim than a similar crime where they may have been a random victim. This can be because the hatred or prejudice adds to the hurtfulness of the crime itself, and also because a prevalent motivation of hatred or prejudice can add to the victim's own fear of being at risk of further similarly motivated crimes in future.

Many of us in this house might never, or only seldom, have found ourselves in the position of being associated with a group that exposes us to a serious ongoing fear of criminal attack. However, for those of us who are Caucasians, we need only imagine the situation if we were to live in another part of the world where Caucasians were in a minority and where the young thugs of the town got it into their heads that it was cool or fun or the expected thing to do to taunt, abuse or bash anyone who was white, or vandalise their homes or other property. We can readily imagine that even if we were not the direct victim of such an attack, we would spend our lives in ongoing fear of attack not only for ourselves but for our spouse, our children and our other loved ones. We would look to the authorities where we were living to protect us, to have police act vigilantly against such racially motivated crimes and to have penalties for offenders that sent a clear message that such racially motivated crimes would not be tolerated. It should be likewise in Victoria.

When crimes against a person because of a group characteristic have those particularly harmful effects, it is appropriate that such crimes receive a particularly strong sentence. Such sentences are needed in order to reflect community denunciation of that type of conduct, to deter that offender and other like-minded potential offenders, to protect the community from that offender and through this, in appropriate circumstances, to reassure members of the group who might be in fear of future attacks that the community as a whole upholds their right to be protected from crimes against them.

We believe that the recommendations of the Sentencing Advisory Council, which are given effect by the bill, allow for these principles to be confirmed in legislation while avoiding the problems that may have been created by some other possible approaches. The bill in fact codifies what the law already permits and requires, as paragraphs B.1 to B.7 of the Sentencing Advisory Council report and the cases cited therein make clear. Codifying the existing law serves the worthwhile purpose of putting beyond doubt, and emphasising to persons who feel exposed to crimes motivated by group hatred or prejudice, that the community deplors such crimes and that sentencing criteria are available to play their part in deterring such crime and protecting against those who commit these crimes. In other words, the bill, in the terms recommended by the Sentencing Advisory Council, is about dealing with those cases of criminal conduct that have a particularly hurtful impact on victims or other members of the community.

In a similar way the Parliament has in the past, both in 1994 and 2005, codified into section 5(2) of the Sentencing Act requirements to take into account

various aspects of the effect of the crime on the victim, something that was already relevant at common law but which it was beneficial to codify. The fact that, other things being equal, we would expect a harsher punishment to be applied to a crime against a young child, for example, because of the trauma and violation of trust and innocence involved, is in no way inconsistent with the principle of equality before the law.

We believe that the Sentencing Advisory Council has in fact saved the Attorney-General from a very dangerous direction in which he appeared to be heading when he first announced an intention to legislate, a direction which in fact risked creating division and disharmony and giving the impression that some groups in the community enjoyed greater protection from the law than did other groups or ordinary citizens.

In accordance with the Sentencing Advisory Council's recommendation, the bill does not single out particular groups for protection but instead applies whenever hatred for or prejudice against a group with common characteristics with which the victim is associated is involved. In other words, the same sentencing principle will apply to all groups whether they be groups often featured in public discussion or any other group.

I take for example a situation referred to by Cardinal George Pell in his address to the Oxford University Newman Society on 6 March this year which was entitled 'Varieties of intolerance — religious and secular' in which he spoke of the aftermath of the Californian referendum on proposition 8 in November 2008, a proposition which defined marriage as being the union only of a man and a woman. Cardinal Pell referred to the fact that there had been assaults and death threats against supporters of proposition 8, and vandalism and intimidation at Mormon temples and Catholic and evangelical churches.

The law before us today would apply just as much to those who attacked those who supported proposition 8 as it would apply to anyone who attacked opponents of proposition 8. In a Victorian context the law will apply just as much to those who engaged in violent criminal conduct against workers on the West Gate Bridge as it would apply to anyone who committed a criminal act against a person because they were a trade unionist. Likewise, it will apply in cases of violent crime by persons of any race against persons of any other race where that crime is motivated by racial hatred or prejudice. It is thus unfortunate that the Sentencing Advisory Council said at paragraph E.4 of its report:

The council takes the view that courts are best placed to identify and develop the groups to which the aggravating factors should apply on a case-by-case basis.

With all respect to members of the council, the proposed law is clearly intended — for the reasons that I have given and as other parts of the Sentencing Advisory Council's own report point out — to apply in relation to all groups, and any suggestion that the bill does or should require the courts to develop an approved list of groups to which the law is to apply, with the law not to extend similar protection in similar circumstances to other groups, is to be deeply deplored. Rather, it would be correct to say that the courts will over time need to work out the details of the manner of the application of the criterion to various types of circumstances, including the weight to be attached to the criterion in the bill in various types of circumstances. It has to be recognised that because the criterion will apply in relation to any group it will be triggered by a wider range of circumstances beyond those that might most obviously be contemplated.

For example, it will be triggered if members of a bikie gang murder or assault members of a rival gang due to hatred of the other gang. It will also be triggered if prisoners bash another prisoner because that other prisoner is known or suspected to be a paedophile. There will also be instances where attacks are motivated in whole or in part by hatred or prejudice on the part of an individual offender that is either unique or near unique to the offender concerned. To give some examples which hopefully are purely hypothetical, there could be assaults or vandalism motivated by the fact that the victim was a cat lover or a china ornament collector or a jogger.

Then there is another category of cases where there may well be attacks that are unfortunately more than purely hypothetical, even though they might not fall into groups that would be most readily contemplated. By way of example I refer to the possibility of attacks on people triggered in part because of the football team that they support or, as reportedly occurred in the United States at the height of the fear about a global economic crisis, attacks on people because of their employer where their employer had received rescue funds from US authorities. In dealing with this wide range of circumstances that can trigger the provision, the courts should — and I expect will — apply this new criterion in accordance with established sentencing principles and having regard to the purposes of the amendment and the rationale that I have discussed as to the circumstances in which a more severe punishment for a crime motivated by a group characteristic is justified. In other words, the fact that group hatred or

prejudice is involved in an offence does not alter the court's discretion as to the weight, if any, that the court ends up giving to that factor.

It does not mean, for example, that someone who bashes a member of a rival bikie gang must receive a harsher punishment than they would receive for inflicting similar injuries on an innocent member of the public. To take another example, there might be an attack that is motivated by a near-random obsession of an individual offender in relation to their hatred of or prejudice towards a particular group characteristic. The consequence of instilling ongoing fear in members of that group may be less than where there is a series of widespread attacks on members of that group. However, even in that case there may still be some element of fear of future attacks by that individual offender on other group members and there may still be elements of denigration of the individual victim based on their group association. In cases of more widespread attacks on people, motivated by association with a particular group, it may be that the weight the court will place on that criterion will vary in part with the prevalence of that particular motivation and therefore with the importance of deterring attacks made with that sort of motivation.

The Law Institute of Victoria has suggested in correspondence with me, and I gather it has raised a similar point with the government, that it would better if the amendment commenced with the words 'the degree, if any, to which the offence was motivated by hatred or prejudice'. The institute makes that argument because it is fearful that the amendment as worded would make it mandatory that some additional penalty be applied if the relevant motivation was involved, to whatever extent it may be involved and however small that extent may be.

However, the departmental officer who briefed the opposition on the bill indicated that it would be open to the court to conclude, after having had regard to the criterion in a case where regard was required to be had to the criterion, that the criterion would not in that case result in any consequence for that sentence. In other words, it remains completely open to the court as to what weight it attaches to the criterion, including in some cases to decide that it does not have any consequence at all. It seems to me that that view is correct and that if it is correct, that will allay the concern of the law institute. However, to help resolve the law institute's concern I think it would be desirable for the Attorney-General to confirm the department's view of the provision on the record in the course of the debate on the bill.

It is also important to make clear that the bill relates to the nature and extent of the punishment to be applied for existing crimes. The bill does not create a new category of offences, either by separately defining existing offences as being liable to specified higher sentences where an element of hate or prejudice is involved or by creating a new type of sentence based on so-called 'hate speech'. The latter approach in particular can easily turn into a recipe for intolerance and censorship of public debate, as overseas experience has unfortunately shown. A move to adopt laws along those lines can all too easily and rapidly move away from Voltaire's maxim that one may disagree with what you have to say but defend to the death your right to say it.

It has proven far too easy for dominant groups to use such laws to seek to gag those with whom they disagree rather than address and respond to their arguments. A civilised society can and should distinguish between cases such as obscene or vile hate mail stuffed into the victim's letterbox, which should be banned and punished, and on the other hand propositions, advocacy and commentary about the merits of various moral, ethical, religious or social policy issues which should be protected under Voltaire's maxim regardless of how strongly one might disagree with what is being said. It is unclear from the expression 'hate crime' as to which of these various possible types of situation is being referred to, and for that reason it would seem preferable for people to use a more specific term to indicate what they are intending to refer to in any particular context.

Another issue that arises in relation to the bill is its application by force of clause 4 of the bill to sentences that are imposed after the commencement of the amendments regardless of when the relevant offence was committed. This raises the issue of whether the operation of the law is retroactive in violation both of general principle and of section 27(2) of the Charter of Human Rights and Responsibilities Act 2006. That subsection provides:

A penalty must not be imposed on any person for a criminal offence that is greater than the penalty that applied to the offence when it was committed.

The statement of compatibility for the bill gives two justifications for clause 4. The first justification is that the amendment simply reinforces existing sentencing practice without changing the sentencing court's discretion. The second justification is that the prohibition against retroactive imposition of greater penalties applies only to maximum penalties, as allegedly reflected in Australian and international jurisprudence. I have to say that the second justification smacks yet again of George Orwell's *Animal Farm* and

of the pigs at work at night with a bucket of whitewash on the rights written up on the farmyard wall, as occurs far too often under the current government. On the other hand, the first justification is a further confirmation that the government accepts that the bill codifies rather than alters the existing law, and on the basis that that is the case it avoids issues arising in relation to clause 4 of the bill.

Members of the Scrutiny of Acts and Regulations Committee, in their usual diligent manner, have been through the bill very carefully and raised similar concerns about the fact that the amendment applies not only to any proceedings commenced after the amendments but to any sentence imposed after the commencement. For example, it will apply even if a guilty plea has previously been lodged or an appeal is under way. The Scrutiny of Acts and Regulations Committee quite rightly raised the question whether or not that creates an infringement of the Charter of Human Rights and Responsibilities Act 2006.

The first of the justifications that I referred to previously will also apply to those concerns, but I think it is fair to say that the form of the transitional provision may raise practical issues which the Attorney-General needs to address. I also raise one other practical caveat, which is whether the procedures that apply for evidence of the relevant motivation to be put before the court will work effectively in practice. On the one hand those mechanisms need to operate so that the necessary evidence will be able to be put to the court and be able to establish beyond reasonable doubt the relevant motivation so the court is able to apply the criterion where it deserves to be applied. On the other hand the legislation needs to operate in practice so as to avoid unintended additional delays in the Victorian court system, particularly given that the court system is already struggling to cope with a growing backlog of cases. The Attorney-General must ensure that the implementation of this amendment does not result in serious unintended and deleterious practical consequences as have resulted from his mishandled implementation of the new sexual offence case procedures in the County Court.

So far what I have had to say relates to the bill itself. I now want to examine the context in which this bill is being introduced. It is no use passing laws such as these if existing laws that should be protecting people against hate-motivated crimes are not being enforced. I refer to the case of Mr Menachem Vorchheimer, who was bashed in what seemed clearly to be a racially motivated attack by a group of footballers, yet he has been put through enormous delays and difficulties in

trying to get any justice for his case, despite it involving a manifest breach of the existing criminal law.

Wherever you look Victoria is suffering from a chronic failure of the Brumby government to actually apply and enforce the existing law, whether it be with taxis, brothels, bouncers, state-supervised accommodation, educational institutions for overseas students, licensed venues, local government corruption, child protection or the racing industry. There is no benefit in Parliament passing new laws if the Brumby government cannot or will not enforce them.

When the government announced its intention on 2 June this year to legislate along the lines that have ended up incorporated in the bill before the house, the proposal was put forward as a key strategy to tackle the growing levels of violence in our community, particularly the spate of horrific attacks against Indian students. The government repeats the claim in the second-reading speech, stating that urgent advice from the Sentencing Advisory Council was sought:

In response to increasing reports of offences that may be racially motivated ...

It should be made completely clear that this legislation will make minimal overall difference to the growing levels of violence in our community, be that violence racially motivated or otherwise. In the face of its abject failure in handling the issue, the government has rolled out a proposal which it had been developing for some time for the limited but worthwhile purpose of responding to concerted hate-motivated attacks against members of the Jewish community and other readily identifiable minorities and has attempted to use that proposal to be seen to be doing something to respond to the wider problem of soaring levels of violent crime across the state.

However, simply announcing or enacting these laws cannot cover up for the government's chronic failure to put more police on the streets and to ensure sentences for all violent crimes are tough enough. The best thing the Brumby government can do to protect both visitors and Victorians alike is to ensure our streets are safe for everyone, and that means more police on the streets and tougher sentences. It is no use having new laws if violent criminals are not being caught in the first place because there are not enough police on the street.

As I have made clear earlier, courts already take into account motivation and hatred in sentencing an offender. The main problem with our existing sentencing regime is that sentences for violent crime are not tough enough across the board. For example, most violent offenders are not even being sent to jail, and

even with regard to people being found guilty of causing serious injury, more than 80 per cent of offenders receive a minimum sentence of two years or less in jail. What the community desperately needs is more police on the streets, a zero tolerance approach to violence and laws that will result in tougher and more effective penalties to protect the community against violent attacks on any member of the community, regardless of their race, religion or background.

Mrs MADDIGAN (Essendon) — I am pleased to rise to support the Sentencing Amendment Bill 2009. I am glad that the opposition is supporting the bill as I believe any fair-minded person in Victoria will support it. It is a continuation of the government's commitment to give everyone in Victoria a fair go. It builds on previous legislation such as the Racial and Religious Tolerance Act 2001 and extends those provisions for people in our community.

The bill follows public statements made by both the Premier and the Attorney-General in May this year. They indicated they would be addressing community concerns about racial and other motivations in offending. The Sentencing Advisory Council once again produced an excellent report. I am most impressed with the work the Sentencing Advisory Council has done since it was set up in 2004. Its reports are always of a high standard. In this report it clearly explains why hate crimes are a new aggravating factor or why they are a more serious offence even though the action may be similar.

I refer to the Sentencing Advisory Council report under the section 'Increased offence seriousness'. The report says:

The fact that an offender was motivated by hatred or prejudice increases the seriousness of the offence that he or she has committed, as compared to similar offences that were not so motivated.

That is a really significant point and perhaps a difficult one to come to grips with. The report goes on to say:

The seriousness will be further compounded where the offender has committed the offence with other people.

The next point is:

The seriousness of a particular offence can be measured by the following two components:

1. The gravity of the offence, that is, the harm caused or risked by the offender's act (or omission).
2. The offender's culpability and degree of responsibility for the offence.

The report continues:

Culpability, or blameworthiness, reflects the extent to which an offender should be held accountable for his or her actions by assessing the offender's intention, awareness and motivation in committing the crime.

The report refers to the European Court of Human Rights and says that in a number of recent decisions this court has:

... emphasised the importance of identifying whether violent offences were motivated by hatred or prejudice ...

Quoting the European Court of Human Rights, the report continues:

when investigating violent incidents ... state authorities have the additional duty to take all reasonable steps to unmask any racist motive and to establish whether or not ethnic hatred or prejudice may have played a role in the events.

The Sentencing Advisory Council's report continues:

Where it is established that an offender was motivated (wholly or partially) by hatred or prejudice, it is likely that the sentencing court will find that both the harm caused by the offender and the degree of the offender's culpability are greater than if the offence had not been motivated in this way.

This bill really is quite a significant step and in some ways puts quite considerable responsibility back onto judges and courts in terms of assessing the sorts of sentences that should be handed out for these types of offences. The bill highlights community condemnation of crimes motivated by prejudice and recognises the increased culpability of offenders who are motivated by these prejudices.

The substantive amendment inserts a new paragraph into the Sentencing Act 1991, section 5(2) of which lists the factors a court is required to have regard to when sentencing an offender. The new paragraph specifies that the court is required to have regard to whether an offence was motivated by hatred or prejudice against a group of people with common characteristics with which the victim was associated or with which the offender believed the victim was associated.

The amendment reinforces current sentencing practices. Existing principles require that the courts take into account the nature and gravity of the offence, the offender's culpability and the impact of the offence on victims in determining sentence. The amendment does not fetter judicial discretion. As I mentioned, it is still up to judges to decide what is the most appropriate sentence for these offenders, taking into account the provisions of this bill.

In terms of the community at large, Victorians are very keen that everyone should have the right to the same level of justice and to be treated with the same level of respect, and this bill is a way for the government to reaffirm its view that Victoria is there for all Victorians, regardless of what their background is, what group they belong to or what areas of life they might be involved in. The member for Box Hill very clearly outlined some of the instances where actions would be covered by this bill.

In relation to an increased court and legal workload that the member for Box Hill also mentioned, the amendment in fact cannot increase the workload because it is not actually changing the process; it is just changing the sentencing. It should not have a significant effect on judges' work.

Another thing that is really important is that it gives victims of hate crimes some comfort in knowing that these hate crimes will not be tolerated. This may reassure victims that the offender's motivations were appropriately taken into consideration and may reassure other members of the same group with common characteristics that these types of crimes are not tolerated. I think there are people in the community who experience crimes of hate and who do not report them to police, thinking that no action will be taken. This bill sends a very strong message to the community that the government is serious about treating people fairly. That is of course one of the reasons the bill was brought on quickly.

The bill covers some other areas which are of concern to the community. The substantive amendment is intended to promote protection of groups of people with common characteristics such as groups characterised by religious affiliation, racial or cultural origin, sexual orientation, sex or gender identity, age impairments that come within the meaning of the Equal Opportunity Act or homelessness. It also applies to victims associated with those groups in the broadest sense. This includes not only members of those groups but also a good Samaritan coming to the assistance of a member of such a group during an offence, an advocate or a lobbyist for the group, someone in employment related to the group or a family member or acquaintance of a member of such a group who is victimised due to hatred or practice against the group. So the provision is very broad, and I think the community will appreciate that.

The provision may also apply to offences against property not owned by the victim, such as in the instance of graffiti that is motivated by hatred or prejudice against the relevant group. As I said, it is

really quite broad. It has been strongly supported by groups such as the Victorian Equal Opportunity and Human Rights Commission, the Jewish Community Council of Victoria, the State Zionist Council of Victoria, the Ethnic Communities Councils of Victoria and gay and lesbian groups among other community groups.

In relation to ensuring that laws are enforced, I would just like to say that in my electorate of Essendon there is a much more widely visible presence of police now than when I was elected in 1996.

Dr Sykes interjected.

Mrs MADDIGAN — Since we came into government the number of police in Moonee Valley has increased by 12.1 per cent, and that is a fair sort of increase. That is of course apart from other police working in regional and divisional operations roles such as intelligence, crime and trafficking, tasking units, task forces, child abuse units and proactive policing programs.

What has the result been of that? The result has been a significant decrease in crime. Since 2000–01 the crime rate in the Moonee Valley police service area has fallen by 23.2 per cent. That is almost one-quarter of the crime that had been occurring during the previous decade. That is really significant. There are more police, and the community is certainly well aware of it.

Perhaps the member for Benalla does not walk down Puckle Street very much, but if he were to walk down Puckle Street on a fairly regular basis he would see very visible police patrols in the community. Their presence is not only in major shopping centres in Moonee Valley but also in residential streets. Members of my community have spoken to me about how reassuring it is to see this increased presence of our police. That links very strongly to our justice portfolio.

I congratulate the Sentencing Advisory Council on its excellent report, and I hope all members speaking on this bill have read it. I am very pleased this bill has been brought before the house and is being supported by all parties, and I look forward to it being passed by the upper house and becoming law.

Dr SYKES (Benalla) — I rise to contribute to debate on the Sentencing Amendment Bill 2009, and I wish to indicate I am certainly not opposing the bill. The purpose of this bill is to amend the Sentencing Act 1991 to provide specifically that in sentencing an offender a court must have regard to whether the offender was motivated by a hatred for or prejudice against a group of people with common characteristics

with which the victim was associated or with which the offender believed the victim was associated.

We have been treated to an outstanding dissection of the technical aspects of the bill by the member for Box Hill. I wish to focus my presentation more on the context relating to the introduction of this bill. In doing so I refer to a research brief prepared by parliamentary services researcher Rachel Macreadie, who I congratulate for pulling together a good overview of the bill and its background.

As has been noted by others, page 2 of the research brief states:

In his second-reading speech the Attorney-General stated that the bill originated from advice received and sought by the government from the Sentencing Advisory Council in response to increasing reports of offences that may be motivated by a hatred or prejudice against certain racial groups.

I emphasise the term ‘may’ because the technical base for the wording ‘may be racially motivated’ seems to be 10 or 15 references listed under the heading ‘Hate crime in Victoria’ on page 6 of the research brief prepared by Rachel. When I look at those references I see that they are media reports and media releases. We have the *Age*, the *Sydney Morning Herald*, the *Herald Sun*, the *Age* again, a media release by the Premier, another media release by the Premier, an ABC report, a media release by Victoria Police and another media release by Victoria Police. With due respect to our media and Victoria Police, these are not what I consider to be peer-reviewed professional publications, and I note that even this presentation of the information in fact contains a view contrary to the suggestion that this crime may be racially motivated in reference 16, in which Victoria Police comments that there is no evidence to support the contention that Indians are targeted. Just to be a little bit technical for a moment, I note that the absence of evidence of a hate crime is not evidence of the absence of a hate crime. We need to be very careful about the facts upon which this legislation is based.

That said, let me make it very clear that I strongly support the principle of every Victorian feeling safe in their home and safe in the street. However, I am raising a concern about how this government goes about the formulation of legislation and regulations, because we have seen in other exercises and so-called ‘evidence-based proposals’ that when we have looked in some detail we have found the evidence to be flawed or incomplete. It would seem to me that this is perhaps another example of incomplete evidence. There is certainly no provision of professionally refereed

publications, and I think it has been noted that a major driver for this legislation is the potentially significant economic impact on the multibillion-dollar overseas student education industry.

I want to reiterate and make it very clear that I support the right for everyone to feel safe on our streets; I am just questioning the approach of this government in relation to this piece of legislation based on the government's form with other pieces of legislation for which the evidence base has been found wanting.

If we then look at the impact of this proposal, the second paragraph on page 2 of the research brief makes the comment that the Attorney-General:

... noted that this amendment would not fetter judicial discretion but rather it 'reinforces the longstanding position that it is relevant for a sentencer to consider antisocial motivations of offenders'.

Further, on page 5 the research paper states:

Nonetheless, media reports have cited the Attorney-General as noting that the proposed further provision will not guarantee that an offender will receive a higher sentence as the additional provision is only a sentence guideline with decisions still left entirely to the judge's discretion.

So people ask, 'Why are we doing this?'. The people who have written to me — and I am sure they have written to other MPs — include Peter Stevens from FamilyVoice Australia, who raised the issue of whether this is an actual advancement of the power of stiffer penalties or window-dressing. Similarly Jenny Stokes from Salt Shakers raised the same question: is it in fact going to have an impact, or is it window-dressing? Both those people, along with all of us I think, want safety and security for everyone. As the member for Box Hill asked, how can we achieve safety and security for everyone if we are raising some doubts about the impact of this proposed legislation? There is a very strong view on this side of politics, contrary to that of the member for Essendon, that there is an insufficient police presence on the streets. Why else would we have police being taken from rural Victoria to go down to the hot spots in the Melbourne central business district to increase temporarily the presence of police on the streets, if there is not a shortfall?

Secondly, what is the government doing about investigating the role of alcohol and drug abuse in the violence and disgraceful behaviour that is being reported repeatedly in the media at the moment? Are police officers enforcing existing legislation in relation to violence? Have they undertaken drug and alcohol testing of the alleged offenders to check whether that is a major issue? If so, are they enforcing the responsible

service of alcohol guidelines? Are the police supporting and encouraging liquor accords? If the government were fair dinkum, these are the fundamental steps that would be taken to protect all Victorians, including those of races other than white Anglo-Saxon people who are part of this country.

If we are fair dinkum, the government should be moving towards tougher implementation and enforcement of existing legislation, looking at the role of alcohol and drug abuse in this and looking at tightening up the provisions for the service of alcohol. As this particular move appears in some ways to be a shift towards tougher sentencing, albeit that it seems to lack teeth, as the member for Box Hill mentioned, we are looking at moving towards minimum sentencing. Hello! That move has been strongly supported and recommended by both the Liberal Party and The Nationals for a long time. If the government is going to be fair dinkum about protecting the wellbeing of all Victorians and all people in Victoria, then let us move to minimum sentencing to deal with these outrageous crimes against people. Let us move to having a situation where all Victorians feel safe, with more police on the street and respect for our police by reintroducing the Police in Schools program so that all members of our community can interact with and respect the police and work with them and respect the blue uniform. Let us have enforcement of existing legislation to the point where I am sure the legislators intended it to be enforced when it was passed through this Parliament.

With those remarks I say: if we are fair dinkum, let us protect the safety of all Victorians by enforcing existing legislation.

Mr SCOTT (Preston) — It gives me great pleasure to rise to support the Sentencing Amendment Bill 2009. As has been stated by previous speakers, the purpose of this bill is to amend the Sentencing Act 1991 to provide specifically that in sentencing an offender a court must have regard to whether the offender was motivated by hatred for or prejudice against a group of people with common characteristics with which the victim was associated or with which the offender believed the victim was associated.

Supporting this bill gives me great pleasure because my loathing of racism and bigotry was the motivating force for my engagement in politics when I was an adolescent. Members may remember some of the debates around Asian immigration and issues that arose during the 1980s. My aunt is from an Asian background, and I found such debates reprehensible; I also saw the effects that racism can have on people in a

society. The most reprehensible form of racism that I can think of is violence associated with racism. Let us not pull our punches: violence associated with racism not only injures those who are attacked and suffer the violence directly but often seeks to terrorise members of particular groups in the community and destroy their capacity to interact as full citizens within the community. This is truly a reprehensible form of activity. I am glad that this government is taking action to ensure that these issues have to be taken into account when sentencing. As stated previously, the bill does this by amending section 5(2)(d) of the Sentencing Act 1991. It does so in response to reports of increasing violence which has been motivated by racism.

I believe that Australia is a great success story in multiculturalism. Much has been achieved in Victoria particularly but also across Australia. A research paper regarding intermarriage was published in *People and Place*. That is a good measure of the success of the integration of Australian society and the ability of different races and persons of different ideologies and political persuasions who come to Australia to live together. The article showed that Australia is a great success story: by the third generation within Australia people tend to intermarry at rates much higher than 50 per cent.

I note that the member for Scoresby, like me, is married to a person who was born overseas. It is a testament to Australian society that we are so successful. However, sadly, not everyone is as open minded as most members of this house — and I am pleased to say that this bill is receiving support from opposition parties. A small minority of persons are bigoted and seek to use violence to enforce their bigotry and ruin the lives of others.

It is worth noting the history of racial violence in the seat of Preston. The father of my predecessor, Michael Leighton, fled Nazi Germany. His father was of Jewish heritage, and he had his German citizenship stripped by the infamous racial laws of the 1930s. Luckily he escaped on the Kindertransports just prior to the outbreak of World War II. If he had been unable to do so, I am sure he would have died, like the other members of his family who were left behind in Germany.

In western civilisation racial violence has a dark and bitter history, one upon which we should always reflect. I am glad to say that far from Victoria being a state which enforces racism and brutal racially based violence on the citizenry, we have a government which is committed to ensuring that every citizen in Victoria is free from being terrorised by mindless violence

committed with motives of racism or other forms of bigotry. It is not just persons who are born overseas or who come from identifiable racial groups who are subject to violence. People of different sexual orientation and other identifiable groups in the community can be terrorised. Often the purpose of such violence is to enforce particular repressive orders in society. As has been noted by other speakers, such violence and hate crimes do not affect just the person directly; they affect many others who associate with those persons and their friends and family who personally identify with a group which has been attacked. This can have a tremendously negative impact on persons and ensure, as I said earlier, that their participation in society is curtailed.

I note also that in the discussion in the second-reading speech the Attorney-General touched upon the good Samaritan clauses, because there have been horrible instances where persons who have intervened to help someone who has been attacked have themselves been subject to violence. Like others on the government side and I hope on the opposition side, I would see this as an equally reprehensible act which is related to the original bigoted assault. As a society we do not tolerate violence against persons, and we certainly do not tolerate bigotry, and the combination of the two is about as disgusting a thought as I can have as a member of our community.

The great success of Victoria as a multicultural society and the issue around overseas students and perceptions around attacks on overseas students have been touched upon. I note that the value of the education industry in Australia in 2008 was estimated to be \$15.5 billion, and Victoria has a very large share — I think it is a 30 per cent share — of overseas student enrolments, so Australia's reputation overseas is important. However, from my perspective that is a secondary issue. The issue that is significant for me as a member of this place is the right of Victorians — wherever they come from, whatever their cultural beliefs, whatever group they identify with or are identified with by others — to live free from violence in a society that respects them and rejects bigotry entirely.

It is worth noting that, sadly, bigotry in Australian society has a long and rich history, so to speak. I mean rich in the context of its being deeply ingrained in our society and not that it is worthy of praise. For instance, the immigration restriction act which reflected the White Australia policy was, if not the first, one of the first acts passed by the federal Parliament.

We had a longstanding tradition up to the 1960s of entrenched discrimination against Aboriginal

Australians and discrimination in our immigration policy against persons who were not white. This is a sad tradition which I hope all Australians would vigorously seek to overturn. The last vestiges of the bigoted history of our country are slowly being swept away by those who are more open-minded and who see people for what they are, for the content of their character and not the colour of their skin, their sexuality or other characteristics which define them.

Nonetheless, there is always more work to be done to ensure that bigotry has no place in our society, and I am proud to be supporting this bill. I commend the bill to the house and wish it a speedy passage as it will help ensure that Victoria has the sort of society we can all be proud of, where people are treated with respect and judged by their character and not characteristics by which they define themselves or by which others define them.

Mrs FYFFE (Evelyn) — I am pleased to rise to speak on the Sentencing Amendment Bill 2009. In sentencing an offender a Victorian court must have regard to the maximum penalty prescribed for that offence; current sentencing practices; the nature and gravity of the offence; the offender's culpability; the impact of the offence on the victim; the personal circumstances of the victim; any injury, loss or damage resulting directly from an offence; whether the offender pleaded guilty to the offence; the offender's previous character; and the presence of any mitigating or aggravating factor.

I would like to state from the outset that whilst I am supporting the bill, I believe the existing 10 guidelines give a judge ample opportunity to consider at the time of sentencing crimes that are motivated by hate. I therefore have difficulty understanding why the Sentencing Act requires a specific amendment for a court to deliver an appropriate sentence. By taking into account the gravity of the offence, the impact of the offence on the victim, the offender's previous character and the presence of any mitigating or aggravating factors, a judge should have the tools available to him or her to sentence an offender appropriately.

The purpose of this bill is to amend the Sentencing Act 1991 and specifically provide that in sentencing an offender a court must have regard to whether the offender was motivated by hatred for or prejudice against a group of people with common characteristics with which the victim was associated or with which the offender believed the victim was associated.

Hate crimes have historically been directed towards women, homosexuals and religious and ethnic

minorities. Recently we have seen this play out before our eyes with the Indian community. There have been a number of high-profile attacks on Indians in the lead-up to the introduction of this bill. We have all seen the images of Indian students, cabbies, petrol station workers and security guards in hospital suffering severe injuries. This has led many people from overseas to believe that Victoria simply is not safe anymore, and they are not the only ones with that opinion. The *Age* of 25 September reported that attacks on Indians have had a profound effect on Australia's image.

The government has issued three media releases — on 2 June, 24 July and 15 September — announcing its plan to introduce the Sentencing Amendment Bill to give the impression that it is working to curb violence. If the bill had not been debated in Parliament this week, I wonder how many more releases we could have expected. The coalition has been raising concerns about attacks on international students for nearly three years, and yet the problem has only got worse, not better. This has reportedly left many students too intimidated to report assaults, because many believe the stress of going to court and the risk of an unsuccessful prosecution outweigh the chance of achieving justice.

As happened with the taxidivers in the central business district, the consequence is that we will see more and more demonstrations in our streets. Because of the strong feelings generated by this subject there is a genuine risk of peaceful protests deteriorating into melees. The solution ultimately comes down to strong law enforcement. We simply need more police on our streets. We have to have a zero tolerance approach in enforcement and sentencing which is in line with community standards.

The coalition announced in September its plans to do away with suspended sentences and home detention. This is a move I wholeheartedly support. Not only will such a move serve as a better deterrent for offenders, it will also mean that offenders will receive proper punishment proportionate to criminal behaviour. In 2006, before the state election, Labor said it supported ending suspended sentences. The Attorney-General even described suspended sentences as 'get-out-of-jail-free cards', showing his contempt for the practice. However, Labor's 2006 legislation restricted the use of suspended sentences for specified serious crimes. Labor is not tough on crime, and a selective approach to law enforcement is not effective.

It is widely accepted that hate crimes represent not just an attack on one's physical self, but also a fundamental attack on one's identity. Therefore the impact of the trauma can be felt long after the crime occurs.

However, I know of very few crimes that do not leave a lasting impact on a victim, so does hate crime truly require differentiation? Assault is assault is assault. They are all serious. They all need investigating. They all need punishment.

To get bogged down in politicised amendments to our legislation is wrong. What we need to be paying more attention to is that attacks on individuals because of how they look, pray, behave or sound can indicate the development of a criminal subculture with adversarial values. It is quite interesting that people are often mimicked or picked upon because they may have certain physical impediments, not just racial characteristics. There are people like me who for many years had to have speech therapy because of difficulty in pronouncing certain sounds. We can be intimidated by other people making comments about this. To make comments on anything about a person can destroy that person's self-confidence.

The aim of such a subculture may be to scare or even eradicate those whom the perpetrators believe represent a threat to their values, or perhaps those who are just more vulnerable than they are. This is very worrying. Gangs that form from a mutual hatred of a group of people based on gender, sexuality, religion or race tend to have better organisation and mobilisation skills, which means they are more menacing than an individual who acts on impulse because they happen to have an opportunity to attack someone belonging to a group they dislike. What is being done by the government to address gangs?

In a US report in 2000 by Karen Umemoto and Kimi Mikami, *A Profile of Race-Bias Hate Crime in Los Angeles County*, it was revealed that perpetrators of hate crimes frequently cluster in gangs in which the major motive is not territorial boundaries but hatred towards a group. The report also found that hate crimes tend to be excessively brutal and engender a particularly high level of psychological stress, fear and anxiety because there is no way for victims to protect their inherent identity. Prolonged proliferation of hate crimes in a geographic area can lead to wider neighbourhood divisions and social fragmentation. This is why it is vitally important that the government act swiftly and decisively to stamp out gang behaviour.

The bill offers no guidance as to how the legislation is to be applied by our judges. It does not outline any additional penalty for a crime motivated by hatred or prejudice. All the bill says is:

... a court must have regard to whether the offender was motivated by hatred for or prejudice against a group of people with common characteristics ...

What is the point of having such flaccid legislation?

The burden of proof will undoubtedly mirror that of racial vilification laws where it is up to the complainant to prove that they were verbally or physically attacked on the basis of their identity. This can be very difficult to prove unless there are reliable witnesses present. As a result it is hard to prosecute. Will victims want to take the chance and file a report with the police if there is a chance the offender could get off because they do not have witnesses? What is this bill really promising victims of hate crime?

The real target of this bill is the offender's ideas. The proposed law declares that criminals motivated by hatred based on gender, sexuality, religion or ethnicity deserve special prosecution. But subjecting someone to trial and punishment on the basis of their ideas or beliefs, regardless of how despicable those ideas might be, constitutes the politicisation of criminal law. Why, for example, should a homophobic be prosecuted for a special crime of targeting gays while someone like the American unabomber is not subjected to special prosecution for his hatred of scientists and business executives?

Hate crimes legislation would expand the law's concern from criminal action to criminal thought. It would institute the premise that the purpose of our legal system is not to defend the rights of the victim but to punish socially unacceptable ideas. This is a premise that should be abhorrent to a free society. The only way to prevent the political distortion of our criminal justice system is for crimes to be evaluated on their individual merits.

Safety concerns are not held just in metropolitan Melbourne. In the Yarra Ranges one of the primary concerns of residents who responded to my law and order survey has been inadequate sentencing. These are some of the comments made by residents from Evelyn about Victoria's current sentencing practices:

Maybe if we had punishments that fit the crimes, whether it be first-time offenders or repeat offenders, there might be some respect for the law and for law enforcement.

Inadequate sentences are being applied for serious crimes.

Most criminals are better off than the victims. The punishment doesn't fit the crime.

The crims do what they like because they know they can get away with it, or if they get caught they just laugh it off with a slap on the wrist then commit the same offence.

It is going to take more than two pages to fix Victoria's problems with violence and hate crime.

Mr EREN (Lara) — I am pleased to speak in support of the Sentencing Amendment Bill 2009. Currently, when sentencing, a judge must look at numerous factors as to what sentence to apply. This amendment will seek to ensure that motivations of hatred or prejudice are also taken into account. This amendment will seek to reinforce this government's commitment to the rights of all Victorians by ensuring that crimes that are motivated by hatred or prejudice towards a victim's race, gender, religion, sexual orientation, age, disability, ethnicity or language are recognised as such during sentencing.

Unfortunately there are hate-filled crimes happening in Victoria. These crimes are often motivated by racism and can cause serious harm to individuals, minority groups and the community. At the outset I would like to reiterate that by and large the majority of Australians are not racist. However, there are some out there who are, and this bill is specifically designed to weed these people out and to have them sentenced accordingly. The amendments in this bill are in direct response to an increased number of reports of offences that may be racially motivated. The government sought the advice of the Sentencing Advisory Council, and it made these recommendations to amend the Sentencing Act.

When I was first elected to the upper house in 2002 I mentioned in my inaugural speech that there was an underbelly of racism in the Australian community. I went on to have my fair share of nasty phone calls. During the days following my speech, my office was contacted numerous times by people — gutless wonders who obviously did not want to give their names — who had a go at me because of my Muslim background. I am big enough and ugly enough to handle that. That is fine. Both physically and emotionally I am fairly secure and solid in my ways, but I will continue to fight and to weed out those minorities in our community that insist on being racist.

I would like to draw the attention of the house to some media clippings. On 4 January 2009 the *Herald Sun* reported on the rise in attacks on people of Indian background, under the heading 'Big rise in attacks on Indians'. The article begins:

Indian students are being terrorised by gangs of thugs in Melbourne's suburbs in racially motivated attacks.

In that same article a yearbook of racist assaults documents that in March student Kanan Kharbanda, aged 26, was left partially blind after being bashed in Sunshine by a group of up to 10 people. In April student and taxidriver 23-year-old Jalvinder Singh was stabbed and left for dead by a back-seat passenger in a Melbourne cab. In October Biju K. Joseph, aged 40,

sustained life-threatening injuries after being beaten by four men at a railway station. The list goes on. These are all very unfortunate events that have taken place.

On 23 August 2008 the *Herald Sun* reported on a case where four racist thugs bashed a Sudanese teenager unconscious and laughed and joked as they walked free from court. The article headed 'Racist thugs walk free' states:

Judge Coish said the four were drunk and affected by cannabis when they set upon 17-year-old Ajang Gor, calling him a 'black dog'.

After they walked from the dock one of the attackers said, 'Let's go to the pub to celebrate'. His mates said, 'Yeah'.

Steve Medcraft from People Against Lenient Sentencing said the sentencing on this occasion sent the wrong message.

It says to these thugs that you can go out and bash someone to a pulp, come to court and say you're sorry, and we'll give you a bond.

A *Herald Sun* article of 19 April 2007 about Ocean Grove footballers and Mr Menachem Vorchheimer says under the heading 'Magistrate's racism anger':

A young footballer who yelled, 'Go Nazis' as his mates abused and punched a Jewish man has been fined \$1000 and branded a racist.

Magistrate Barbara Cotterell told the court:

These words, 'Go Nazis', have echoes back to one of the most horrific events of the 20th century ...

Your words ... were uttered in the context of a very ugly episode. I can't think of anything more racist.

These sorts of crimes, motivated by hatred and prejudice, are not and should not be tolerated by our community. As such we need to take a stand to send a clear message that this sort of behaviour will not be accepted and that we will do something to deter it.

I would like to continue to quote from media clippings. This one is from the *Age* of 21 August 2007 under the heading 'Aussie pride, Australian shame'. It states:

One of the more disquieting aspects of Saturday night's anti-Semitic attacks in Carlisle Street, Balaclava, lay in subsequent remarks by one of the two teenagers attacked. Alon Tam, who was set upon by two men with baseball bats after an earlier assault on his friend, Ephraim Manshari, said: 'I guess when you're living in this area, most people see it as a thing you get used to ... A lot of people don't go to the police because (they) think of it as normal and people have to realise that it's not'.

Further on the articles states:

According to Ephraim Manshari, the Carlisle Street incident began with the two men pursuing a Sikh, screaming, 'f...ing Arabs ... Aussie pride... we have to kill them all'. This ludicrous attempt to link nationalism with violence and downright bigotry — a favourite tactic of the racist thug — is neither proud nor defensible. It is something that Australians should view with shame.

This sort of statement really hits home. It is a very scary notion that some people in our community are starting to consider this behaviour the norm. If we as a government do not make amendments such as this one, we will be condoning this behaviour and sending the wrong message — that yes, it is acceptable to act like this.

Unfortunately there are some in the Liberal Party who play the race bait game. It does happen. Those good people in the Liberal Party must stop this cancer in its tracks before it consumes them. I point to an article in the *Age* of 23 November 2007. Under the heading 'Liberals stand firm despite race row' it states:

The Liberal Party has moved to protect its candidate for the Sydney electorate of Lindsay despite damaging revelations that her husband distributed bogus pamphlets designed to inflame racial tensions.

NSW state Liberal Party director Graeme Jaeschke told the *Age* Karen Chijoff would remain the endorsed candidate for Lindsay despite Greg Chijoff's activities.

The Australian Federal Police are assessing the material, which was referred to them yesterday by the Australian Electoral Commission ...

Four players were involved in letterboxing fake pamphlets claiming Labor is sympathetic to Islamic terrorists. The individuals, who were Liberal Party members, have either been forced to resign or been expelled.

As I said before, this is not the only incident that has occurred in the political processes. These sorts of race baits have occurred, and it is unfortunate that they are mainly from people on the conservative side of politics.

Mr R. SMITH (Warrandyte) — I rise to speak on the Sentencing Amendment Bill 2009. The bill is another example of the government making policy merely in reaction —

Honourable members interjecting.

The ACTING SPEAKER (Ms Campbell) — Order! One moment, please! Could we stop the interjections? The two people who are having a chat might like to have it outside. The rest of us are looking forward to some quiet time to hear the member speak.

Mr R. SMITH — This bill is another example of the government making policy merely in reaction to public outcry and bad press. I think it was introduced just to give the Premier something to talk about during his recent trip to India. The fact is that the legislation is unnecessary and is unlikely to achieve what it sets out to do.

Ms Allan interjected.

Mr R. SMITH — I hear the minister at the table saying that what I am saying is wrong, but the Attorney-General —

The ACTING SPEAKER (Ms Campbell) — Order! After what I have just said, the member should avoid interjections and responses. I ask the member to devote his attention to the bill.

Mr R. SMITH — The Attorney-General has said the same thing in the media. On 2 June he said:

Factoring hate-based crime into sentencing laws will not necessarily result in tougher penalties ...

The Attorney-General has said that this legislation is little more than symbolism. We also have to ask ourselves whether the problem it purports to tackle is one that actually exists. The question we have to ask is: are the violent attacks that we see every week in Victoria centred on those of ethnic origin? On the website of the federal government's Australian Education International the question is asked:

Are migrants or overseas students more likely to be attacked in Australia?

The answer is:

There is no evidence in police data to support this view.

In an article in the *Age* of 11 June the Deputy Prime Minister is quoted as saying about this bill that:

The advice from the police is this is a more generalised problem with lawful conduct.

The Premier is reported in the *Times of India* of 30 September as saying that:

... only a negligible proportion of the attacks have been racially motivated ...

With Australian government websites, the Deputy Prime Minister and the Premier all saying that racially based attacks are not really an issue, we should ask: is the Attorney-General out of touch, is this legislation reactionary and has it been introduced merely to give the impression that the Attorney-General is doing something?

I have other concerns about the process the Attorney-General has gone through to bring us the bill. I listened to him on the Neil Mitchell show on radio 3AW. Over the course of the interview he consistently referred to the fact that this legislation was similar to legislation that is in operation in other jurisdictions, and he said that perhaps Victoria should emulate those other jurisdictions. With the Attorney-General specifically referring to New South Wales, Mitchell asked the quite reasonable question: have hate crimes in New South Wales been reduced as a result of the legislation it has? The Attorney-General answered that he did not know.

I would have thought that if he was going to introduce legislation that mirrored legislation in other states he would use the vast resources of government, including those of the Department of Justice, to find out whether that other legislation had produced any results. One would think he would have gone to that effort.

Further to that, in his second-reading speech the Attorney-General said:

In response to increasing reports of offences that may be racially motivated, the government sought urgent advice from the Sentencing Advisory Council.

With this statement the Attorney-General sought to legitimise his legislation by insinuating that the Sentencing Advisory Council (SAC) is right behind him and that its advice is that this legislation is warranted and needed. The reality is that the Attorney-General is being a little economical with the truth in that statement. Paragraph A.2 of the Sentencing Advisory Committee's advice headed 'Sentencing for offences motivated by hatred or prejudice' states:

The council has not been asked to advise on the merit of amending the Victorian act but rather the form of such an amendment. The council has confined its advice to this question.

Paragraph A.3 of the advice states:

The Attorney-General asked the council to provide its advice by 3 July 2009 ... this time frame has not enabled the council to consult the community on the issues raised ...

What we have before us in this Parliament is a piece of legislation introduced on a basis with which neither the Deputy Prime Minister nor the Premier agrees. It is legislation which the SAC has not sought, advocated for or recommended. It is legislation which the SAC has been unable to consult with the community on because the Attorney-General did not allow it the time to do so.

The fact of the matter is that in recent years violent crime in this state has increased dramatically. These

crimes affect people across the board, and the attacks are far from being solely racially motivated. The government can deny this as much as it likes, and the Premier and the Minister for Police and Emergency Services can get up and say what a great job they are doing, but you only need to read the newspapers and watch the nightly TV news to see the truth. To get a clear picture of the problem before us we should also listen to those on the front line who have to deal with the consequences of this violent behaviour.

Recently Professor Peter Cameron from the Alfred hospital's trauma unit was on the ABC's *Stateline* program. I would like to quote some of what he said on that show just to give members an idea of the issues we are facing. Professor Cameron said:

There is a real change in what's happened. I think for the people on the ground, we have noticed more severe beatings than there were 10 years ago.

He went on:

Usually on a Friday night we get around 10, or a little bit more, patients who have alcohol-related attendances and there'll be those with very significant head injuries. We would expect one or two of them every Friday night.

He also went on to say:

The reality is, if you go out to a bar in the wrong place at the wrong time in Melbourne on Friday night, there is a chance you will end up here with a serious head injury.

I believe the Attorney-General has been one of the chief architects of the violence we see on our streets today, because 10 years after his taking the position we are now seeing the effects of his judicial appointments and his soft approach to crime. Not just opposition members say this. Recently I conducted a survey on sentencing issues in my electorate and received more than 4500 responses. The vast majority of respondents had a real problem with sentencing and expressed their frustration about the inadequacy of sentencing. Many people sheeted the blame straight home to the Attorney-General. I would like to quote some of the comments that were made, just to give a flavour of what people think about the Attorney-General's approach to crime.

Noel of Croydon Hills wrote:

A/G Hulls has stacked our courts full of weak-kneed left-wing cronies.

Alec of Croydon wrote:

Rob Hulls as A/G is pathetic.

Craig of Ringwood wrote:

It is extremely frustrating putting up with totally inadequate sentencing in this state. The police must be disgusted and frustrated also. Rob Hulls is weak and needs to go.

Claire of Warranwood said:

I believe that Rob Hulls is our biggest obstacle in application of maximum sentences.

David of Ringwood North said:

The judicial system has deteriorated markedly under Hulls's watch. Worst ever Attorney-General!

B of Ringwood North said:

Our courts are a joke! I am sick to death of hearing of criminals walking out of court with little or no punishment. While we continue to have Hulls in the Attorney-General portfolio and a Labor government in Victoria these injustices will continue.

Simon of Ringwood said:

Rob Hulls's push for law reform is a retrograde move.

I could go on and on. I received many of these sorts of comments. It is clear what the public thinks of the Attorney-General.

This soft approach to crime is evidenced by a report put out by the Sentencing Advisory Council in December 2008. The report said that from 2004 to 2008, of those charged with the crime of causing serious injury recklessly, only 22 per cent received immediate custodial sentences, only 14.4 per cent received imprisonment, 34.5 per cent received other custodial sentences and a whopping 43.5 per cent — almost half — received no custodial sentence at all.

An increase in sentencing across the board is what the Attorney-General should be worrying about, not just racially motivated crimes but all violent crimes. He should be worrying about legislation that directs judges and magistrates to impose sentences closer to the maximum for violent crime.

The Attorney-General also states in his second-reading speech:

... hate crimes have a tremendous impact on the individuals who are victimised. In addition to the emotional harms, the degree of violence involved in hate-motivated offences is often more extreme than in non-hate crimes ...

I agree that hate crimes do have a terrible impact, but I would like to know where the statistics are to back up his claims that 'the degree of violence involved in hate-motivated offences is more extreme than in non-hate crimes'.

The recent deaths due to violent crime of Matt McEvoy, Brendan Keilar and Luke Mitchell were not racially motivated, nor were the dozens and dozens of other assaults that have occurred in recent years. Does the Attorney-General intend that those deaths and attacks be diminished by the fact that they were not racially motivated and that the perpetrators of those crimes should receive a lesser sentence?

This amendment merely pays lip-service to the issue of violent crime, and as it does nothing to increase penalties across the board for violent crime, it actually does nothing. It does not address the increase of violent crime in our community. It does not address the issue of the a lack of police presence in the community. It does nothing to increase penalties for a whole range of violent offenders. This type of legislation has become the norm for this government. It is based on ideology rather than facts and outcomes. It purports to have widespread backing when there is no evidence to support that claim, and like much of what this government does, it is designed to give the impression the government is doing something when there is no will to do something.

Mr FOLEY (Albert Park) — It gives me great pleasure to rise to make a few comments in regards to the Sentencing Amendment Bill 2009. Before I do so, I am truly perplexed as to the position the opposition is taking on this bill. I understand from the shadow spokesperson's contribution at the start of the debate this afternoon that the opposition is not opposing the bill. I have sat through the contributions by members of the opposition and have heard all manner of sitting-on-the-fence propositions. Unfortunately the contribution of the member for Warrandyte highlighted those propositions while sinking to a new low. If I understood him correctly, he believes the Attorney-General to be the architect of violence on the streets of Melbourne.

We have heard the shadow spokesperson at the table take issue with the member for Lara for perhaps sinking to new lows on this particular issue, but for the member for Warrandyte to stand in this place and subscribe to the notion that the Attorney-General personally — that was the nature of his comments — is the architect of increased violence on the streets in this state, is a horrendous comment that does this Parliament no good whatsoever. I thought Bernie Finn had the mortgage on low-life contributions in this Parliament until, sadly, I heard those contributions from the member for Warrandyte. It is not only the Liberal member for the Western Metropolitan Region in the other place that needs to have a good, hard look at himself in terms of his contribution to what you would like to think is a

joint position in this Parliament. The Leader of the Opposition needs to take his rednecks out and have a good, hard listen to them.

The Liberal Party was famous in the post-war era and the post-war generations for building up a consensus position that reflected tolerance and diversity across this nation. The Liberal Party was famous, and is sadly no longer so, for building that culture of cooperation and broadbased support for our multicultural and diverse society. That contribution from the member for Warrandyte is a very sad reflection on just how far and how quickly the Liberal Party has sunk. I would urge those opposite to repudiate it.

We have had other contributions, particularly highlighted by the member for Warrandyte, that this legislation is divisive, unnecessary and a meaningless stunt. Somehow or other he questioned whether race-hate crimes actually exist. There was a whole range of contributions, but he did not have the courage of his convictions to stand in his place and say he opposed this legislation. The Liberal Party's default position is to try to roll itself up into a meaningless policy-free zone and just play for the lowest common denominator where it can. That is a disgraceful contribution. The Liberal Party should seriously consider how it can make a contribution towards building a tolerant and diverse society. I urge those opposite to reconsider their strategy, not just in this particular piece of legislation but more broadly, to perhaps drag themselves back to the centre ground of society and have a good, hard consideration of their approach on these issues.

I was unreasonably diverted by the member for Warrandyte, but I will come back to the main parts of this bill in the time that has been allotted to me. This bill is a significant contribution to those very values of a diverse, strong and safe society. As the Attorney-General pointed out in his second-reading speech, through its amendments to the Sentencing Act 1991, requiring as it does that the court give due regard to the nature and gravity of the offence, the offender's capability and the impact of the offence on victims, it takes the not-unreasonable proposition that these arrangements should be taken to the next contribution level and in so doing reflect the emerging common-law trends that we have seen and that the Sentences Advisory Council has identified in its consideration, which has been made public in this debate.

This is of course not an unusual trend in sentencing legislation and the appropriate relationship between the judiciary and the Parliament. What we have here is a continuation of the long thread of the cooperative and

constructive relationship between the legislature and the executive on the one side and the judiciary on the other to codify and bring to sharper focus the nature of common law and community views on important issues when it comes to sentencing. That is the appropriate basis and the appropriate approach that this legislation brings to this debate. Those opposite, such as the member for Warrandyte, can hide behind their position of straddling every side of the fence and standing for very little, or they can see this bill for what it is, an important contribution to this continuing debate of ensuring that sentencing is relevant to community attitudes and community approaches.

This is not a position shared just by those on this side of the house. It is also a position shared by a wide range of groups that will take account of the fact and particularly represent those who unfortunately are the subject of hate crimes, whether it is particular racial or ethnic groups and their representative bodies or groups such as those that represent gay, lesbian and transgender communities. There has been a widespread focus of support for this bill.

I will quote in terms of the Jewish community. I have the pleasure of representing a substantial amount of people of the Jewish community in my electorate. The Jewish Community Council of Victoria (JCCV) as far back as 2 June referred to this announcement and the subsequent position of the Attorney-General as 'an excellent first step'. When commenting on the bill, the Jewish Community Council of Victoria went on to welcome the bill as something which will 'ensure that judges take account of racial motivation when sentencing offenders'. Mr Searle, the president of the JCCV, commented:

... racially motivated crimes have been an issue for some time. Attacks that are racially motivated represent not just an attack upon an individual but put the whole community in fear; they cannot be tolerated.

The JCCV then suggested that the racial vilification legislation already in place and introduced by this Labor government may need to be reviewed and that a hate crimes unit needs to be established by Victoria Police. This is a suggestion that personally I would endorse and will continue to advocate for within government.

I am disappointed to see that there are those in the community that oppose this bill based on what I would say is a misunderstanding of the nature of the bill. That is a sad reflection not on the bill but on those groups. We must ensure that existing practices in sentencing are supported by a legislative framework; that is the proper

role for the Parliament in approaching sentencing legislation and its relationship with the judiciary.

Acting on thoughtful advice from the Sentencing Advisory Council is the appropriate basis on which that policy and legislative approach from the executive should emerge as a bill in this place. In that regard I refer to paragraph B6 of the Sentencing Advisory Council's report. The council nailed it neatly for me when it wrote:

Hate or prejudice-based motivation is also relevant to the gravity of a particular offence and the offender's culpability for its commission.

The Sentencing Advisory Council was referring to the existing practices of courts at all levels when taking into account these arrangements.

The codification of what has emerged as essentially a common-law principle is a well-established mechanism to bring these community views, as reflected by the judiciary, into sharper focus. This is of course not the hobbling of the judiciary or any politically correct arrangement as those opposite might like to suggest it is; it is in fact a reinforcing of the longstanding position that has always been the case that the relevance of sentencing has to take account of the offence and its impact on the victim. The community takes a particular view, as it does, that particular characteristics, whether they be racial, whether they be of a particular sexual orientation or any number of other factors that the Sentencing Advisory Council took into account and which other jurisdictions in the civilised world have also taken into account, should be considered and they form the hub of this bill.

That is why clause 3 of this bill is framed in appropriately wide circumstances to give the judiciary the power and the discretion it deserves. The bill is timely, it is proportionate and it is based on community expectations. I wish it a speedy passage through this place.

Mr NORTHE (Morwell) — It gives me pleasure to make a contribution to debate on the Sentencing Amendment Bill 2009. The purpose of this bill is to require that the motivation of hatred or prejudice against a group of people be considered in sentencing an offender. This legislation has been introduced in response to an ever-increasing number of offences that have been committed that might be racially motivated. Attacks of this nature have been reported in the wider media. From a personal point of view, I find these absolutely abhorrent, cowardly and despicable in their nature, and I pose the question: how weak is it for a

group of mindless thugs to attack a person or persons who have no chance of defending themselves?

With respect to this legislation, the government has sought advice from the Sentencing Advisory Council about the increasing number of offences that are possibly motivated by hatred or prejudice against certain racial groups. While members opposite might not like to think so, elements of this legislation are contentious. The fact is that many people believe such offences are already catered for within the Sentencing Act and much literature has been received by all members of Parliament, I am sure, on this point, and that was stipulated by the member for Benalla in his contribution. The Attorney-General would no doubt state that within section 5(2) of the Sentencing Act, offences specifically recognising hatred or prejudice against a particular group of people are not recognised as they should be. As I say, there are many people who might have a differing view and say that the judicial system under the Sentencing Act does have the capabilities of recognising this when courts determine a sentence.

The ACTING SPEAKER (Ms Campbell) — Order! As the member has paused to take a breath, this is an appropriate time to adjourn for the dinner break.

Sitting suspended 6.30 p.m. until 8.03 pm

Mr NORTHE — I will continue my contribution to the debate on the Sentencing Amendment Bill. This legislation relates to what have been called hate crimes in Victoria. The research brief provided by the parliamentary library talks about some of the unfortunate violent and racist attacks that have occurred in Victoria in recent times and refers to the unfortunate death in January 2008 of academic Dr Zhongjun Cao. Since that time there have been many media reports of serious assaults and bashings in Victoria. There has been a lot of reference to the Indian community, particularly Indian students. This is an awful reflection on our state. Whilst this legislation in some respects acknowledges what has happened, the Sentencing Act itself leaves a lot to be desired, given that there were already opportunities for the judicial system to recognise this problem.

Chief Commissioner of Police Simon Overland provided some statistics on crimes against the person involving victims of Indian origin. He said that 1447 people of Indian origin were victims of crime during 2007–08, which is an increase of 1082 on the previous year. This is a matter of some concern throughout the community and something we do not like to see.

The library briefing document refers to section 5(2) of the Sentencing Act 1991 which specifies what matters a judge or magistrate must take into account when determining a suitable sentence under that act. These can include a number of factors such as the maximum penalty prescribed for the offence, current sentencing practices and the nature and gravity of the offence, which is covered by section 5(2)(c) of the act. Section 5(2)(d) relates to the offender's culpability and degree of responsibility for such an offence. Section 5(2)(daa) deals with the impact of the offence on any victim of the offence, section 5(2)(da) concerns the personal circumstances of any victim of the offence, and the remainder of that section goes on to deal with a range of other things which a judge or magistrate must take into account when applying a sentence.

Clause 3 of the bill inserts section 5(2)(daaa), which requires the court to have regard to:

whether the offence was motivated (wholly or partly) by hatred for or prejudice against a group of people with common characteristics with which the victim was associated or with which the offender believed the victim was associated ...

Earlier in my contribution to the debate I questioned the need for this legislation, given that the judiciary already has that consideration available to it.

A question that has been posed to me is: who might a victim be in the circumstances covered by this legislation? We are talking about groups who are characterised by possibly their religious affiliation, racial or cultural origin, sexual orientation, sex, gender identity, age or impairment within the meaning of the Equal Opportunity Act 1995. It could also refer to those who are homeless. A victim might be a member of a group, a good Samaritan coming to the assistance of a member of the group during an offence, an advocate or lobbyist for the group, someone in employment related to the group or an acquaintance or family member of a member of the group who is victimised by the offender due to hatred or prejudice against the group. The member for Essendon said it could also apply to graffiti. That is an aspect that should not be forgotten with this legislation.

The member for Benalla spoke about deterring such events and ensuring that appropriate sentences apply in particular circumstances. Members should be conscious of that in debating this legislation. In one sense this is a reaction to what has already occurred, but the community needs to be vigilant and make sure that we take preventive measures, such as making sure we have more police on our streets to tackle alcohol and

drug-related violence; making sure that we address the needs of people who are impacted by drug and alcohol. It should be a whole-of-community approach.

We need to ingrain in our community that we not only respect ourselves but that we respect one another. That is not an easy thing to identify and not an easy thing to resolve. In terms of the sentences that apply, we need to reflect better on community sentiment. The member for Warrandyte spoke of a survey that he conducted within his electorate. He spoke about the enormous feedback that was provided to him and some of the sentiment expressed by the community. How do we deter these types of incidents occurring in the future? The member for Warrandyte spoke in his contribution about the feedback from his community about violence on our streets.

The Latrobe Valley, like most country regions, unfortunately has its fair share of assaults. I do not believe there is hatred or racial intent in those assaults, but all members of the community need to get behind this and stamp out these cowardly acts that have occurred. That is all it is: a group of thugs walking down the street assaulting people for no purpose whatsoever. That should not be tolerated or accepted in our community. Members of Parliament should be standing strong and ensuring that it is not right and is not acceptable. We should do all we can in our power to ensure that our streets are safe so that people from all walks of life, no matter what religion, race or colour of skin, are safe on our streets. These things should not be tolerated and need to be stamped out. We need to collectively as a community ensure that we stamp out violence. We must ensure that the statistics do not increase. We need to tackle this matter. I support any measure to reduce the incidence of these crimes.

Debate adjourned on motion of Mr NOONAN (Williamstown).

Debate adjourned until later this day.

**UNIVERSITY OF MELBOURNE BILL,
MONASH UNIVERSITY BILL, LA TROBE
UNIVERSITY BILL and DEAKIN
UNIVERSITY BILL**

Second reading

Debate resumed from 17 September; motions of Ms ALLAN (Minister for Skills and Workforce Participation).

Government amendment to La Trobe University Bill circulated by Ms ALLAN (Minister for Skills and Workforce Participation) pursuant to standing orders.

Mr DIXON (Nepean) — The coalition will support these four pieces of legislation which are part of a cognate debate, mainly because there are a lot of similarities between the four bills. I understand another four university bills will be tackled later this year with similar sorts of changes.

The minor amendment tabled today basically adds to the La Trobe University Bill some guidance as to the make-up of the university council whereby two persons must be persons who have experience and interests in the Bendigo region and one must be a person who has experience and interests in the Albury-Wodonga region. That is obviously to reflect the rural and regional nature of La Trobe University. I am sure that when the minister who is responsible for the bill, and who represents the Bendigo region, had a close look at the bill, she realised that perhaps the communities and the interests of La Trobe University and Bendigo were not being served by the bill, and hence we have these amendments.

I point out an inconsistency in that the Deakin University Act 1974 had a reference in its preamble regarding its presence in Geelong and Warrnambool and serving the people of western Victoria. That provision has been taken out of the new bill. I am sure that the people at Monash University, who we all know have a strong presence in Gippsland, would like some guaranteed representation on their council from the Gippsland area.

If we are to have this sort of guidance for the make-up of the new councils it should be given right across the board to all the universities that have a regional presence. That is an issue. My colleague Peter Hall in the other place, a member for Eastern Victoria Region who is the shadow minister responsible, and I talked over dinner about maybe having some further negotiations about that while the bill is between houses — or giving those universities an opportunity to do so, just so that there might be more consistency across the four bills, especially for universities that have a regional presence. I would like to thank Peter Hall for the work he has done in his research and in preparing the legislation report. He has certainly helped me.

The purpose of the bills is to establish consistent governance arrangements for four universities: Melbourne University, Monash University, La Trobe

University and Deakin University. Apparently the protocol is to have them in the order of the oldest university followed by the more recent. That is a very important but minor matter. The purpose is to make these arrangements for four universities by the adoption of template legislation for each university. Two other universities that have a presence in Victoria, the Australian Catholic University and the Melbourne College of Divinity, are not included in this legislation for their own specific reasons. The four bills are very similar and make similar sorts of provisions for the four universities and also similar sorts of changes to previous legislation.

We have an interesting situation in Australia due to our federal system, which really has not been addressed. This legislation is part of a national approach to consistency across Australia's universities, yet in Victoria the university governance legislation is actually a state responsibility. The vast bulk of government funding is from the federal government, and a lot of the arrangements, programs and oversight relating to universities are largely a federal government matter, yet the universities are creatures of state government. I do not know whether, with this being the first major reorganisation of university bills in Australia, this issue was ever raised, but I thought it might have been. The states rightly should have some controlling interests in universities, because after all the universities were established within the states, and it is important that the states retain some control at least. It interests me that a broader debate did not take place on the question of whose responsibility the universities in Australia should be.

I will speak just briefly about the four universities. The University of Melbourne is our oldest university and is internationally renowned for not only its academic achievements and reputation but also its research. It focuses on innovation, particularly in the biosciences and medicine. Now it operates under what we are calling the Melbourne model, by which it offers generalist degrees. That is an approach no other university in Australia is taking. We all know Melbourne University as part of Melbourne and Victoria and, as I said, it is by far the oldest university here in Victoria.

Monash University is the second-oldest university, by a long way. It was established in the 1960s. There has been a proliferation of universities, reflecting the obviously changing society, with more and more people going to university to take degree courses. The number of people studying for university degrees has grown, whether it be a first degree after a person leaves

school — their first tackling of tertiary education — or a postgraduate degree. As the number of universities and the number of students attending universities have grown, that has been reflected in the number of universities in Victoria.

Monash's main campus is at Clayton. Again it is a very strongly research-orientated university and has a strong national and international reputation, one of which we can be very proud. It also has a very strong presence in Gippsland; in fact the Parliament sat there recently. Was it last year or this year? Time flies! We had a good look at what is happening there and saw not only that the university caters for regional Victoria but that students from Melbourne go to Monash in Gippsland. Monash University also has two major campuses overseas, in Malaysia and South Africa. So there are campuses of some universities in other countries, and that is a wonderful step. In this case it is great for the prestige of Monash University and adds to the depth of courses available. Obviously there can be movement for the academic staff and the students in terms of presenting or studying courses at each of the campuses and adding to their accreditation. That is a wonderful move, and Monash has been very strong in that field.

Deakin University is one of our newer universities. It has a strong presence in Melbourne and, as I mentioned earlier, has a very strong presence in western Victoria, with two campuses in Geelong and one in Warrnambool. Again the university caters very well for students in areas other than what would usually be seen as mainstream university courses — which perhaps Melbourne and Monash have a greater claim over. Last week my son finished his final assignment as a student of Deakin University. I do not know whether he will be back next year; it depends whether he passes or not! He really enjoyed his university days there. In fact I think he spent more days at university than my wife, my daughter and I combined. He embraced university life — he loved the campus and the course.

La Trobe University is the university of the northern suburbs and again it has a very strong regional presence. Wodonga and Bendigo are mentioned particularly in the amendments today. I remember watching La Trobe University being built in the 1960s and 1970s as I grew up in Heidelberg West. It was just incredible. To see a university in the northern suburbs changed the face of universities. To a certain degree it was something that was alien. University study was something that happened in Melbourne — everyone knew about Melbourne University. Of course there was Monash, too, but I just remember the excitement in the

area as we saw La Trobe University being constructed in Bundoora.

One of its eminent graduates is of course myself. I enjoyed studying there for my degree. As the member for Ivanhoe said, I was probably one of the few Liberals who actually undertook a course at La Trobe University. My daughter did a bachelor of arts course at La Trobe University too. Coming from the Anglo-Saxon region of the Mornington Peninsula it was a great experience for her to study at a university with a range of multicultural and probably more left-leaning students, especially when she did politics. Studying there only convinced her that the right of politics was the right politics. But it was a great experience for her and the life experience she had at that university was wonderful as well.

I also commend La Trobe University on its very strong regional presence. What it does in Bendigo, especially, is wonderful. It is great for the city of Bendigo. It provides educational opportunities for the people of Bendigo and for regional Victorians who travel to Bendigo. We have students from Melbourne who go up to Bendigo.

With that brief outline, we see the diversity of the universities that we have here in Victoria. That diversity is a strong point for Victoria. Universities and education are a strong point of what we have in Victoria, what we can offer the people of Victoria and what we can offer nationally and internationally. As that incredible diversity is a strength, it is very important that this legislation enables the individual universities to prosper and grow. It will enable them to expand into other areas of interest, not only in terms of where the campuses are but also in their research and the structure of the courses they offer.

I will go into a little bit more detail about the bills. Under the new legislation the objects of all the universities will be expressed in broader terms and will better reflect the activities of a modern-day university. When you think about how universities are governed, the courses they offer and the people who attend them to take courses, you realise that universities have changed incredibly — in their interaction with international students, what is available online, the research, and their partnerships with businesses and with medicine, or whatever the case may be. The role of universities has changed incredibly, and the new legislation better reflects that and enables that role to be expanded as the universities see fit.

There is no change to the role of councils. The governing body of the university will still be the university council. It will obviously make the rules for the university and appoint its chancellor, vice-chancellor and deputy chancellors. Looking at the university councils we see a change in this legislation compared with those previous acts, which set university council numbers at 21 members. One of the major changes made by this legislation is that universities may choose to have smaller councils, with a range from a minimum of 14 up to a maximum of 21 members. It is good to provide that sort of flexibility.

I hark back to my original points on the amendments to these bills. The La Trobe University Bill 2009 goes some way to giving some guidance on what representation there may be on a university council. We need to be consistent across all the universities and give them the opportunity to have the representation that best reflects the community they serve. There needs to be flexibility, and as their community changes the make-up of those university councils needs to change as well. All university councils will still be a mixture of appointed, co-opted and elected members.

The structure and role of academic boards and the faculties will now be determined by the university council rather than being prescribed in an act. Again, this is a reflection of universities setting their own direction to a certain extent and doing the things that will strengthen them and will fit in with what they see as their mission. They are the experts. Members of Parliament are not the experts on academic boards or what the best faculties might be and how they might be organised. It is important to give university councils that power.

The other interesting change is in the title of vice-chancellor, which is a very old and esteemed one. I could never really work out what the vice-chancellor was. I thought the vice-chancellor was in charge, but as they were only the 'vice', who was the chancellor? I have obviously worked that out since.

Ms Wooldridge — It is a bit like the Premier and the Deputy Premier.

Mr DIXON — As the member for Doncaster says, it is like the Deputy Premier running the state — some might say he does!

The change made here is to the title of the vice-chancellor, who in essence is really the chief executive officer (CEO) of the university, to the more universal term for the CEO of a university — that is, president. It is a quite significant change. It is only a

word but it recognises that universities are now universal institutions and that they interact with other universities throughout the world. They exchange courses, they exchange credits, they have a presence in each other's countries, they meet together and they work together. There are various groups of universities, including research groups, loose amalgamations and unions of universities. It is important that there is some sort of consistency there, so the title of president for the vice-chancellor is appropriate. I do not think he or she will get a pay rise because of the change in title but it represents the growing international stature of our universities and the consistency that I consider very important.

The universities will be empowered to make their own statutes. Again, that is reasonable and reflects the independence and differences of our universities. The universities will all still retain their powers to acquire and dispose of property and their powers in relation to their financial and commercial activities, within reason. The universities have had that power, and the four bills enable them to continue that, recognise the need for that and give universities the power to buy the land they need to buy, make the investments they need to make, construct the buildings they need to construct and just to run their business side.

Basically they will be required to produce a business plan. The Auditor-General will continue to have oversight of our universities. The annual reports of the universities will be tabled tomorrow. The Auditor-General has looked over those reports, and that oversight will continue to be a feature of our universities, which I think is important. It is important that that process occurs, because universities are state institutions and the state has responsibility for the governance of the universities, so it is very important that the state Auditor-General looks at the finances and the workings of our universities.

The group did not talk to me, but there is an interesting group at Melbourne University called the Committee of Convocation. That is unique to Melbourne University. I understand that group was a part of the old legislation. Although the committee is no longer mentioned by that name within the bill — and I think the committee recognises that life moves on — I would humbly suggest to Melbourne University that the Committee of Convocation, which is made up of former students, should have some sort of ongoing role which would recognise the history and heritage of that group. I am sure that those people can offer something to the university, even though they may be formally covered within this bill.

The final matter I wish to raise has probably been the major issue regarding universities this year — that is, the issue of the youth allowance. This will affect students going to Deakin, Monash, La Trobe and Melbourne universities, especially if those students are from regional Victoria. The changes to youth allowance eligibility have made a real difference. Even though there have been some amendments, the commonwealth government's changes to youth allowance eligibility will have a real impact, especially on the access of country students to these universities. Even the all-party committee of this Parliament, which is chaired by the government, and the Parliamentary Secretary for Education said that these changes by the Deputy Prime Minister, who is also the federal Minister for Education, are not fair and will count against some students' access to universities. As we are talking about these four universities I could not let the opportunity go by without talking about access to those universities, especially by regional students.

Victoria's response to those changes has been quiet. The minister should have been much more vocal. She said she has talked to the Deputy Prime Minister about the issue, but I think there should have been a far more vocal intervention on these changes to the youth allowance. I would hope that all is not lost and that we may yet see further changes to make access to, in this case, these four universities for our regional students a lot stronger than the federal government would like.

Going back to the start, the coalition is supporting these pieces of legislation. We support the amendments, but we call on the government perhaps to go back to these four universities, especially those with a regional presence, to see whether they would like some sections or amendments added between the houses that would take into account the regional representation that they may want on their new councils.

Mr BROOKS (Bundoora) — It is a pleasure to rise to contribute to this debate. I will confine my remarks to the La Trobe University Bill as the main campus of La Trobe University is located within my electorate of Bundoora.

La Trobe University was the third university to be established in Victoria back in 1967, some 42 years ago, with an initial enrolment of 552 students. Since then it has grown to now accommodate over 26 000 students across seven campuses — at Albury-Wodonga, Beechworth, Bendigo, Mildura, Melbourne city, Shepparton and the largest campus, in my electorate of Bundoora, with over 15 000 students there.

La Trobe has also produced more than 100 000 graduates since its inception. The bill before the house seeks to modernise the foundation legislation of La Trobe University to conform to contemporary standards and expectations. It does this in a number of ways. Firstly it removes redundant and obsolete legislation relating to La Trobe University and repeals the La Trobe University Act 1964 and other obsolete acts. For example, the bill removes prescriptive detail from legislation about operational matters such as the naming of units within the university, leaving these matters for the university to determine itself. The bill allows the university greater flexibility in determining the size of its governing council. Currently 21 members are required to be on the council, and this bill will allow for between 14 and 21 members.

On top of this, the bill provides for a clear delineation between the roles and responsibilities of the council as the governing body of the university as opposed to those of the vice-chancellor as the chief executive officer of the university. The bill also provides for the creation of guidelines, subject to the minister's and Treasurer's approval, setting out best practice arrangements with respect to risk management, planning and oversight of the university's commercial activities.

Universities are operating in an increasingly competitive and commercial environment and require less prescriptive regulation and less prescription in their governance and administration. A wide-ranging process of consultation has occurred over the last 18 months in the drafting of this bill. A number of bilateral meetings have been held between Skills Victoria and individual universities. There have been two multilateral meetings between universities and Skills Victoria, and there has also been a round table between the minister and vice-chancellors in March this year to discuss various issues, including the review of this legislation.

My office has been in contact with La Trobe University to discuss this bill, and the university is supportive of the bill. The director of legal services at the university advised that La Trobe was happy with the way the government had gone about the consultation process in the lead-up to the drafting of the bill.

This bill, along with other university bills that are before the house, continues the Brumby government's commitment to ensuring that Victorians have access to a world-class tertiary education system and follows on from the introduction of the Education and Training Reform Act 2006, which of course was opposed by the Liberal Party.

La Trobe University has been re-energised under the leadership of the relatively new vice-chancellor, Paul Johnson, and continues to play an important role not only in the broader Victorian community but also in the local community in the northern suburbs of Melbourne.

I am extremely proud of La Trobe's socially progressive mission. The preamble of the La Trobe University Bill sets out in its third paragraph:

From inception, La Trobe has been particularly focused on providing access to quality higher education to those from disadvantaged backgrounds and has become an internationally recognised leader in this field.

I was very privileged to be invited to a recent alumni dinner held at La Trobe University which showcased a range of graduates from the university, some of whom had come from what you would call average middle-class backgrounds and gone on to do some fantastic things. Importantly I remember that a number of people had come from very difficult backgrounds. One woman in particular had come from overseas as a refugee as a child. She had seized the opportunity of a first-class education here in Victoria, and had gone on to a senior management position with Qantas. It think that is a fantastic testament to the work that La Trobe University does.

One of the projects currently being undertaken by this government is the Heidelberg schools regeneration project up in Macleod. The project will deliver huge benefits to education outcomes in the communities around Macleod, Heidelberg West and Rosanna. In fact works at that school project are already under way. At the launch of the La Trobe site where the school regeneration project will take place La Trobe University expressed a keen interest in the project and wants to partner with the government in looking at ways of linking involvement between the university and the schools.

As I have mentioned in this house a number of times, La Trobe's Bundoora campus has seen the start of construction of the \$230 million new bioscience research centre. Of this a massive \$180 million has been funded by the Brumby Labor government. This project should not be underestimated: it will inject \$690 million into the Victorian economy, create about 390 jobs and provide a landmark facility for Victoria's \$11.8 billion agriculture industry. It is expected to be operational by 2012.

I have misplaced my speaking notes, but I am very happy to support the La Trobe University Bill. La Trobe University is a fantastic facility for the

northern suburbs of Melbourne. There are a number of projects on which this government has proudly partnered with La Trobe University, and I commend the bill to the house.

Mr NORTHE (Morwell) — It gives me great pleasure to make a contribution on the range of university bills we have before us this evening. The purpose of the bills is to establish consistent governance arrangements for four Victorian universities by the adoption of template legislation which will apply to each and which will later cover eight universities. I note that the Australian Catholic University and the Melbourne College of Divinity are not included. The background to the proposed legislation goes back to the 2008 and 2009 annual statements of government intentions which include a commitment to modernise the legislation covering the university sector in Victoria and to ensure consistency with agreed national protocols for university governance. These are the first four university bills, and a further four bills are expected in November. The eight bills will be identical apart from the preambles, which are particular to each, and the savings and transitional measures, which by necessity differ between universities.

There are significant changes to the legislation. The objects of the universities will be broader and will better reflect the activities of universities today. The council of each university remains its governing body and includes among its duties the appointment of senior officers such as chancellors, deputy chancellors and vice-chancellors. The composition of council, which has been mentioned by other members, currently mandated at 21, may vary from 14 to 21 members, being a mix of appointed, co-opted and elected members.

In his contribution the member for Nepean made reference to the proposed amendment of the Minister for Skills and Workforce Participation to the La Trobe University Bill, which inserts in clause 11 on page 14 after line 12:

- “() Of the members who are persons appointed by the Governor in Council under section 12(1) and persons appointed by the Council under section 13(1) —
- (a) 2 persons must be persons who have experience and interests in the Bendigo region;
 - (b) one must be a person who has experience and interests in the Albury-Wodonga region.”.

In the case of Monash University's Gippsland campus, a matter raised by the member for Nepean, one could ask why that similar interest does not apply to that

regional university? The minister should advise the house why it applies to La Trobe University in this instance but not to other regional campuses. Most of my comments on these bills will relate to Monash University, because we are privileged to have its Churchill campus in the Morwell electorate, which is a fantastic asset for the Gippsland region. As the member for Nepean mentioned, at about this time last year the Legislative Assembly held its regional sitting in the new auditorium of that campus.

Monash University's Gippsland campus was instituted in the 1970s. Prior to that, in 1968 the Gippsland Institute of Advanced Education was established as part of Yallourn Technical College. GIAE opened in 1970 and at that stage there were 270 students studying at Newborough. The new buildings at the Churchill campus were not completed until 1976, although there were students in the first buildings in the early 1970s. Monash University was founded in 1958 and, whilst it had a similar history to the GIAE, it was established to provide tertiary education, given that Victoria's population was expanding. It was named after an engineer, General Sir John Monash, who after returning from World War I had been appointed founding chairman of the State Electricity Commission.

Times have changed, and Monash University's Gippsland campus at Churchill now has some 2000 on-campus students, 5000 off-campus students and nearly 400 staff. It is one of the La Trobe Valley's largest employers and is the only non-metropolitan campus of Monash University. As I mentioned earlier, some of the attributes of the Gippsland campus are the 600-seat auditorium. It even has a golf course for those who are that way inclined. We are lucky to have the Gippsland medical school, which is a fantastic asset for the Gippsland region. It is an impressive facility under the tutelage of Professor Chris Brown.

Last week I had the pleasure of being at the launch of the teddy bear hospital, an initiative put together by 30 medical students. They invited some primary school children to a very impressive carnival-like set of stations. The object was to provide an environment for children where they would not be scared of medical professionals or hospitals. The children were rotated to the various stations that were set up. It not only had an educational perspective but was also a lot of fun for the kids. The medical students involved at the campus really feel part of the community. Through local hospitals, community health services or in private practices they are forming part of the community. One of the things that regional communities are looking for is an increased participation by health professionals in

regional areas, and the Gippsland medical school is doing fantastic work in that regard.

There are many challenges for universities across Victoria, and from a Monash perspective it was pleasing to see the recent appointment of vice-chancellor Ed Byrne and pro-vice-chancellor Helen Bartlett, who are leading the way in ensuring that Gippsland residents have the opportunity to take part in the courses offered by Monash University. An article in the *Age* a couple of weeks ago refers to an interview with Professor Byrne where he talked about some of the challenges particularly for areas such as Gippsland, where many people come from lower socioeconomic backgrounds and are unable to participate at university because of the ENTER (equivalent national tertiary entrance rank) scores that apply in many circumstances.

Professor Byrne recognises this as an issue and talks about how we might be able to come up with some better initiatives and pathways for students in these regions to take part in university courses. I commend him for that and am happy to work with him towards that goal. I am a member of the Parliament's Rural and Regional Committee, which is inquiring into regional centres of the future. We have conducted public hearings across the state, and at every single public hearing universities have been mentioned as having a vital part to play in regional communities.

We all know that not all in regional areas who want to take part in university education have the opportunity. There are many barriers to their being able to participate, but the message we on the committee are receiving has been very loud and clear that universities are an integral part of regional communities. Governments of all persuasions should encourage and support that and ensure that regional students have the opportunity to participate at regional universities. One of the reasons people are not able to participate at Monash University in Gippsland is the cost of study and travel and their having to leave home. We should do all we can to encourage people to participate. We should encourage universities to look at new initiatives to embrace our younger generation, give them opportunities and provide pathways to ensure that they have the ability to participate in higher education.

Mr TREZISE (Geelong) — I stand to speak in support of these bills tonight that include legislation applicable to the great Geelong education institution of Deakin University. In 1974, under the federal Whitlam government, Deakin University was established at Waurn Ponds just outside my electorate of Geelong. I

note that much work, advocacy and lobbying was done at the time by the Geelong community to get the regional university proposed by the Whitlam government to Geelong. The then member for Corio and Whitlam government minister Gordon Scholes led the push by the community of Geelong. It is no exaggeration to say that Gordon Scholes was of paramount importance in gaining Deakin University for Geelong back in 1974.

Since that time Deakin University has gone from strength to strength. During the 1990s Deakin University merged with the Warrnambool Institute of Advanced Education and Victoria College in Melbourne. These two mergers led to the establishment of campuses in Warrnambool and Burwood. During the late 1990s the university had the foresight to move into the abandoned wool stores on Geelong's waterfront to establish its now magnificent waterfront campus just off Western Beach.

In recent years, under the guidance of vice-chancellor Sally Walker and with the support of the Bracks and Brumby state governments, new schools such as the nursing school have been established. In early 2008 the now fully operational Deakin medical school was established at the Waurn Ponds campus. The Brumby government, working in partnership with the then newly elected federal Rudd government, ensured the establishment of the much-needed and much-heralded medical school at Deakin University — a school established as a direct counter to the shortage of doctors in regional Victoria and across regional Australia. It was with great delight that I and other representatives from Geelong had the privilege of attending Deakin University back in February 2008 for the opening of the medical school.

In supporting the Deakin University Bill I highlight the fact that Deakin University has since 1974 grown from strength to strength, in recent years under the guidance of the current board and vice-chancellor Sally Walker. The bill before us tonight will ensure that this growth will continue. It will ensure that not only Deakin University but, as other members of the house alluded to earlier tonight, other listed universities are provided with a state act that will ensure appropriate and good governance of those universities in years to come. Other members, including the minister in her second-reading speech, have addressed a number of the provisions and parts of the legislation before us tonight. I will not waste members' time going into details of the Deakin University Bill. I again express my full support for it. It is good legislation, and I therefore wish the bill a speedy passage through this house.

Ms ASHER (Brighton) — I wish to also indicate the support of the opposition for these university bills: the Monash University Bill, the University of Melbourne Bill, the Deakin University Bill and the La Trobe University Bill. Each institution will have its own piece of legislation, and anyone who is knowledgeable about university politics will understand the reasons for that. The government has indicated that this is a modernisation of its legislation to provide for the changed role of universities in our modern society. In essence the bills provide a template piece of legislation, each with some differences in the preambles and the savings and transitional arrangements. The government has indicated that in due course there will be more bills for more universities. The process of modernising this legislation is one that we support.

I wish to speak very briefly from the perspective that I have, having attended both the University of Melbourne and Monash University at a time when fees were not charged. Melbourne was the first university in Victoria, established in 1853. Monash was established in 1958 and accepted its first students in 1961. I remember very vividly Monash coming on-stream, if you like, and the problems associated with being a new university in that era — problems that were subsequently experienced by La Trobe and then by Deakin.

Given my alma mater, shadow cabinet meetings have been held at both Monash and Melbourne universities, where the universities have taken opportunities to brief shadow cabinet on the range of activities they are undertaking and their aspirations for the future. They are both outstanding universities, as are the other universities whose legislation we are covering. Obviously in the case of the University of Melbourne there are strong elements of tradition and pride, and in the case of Monash there is a very strong push for the export market, all of which are elements supported on this side of politics.

The background for these bills is that the government indicated it wished to review higher education and update legislation, and all of that is important and supported. In essence the changes, which have been covered by other members, relate in the first instance to governance. University councils can now carry from 14 to 21 members, and the members will be a mixture of appointed, co-opted and elected members.

I want to make a point about the involvement of members of Parliament on university councils. Previously members of Parliament were decreed under legislation to be as-of-right members of university councils. I was a member of the Victorian College of

the Arts council under the old legislation. I thoroughly enjoyed that role and am most supportive of that institution in its current endeavours. In government we abolished the as-of-right membership to university councils, but we indicated — we being the previous coalition government — that an MP could serve if the university wanted them to. For whatever reason, the government has taken the view that that will not now occur. I think that is a shame, because people should not be disqualified on the basis of their profession. They should be accepted or not accepted on the basis of what contribution they can make to a university council. That is a small issue and a side issue, but I think MPs should not be disqualified from undertaking that role.

Vice-chancellors will now be the chief executive officers, and they will also be called ‘president’ because of the need for international recognition in the modern era in which we now operate. Most importantly there will be significant capacity for universities to determine what they do within their statutory objectives. Their powers to acquire property will be retained. Compulsory acquisition powers and disposal powers are set out very clearly in the bill before the house.

One of the most important features of the bill is how the government proposes to address universities’ commercial activities, which of course are becoming part of the day-to-day activities of universities. A sensible framework has been put forward by the government, and clearly the universities have had significant input in the consultation process embarked upon by the government. The government now requires guidelines to be developed for commercial activities, and universities will have to look at risk management, due diligence and the like, and that is clearly set out in the second-reading speech. The minister will have the capacity to approve these guidelines. Most importantly, the bill gives universities flexibility to operate as they see fit in the commercial environment in which all universities now operate.

I wish to conclude my remarks by making some comments about tertiary education. I was educated at secondary level in the government system, and I believe passionately that access to tertiary education is the most important vehicle for the attainment of equality of opportunity in the society in which we live. Not everyone has parents who are capable of affording elite secondary education. It is fabulous if you are lucky enough to have parents who can provide that. It is choice, and I support that. That is why I believe the structure of tertiary education in this state is so important to people to get access to equality of

opportunity. I am not looking for equality of outcomes; I am a liberal. I am looking for equality of opportunities, and access to the tertiary sector is vital in that.

Universities also play a very substantial and important role as the bastions of intellectual rigour and cultural expression, and again that is important to our community and our society. In an area where often those who undertake a cultural career are not massively well rewarded, it is especially important that universities cultivate excellence in that area.

I also think the research roles of universities are absolutely fundamental to the intellectual power of this society. More latterly, of course, universities have embarked on business activities. They are important institutions for export for our society. However, the more fundamental issue with universities is the intellectual freedom, exposure to ideas, opportunities to be involved in culture and the opportunities to advance within our economy and within our society.

As I said, according to my view universities are fundamental in economic and social terms. It is vital our universities flourish, attract students and attract programs of excellence. I hope the framework the government has put forward to the Parliament, which was devised in consultation with the universities, sets the foundation for the very important development of tertiary education and universities for the future.

Ms MUNT (Mordialloc) — I will speak briefly on the range of university bills for Melbourne University, Monash University, Deakin University and La Trobe University. I would like to focus on the University of Melbourne Bill 2009 and the Monash University Bill 2009 as a great number of tertiary students from my electorate attend either one of those two universities, there being public transport from my electorate to both, part of which goes through the electorate of the member for Bentleigh.

I want to speak in particular on the preamble to the bills, and I will read out part of the preamble to the University of Melbourne Bill. It says:

The University of Melbourne was created by the Parliament of the fledgling colony of Victoria as one of several demonstrations of pride, confidence and aspiration for its future.

The preamble to the University Act, 16 Victoria, Act No. 34 declared ‘... it is expedient to promote sound learning in the colony of Victoria and with that intent to establish incorporate and endow an University at Melbourne open to all classes and denominations of Her Majesty’s subjects’. The university came into being on 11 April 1853.

That is about when the original University Act of Parliament was put into place which, apart from amendments, remains largely unchanged to this day. I would now like to read the preamble to the Monash University Bill 2009. It states:

Monash University was established under the Monash University Act 1958. A proclamation made under that Act on 27 May 1958 fixed 30 May 1958 as the date on which Monash University was incorporated as a body politic and corporate.

The university's creation was in part a response to the changing profile and aspirations of the state of Victoria, including demand for greater access to higher education from the public and new industries that required advanced scientific and conceptual skills. The university was granted Crown land at Clayton where it established a campus amidst what was to become one of the fastest growing population centres in Victoria.

That was in 1958 — 50 years ago. We had the original University Act from the 1800s and then the Monash University Act in 1958.

This legislation is part of the redrawing of the whole suite of education acts in Victoria. It reflects the changing nature of the educational needs of Victoria as a whole. As other speakers have said, it endows greater flexibility and governance for universities. Over time universities have grown from the 300 or so students who started at Monash University in 1961 to the many thousands of students doing not just a few courses but many of the different courses that are available as part of the skill set that is now required in Victoria. Our legislation has to keep pace with all that is happening in education and all that is required throughout all of its tertiary sectors. The universities have taken over TAFE sectors and other sectors throughout Victoria.

I commend these bills to the house as another suite of bills in the rewriting of the education acts in Victoria to reflect the dynamism and changing needs of the state and its students into the 21st century.

Mr CRISP (Mildura) — I rise to make a contribution to the Monash University Bill 2009, the University of Melbourne Bill 2009, Deakin University Bill 2009 and the La Trobe University Bill 2009.

I note an amendment to the La Trobe University Bill has been circulated by the member for Bendigo East. The amendment relates to representation of some of the rural and regional campuses that are a part of La Trobe University. The amendment provides for two persons to be from Bendigo region and one from Albury-Wodonga. When the legislation is between the houses I will be lobbying to get Mildura added to that,

because there is a campus in Mildura and we are a long way from Bendigo. There is a little work to be done there. However, I support the gist of this amendment, which will ensure that universities with extensive rural campuses have localised representation. This is something we feel very strongly about in Mildura. Without wishing to offend our Bendigo friends too much, we see a clear difference between Loddon and the Mallee. Debate on this university bill is one of those occasions where we see a clear difference.

The Nationals in coalition support these bills. The purpose of the bills is to establish consistent governance arrangements for eight Victorian universities by the adoption of template legislation for each. The Australian Catholic University and the Melbourne College of Divinity are not included.

I refer to some of the background. In 2008 and 2009 the annual statements of government intentions included commitments to modernise the legislation that governs the university sector in Victoria while ensuring consistency with agreed national protocols for university governance. These are the first four university bills to be addressed; a further four bills are expected in November. The eight bills will be almost identical — that is, apart from the preamble, which is particular to each, and the savings and transitional measures which by necessity will differ between the universities. Dealing with the universities together makes sense and follows a template.

One of the more significant changes is that the objects of the universities are broader and better reflect the activities of the universities today. The university councils remain as governing bodies and included among their duties is the appointment of senior officers, such as chancellor, deputy chancellor, and vice-chancellor. Currently it is mandatory that a university council be comprised of 21 members. Following this legislation, it may vary from 14 to 21 and be a mix of appointed, co-opted and elected members.

The structure and role of the academic boards and faculties will be determined by the university councils rather than being prescribed in the act. The vice-chancellor will be the chief executive officer of the university and will also carry the title of president for the purposes of international recognition. The universities are empowered to make their own statutes. The universities will retain the powers relating to property acquisition, disposal, finance and commercial activities. The universities will be required to develop, have approved and then publish guidelines relating to

their intended commercial activities — that is, their business plan. The Auditor-General will continue to audit the functions of the universities and will continue to be required to report annually to Parliament.

That is the legislation. How does this affect Mildura? There are two universities in Mildura. Monash University's rural medical school is adjacent to the Mildura Base Hospital. It offers valuable training experience in the country, particularly for those involved in medicine and some other health-related professions. This provides the community with doctors and other medical staff. It is valuable experience for those young professionals who we hope at some stage in their career will work in country areas to alleviate what are quite serious shortages in medical professions in the country areas.

A difficulty at the moment is that there is no physiotherapy available at the Mildura Base Hospital because there are no physiotherapists on staff. The hospital is advertising for physiotherapists, but they are difficult to find.

In order to attract some of these young people, Monash University has built some excellent facilities in Mildura. However, some work still needs to be done on the accommodation. If you are to have a good country experience, you need good accommodation. As we so often say, if you train in the country, you retain in the country.

I cannot go through this bill without talking about the youth allowance, in particular the impact the federal changes are having on the expectations of country students. We have heard considerable debate about the changes in this house. Taking a two-year gap from study or training is highly dangerous for country students, and it will affect their access to education. I am very concerned about that. Along with my colleagues I have been calling for the state government to lean on its federal colleagues to bring them to their senses. We notice there have been some changes for those people who are taking their gap year next year.

I close with a comment which the federal government needs to be made aware of — that is, if students from the country need to live away from home to complete courses, they need to achieve independence. At the moment they still require help from their parents. It is all about money and being able to afford education, particularly if you have to live away from home.

La Trobe University is the larger institution in Mildura. It is a wonderful community asset. Mildura is a community that is undergoing enormous change,

particularly due to the drought and water shortages. Our economic model is changing in Mildura. I think of this as a pie and those segments of the pie keep changing; therefore you have to move people from one segment to another. That is a community in transition. The services and opportunities that La Trobe University offers are vitally important for people making those transitions.

There is no better example than in the education faculty, where in the past you could only do the first and fourth year of your course in Mildura. This year they have offered all four years in Mildura. There was a huge jump in enrolments, mostly for mature-age people who are looking to change their lives because of the economic circumstances. That is enormously successful, because those students could not have travelled away because of their family circumstances. This is an opportunity the university has created in Mildura.

Also there is a science proposal. The CSIRO is departing from Mildura. This leaves some laboratories available. I know La Trobe is endeavouring to work with other community bodies to utilise these laboratories in a proposal to have science courses extended to Mildura, particularly for first-year students.

The enhancement of public dentistry in Mildura in partnership with Sunraysia Community Health Services is also a marvellous extension. La Trobe University's nursing course is picking up some overseas students, who will commence next year. Again, if you train people in the country, you retain people in the country. Business study courses are held in the city campus, which is three doors from my office. It is great to see the people who are doing that. There is also excellent collaboration with our local arts centre for our arts courses and the social science courses.

The university has outgrown its site and buildings. More portables are on their way, which is not a particularly good experience, especially for overseas students. However, that will be the interim arrangement: there will be more cool rooms for our students to study in. The state and commonwealth need to work harder to improve the facilities, particularly facilities for those country students so we can create those opportunities for them to transition their lives, as I said.

These are governance bills. They are important, and they are especially important for Mildura, where people want to see the facilities continue to improve. However, it is the services that are offered that are important, and it is vital for the change that is occurring that our

universities, particularly La Trobe, are allowed to develop and get the physical and staffing resources they need to carry out this vital role. Many families are in transition, and many need our university. They are not going to be able to study away from Mildura, and if we continue to change our rural economies, they are going to have to change their lives.

We are very lucky to have La Trobe University with its courses there and also other educational institutions that are effecting this change, being our TAFE college and a number of private providers. The Nationals are supporting these bills and wish them a speedy passage, but we also remind this government that there is much to do in relation to regional education and opportunities in country areas.

Mr HUDSON (Bentleigh) — It is a pleasure to speak on the University of Melbourne Bill 2009, because this bill will modernise the legislation that governs the university and will help us to provide a world-class tertiary education system. The importance of that is underlined by the fact that in Victoria we have approximately 750 000 domestic students and 270 000 international students undertaking higher education. That is a huge number of people who are undertaking higher education studies in this state. Within the municipality of Melbourne alone students comprise about 42 per cent of the resident population, numbering about 62 000.

The governance of our universities is incredibly important. This bill remakes the original University Act of 1853, giving the university the flexibility it needs to operate in a more commercial environment, adapt to the current times and make the appropriate changes to give it flexibility in its governance and administration.

I would have to say I am pretty disappointed in the opposition because it had an opportunity with this bill to move amendments to introduce the changes that its leader said were critical to save the Victorian College of the Arts (VCA). The Leader of the Opposition in recent weeks has been out there saying that if the opposition were elected to government, it would make the Victorian College of the Arts independent from the University of Melbourne and would inject \$6 million into the college to save it.

Here is a bill that deals with the governance of Melbourne University, of which the Victorian College of the Arts is a part, and at the first opportunity to move an amendment to restore its independence the opposition has squibbed it. Members' hearts are not in it. The reason their hearts are not in it is that they know

it will not fix the problems facing the Victorian College of the Arts. They know the \$6 million promised by Ted Baillieu will not fix the problem. If you made it independent of the University of Melbourne and you removed it from that structure, then the college would automatically lose the \$17.8 million in subsidies that it currently receives from the university. There is nothing about \$6 million that will plug the gaping hole that would open up in the budget of the Victorian College of the Arts. Melbourne University's current subsidy is more than a third of the college's revenue.

The problem that exists here for the VCA is not its independence from the University of Melbourne; the problem is that in fact it is underfunded as a specialist arts training institution in this country. If you compare its funding to the funding that is provided to the National Institute of Dramatic Art, then we can see that it is significantly underfunded. It receives less than half the funding that NIDA currently receives.

I am very confused about the position of the opposition in relation to the structure of Melbourne University and the governance of the VCA, because on 12 March in a debate on the Melbourne University Amendment Bill, which amalgamated the VCA and the faculty of music at the University of Melbourne, the member for Nepean said:

I particularly commend the university on its recent brave decision to pursue the Melbourne model of generalist degrees ... I think the university is to be commended on its forethought and bravery, and I think it is certainly heading down a correct path.

The shadow Minister for Education was suggesting that the VCA being absorbed into the Melbourne University model of governance and administration and moving down the path of the Melbourne model of a generalist degree was the right path. But now we have the Leader of the Opposition putting out a press release saying he will abolish the Melbourne model; he does not support the Melbourne model any more for the VCA. He says:

I do not believe the absorption of the college into the Melbourne model should go forward in the manner currently proposed.

Of course this is opportunistic, because the fact of the matter is the central problem here was highlighted when the higher education funding for the University of Melbourne and the VCA was restructured in 2003. It was set out very well at the time in a letter from the vice-chancellor, Alan Gilbert, to the then federal Minister for Education, Science and Training, Dr Brendan Nelson. It pointed out that if the government went down the path of providing funding

in this way for the VCA within Melbourne University, that was going to lead to significant problems. We did not hear the Leader of the Opposition objecting to that restructuring of the funding for the VCA at that time.

The fact of the matter is that here we are with a bill before the Parliament on the governance and administration of Melbourne University, and here is an opportunity for the opposition to have the courage of its convictions to put forward some amendments that would separate out the Victorian College of the Arts from Melbourne University. It has had the opportunity to do that today. It has not put forward the amendments. It does not have the courage of its convictions.

Opposition members know that if they did that, it would create even more problems for the Victorian College of the Arts, and so they will never implement the policy because at their heart they know that what is needed is additional funding from the federal government, not some paltry contribution made by the state government which will not go towards addressing the issues that exist in the inequity of funding between NIDA and the Victorian College of the Arts.

This is a good bill. It will modernise the legislation for Melbourne University, and I commend the bill to the house.

Dr NAPHTHINE (South-West Coast) — I rise to speak on the cognate debate covering the Deakin University Bill, the La Trobe University Bill, the Monash University Bill and the University of Melbourne Bill. I will state at the outset that I am a graduate of both the University of Melbourne and Deakin University, and I am involved in the alumni organisations of both Melbourne University veterinary school and the Deakin University master of business administration society.

Initially I want to make some comments in relation to the Deakin University Bill before the house. I want to quote from a letter I received on 7 October from Professor Sue Kilpatrick who is the pro vice-chancellor, rural and regional, at the Warrnambool campus of Deakin University. I will do it to give some outline of the significance of the Warrnambool campus to the regional and rural community of south-west Victoria. The letter says:

There are over 1000 students enrolled at the Warrnambool campus in 2009. The campus provides increasingly important access to quality higher education for local students. As you are aware, Deakin is an important contributor to and resource for south-west Victoria.

A Deakin-commissioned study by the Western Research Institute found that in 2005–06 financial year the university

operations and the expenditure of non-local students from the Warrnambool campus account for \$62 million in output, \$32 million in GRP —

gross regional product —

\$13 million in household income and 216 FTE —

full-time equivalent —

jobs in Warrnambool LGA —

local government area.

A key benefit of having a regional campus is its contribution to the human capital of the region.

The letter goes on to talk about the newly established Deakin medical school, the centre for rural emergency medicine at Warrnambool and Portland and the new rural clinical school funding that includes funding for teaching facilities at Warrnambool, Camperdown, Ararat and Hamilton. It goes on further to say that the Warrnambool campus is home to the Greater Green Triangle University department of rural health and that the Deakin campus is also world renowned.

The letter goes on to say:

Regionally relevant research at Deakin's Warrnambool campus includes marine and freshwater ecology and research partnerships with water and catchment management authorities. ... For example one project aims to survey about 48 580 hectares (5 per cent) of the state's coastal seabed between Cape Howe and the South Australian border using the latest multibeam sonar scanning and global positioning satellite (GPS) technologies ...

It points out that this project will help it to gain a better understanding of marine habitats.

One of the significant sentences in the Deakin University letter is:

The students and staff at Deakin's Warrnambool campus contribute to the richness of regional cultural life.

That says a fair bit about the importance of the Warrnambool campus of Deakin University to Warrnambool and to the region.

I also want to make a passing remark about the medical school that has just been established at Deakin University. It is a landmark new medical school for Victoria which is in addition to the existing medical schools at Melbourne and Monash universities. This is the first medical school for training doctors outside Melbourne, and I believe it will have a significant impact in overcoming the shortage of doctors in regional and rural areas.

It was interesting to listen to the contribution to the debate by the member for Geelong and to read the second-reading speech, because there seems to have been an attempt to distort the history of the development of this medical school. Indeed the second-reading speech says:

On 1 May 2008 Victoria's first new medical school for more than 40 years, the Deakin Medical School, was formally opened by the Prime Minister of Australia, the Honourable Kevin Rudd, with the strong financial backing and support of the Brumby government.

While that is true, in reality the background to this medical school is that the drive, the energy and the enthusiasm of local federal members David Hawker and Stewart McArthur probably had more to do with the establishment of the Deakin medical school than anything else, and they were strongly supported by other western Victorian state MPs. The person who made the ultimate decision to fund and go forth with that significant announcement of a medical school at Deakin University was former Prime Minister John Howard. There should be recognition placed on the record for the work of John Howard, David Hawker and Stewart McArthur in the establishment of that medical school.

I now refer to comments about this legislation made in an email to me by Rob Wallis, a former pro vice-chancellor, regional and rural, for Deakin University. He says:

I can see why the government wishes to clarify and standardise the acts for the different universities, but the objects of the university as described on pages 6 and 7 are so generic that the rural and regional defining aspects of the 'old' Deakin have been completely lost ... I thus wonder if a 'one size fits all' act for all our universities is appropriate.

He goes on further in his email to say:

I understand this gives a university destiny over its future, which perhaps provides universities with independence they have sought. However, I feel western Victorian communities will be disappointed with the lack of such a guarantee.

I want to refer to the objects of the university set out in the current Deakin University Act, which reads:

The objects of the University are —

- (a) to establish a university in the Geelong area;
- (ab) to maintain campuses of the University at Geelong, Warrnambool, Burwood, Malvern and such other place or places as are prescribed by the Statutes.

There is no mention of Warrnambool in the current legislation, and it is somewhat ironic to see the amendments brought before the house by the minister

in the La Trobe University Bill — amendments to the standard acts that apply to every other university which provide for particular appointments of two people who must have experience and interests in the Bendigo region and one who has experience and interests in the Albury-Wodonga region. I support that amendment, but I ask: why are there not similar amendments with regard to the Warrnambool campus and to Geelong representation within the Deakin University Act, with regard to Churchill representation in the Monash University Act, and in terms of other changes to other legislation? The government, by going down this track with the La Trobe University Bill, has admitted it has made a mistake. Where there are significant regional campuses there ought to be some recognition of their representation on the university council and some representation in the legislation before the house.

I want to cover a couple of other things in my contribution to the debate. One is the importance of universities in decentralisation and in regional development. It is interesting to note that some of the best recognised universities around the world are not located in capital cities, whether they be Oxford, Cambridge or a vast array of major American universities. Having decentralised universities is important in terms of decentralisation and regional development. They provide an enormous amount of employment in local areas, they are great economic drivers of research and they provide spin-offs from research in terms of jobs, investment and new opportunities.

I firmly believe that both federal and state governments ought to make a commitment that over the next 10, 20 or 30 years we have a policy in Australia to create more places through higher education contribution scheme funding for campuses in regional and rural areas, whether they be entire universities or campuses of universities, rather than in city-based campuses in Sydney, Melbourne and Brisbane. This would mean we would decentralise universities even more, and that would be a great driver for moving populations into regional and rural areas. It would also be of enormous benefit to regional development and regional job opportunities.

Finally, I refer to the issues facing rural students. There is no doubt that rural students are significantly disadvantaged in seeking and gaining access to tertiary education. It has been suggested that they are one-third less likely to undertake tertiary education, because many are forced to live away from home at enormous expense and enormous dislocation for them and their families.

The federal government changes to the youth allowance will only make this much harder. The federal Labor government, the Rudd government, is making it much more difficult for rural students to access tertiary education. That is cruel; that is unfair; it is unprecedented and it should be stopped. The new system where students are required to work for 30 hours a week for 18 months to qualify for a full independent youth allowance in their so-called gap year — they will need two gap years — makes it much more difficult for rural students to access tertiary education. The minor changes made by the Rudd government to exempt students who are on a current gap year are a very small relief. They deal with one cohort of students but the major problem remains for time into the future. Unless the government changes this measure, the gap between regional and rural students and city-based students will get wider and wider.

Mr LIM (Clayton) — It gives me great pleasure to support these four university bills. Victoria has a number of universities of world standing. One of the finest is Monash University, which has eight campuses. Its first and the largest is located at Clayton, in my electorate. Not surprisingly, therefore, I would like to direct my contribution to the Monash University Bill.

The Monash University Bill, along with the other bills, provides a modern and more flexible framework for the operation of our universities. The bill does this by sharing common objectives with other university bills in setting out the role of a university in Victoria, in accordance with community expectations; providing the university with greater flexibility in determining the size of its own governing council, allowing for the appointment of between 14 and 21 members, as against 21 currently; removing prescriptive detail from legislation about operational matters, such as the naming of units within a university and the composition and responsibilities of an academic board or its equivalent, leaving such matters for a university to determine itself; providing for a clear delineation between the roles and responsibilities of the council as the governing body of the university as against those of the vice-chancellor as the chief executive officer of the university; and providing for the creation of guidelines, subject to the minister's and the Treasurer's approval, setting out best practice arrangements in respect of risk management planning and oversight of a university's commercial activities.

Monash University was established by a 1958 act of Parliament and opened its doors to 363 students in 1961. As Victoria's second university Monash grew

through the 1960s and into the 1970s — a time of student protests and the hiding of draft resisters — into the large and mature institution it is now.

Monash University now has over 55 000 students and 14 303 full and part-time staff. Over 25 000 of those students attend the Clayton campus. It has campuses at Berwick, Caulfield, Churchill in Gippsland, and Frankston. There are international campuses in Malaysia and South Africa and a centre in Italy.

Monash University has a breadth of programs with faculties in art and design, arts, business and economics, education, engineering, information technology, law, medicine, nursing and health sciences, pharmacy and pharmaceutical sciences and science.

Monash has 17 813 international students coming from all over the world. Monash has a very special place in my heart because I mention with pride that on my election to Parliament I was appointed by Parliament to represent it on the university council. I was a member of the council for only one year because after that period there was no requirement for the university to have parliamentary representation on its council, so my service to the university was terminated accordingly.

The other aspect of Monash University which I mention with pride is the incorporation of the first and probably only Australian synchrotron. As members know, the Premier is regarded as the father of the Australian synchrotron in scientific circles. We should be proud to have the synchrotron located in Victoria and at the Monash campus. It enhances the stature of the university as a scientific research centre vis-a-vis the whole world. It goes without saying that Monash University is at the forefront in many areas. It is a medical teaching institution and through its proximity to the Monash Medical Centre it is very well known for its pioneering research in many areas.

This bill will better enable Monash University to meet the challenges of the 21st century, especially in providing programs of excellence to students not just in Victoria and Australia but all over the world, to undertake world-renowned research and work closely with industry and its community. I commend the bill to the house.

Mr SCOTT (Preston) — It pleases me greatly to support the La Trobe University Bill, the Monash University Bill, the University of Melbourne Bill and the Deakin University Bill in this cognate debate. In my contribution I particularly want to concentrate on the La Trobe University Bill for a number of reasons. Firstly, it is the university which I attended; secondly, it is the

university that provides the most direct university educational services to the constituents I represent in the northern suburbs of Melbourne; and thirdly, because it is an important cultural hub in the northern suburbs of Melbourne.

The La Trobe University Bill re-enacts with amendments the law relating to La Trobe University, repeals various other acts and makes saving and transitional provisions. It really re-establishes the governance arrangements of La Trobe University, as is being done with other universities. I was particularly pleased to note that in clause 5, which sets out the objects of the university, there are a number of statements that will bring a warm glow to any person who believes in social justice. Clause 5(g) states that one of the objects of the university is:

... to provide programs and services in a way that reflects principles of equity and social justice.

That reflects well on that university and on this Parliament insofar as it is contemplating passing this particular bill.

As has been discussed by other members, universities such as La Trobe are not simply educational institutions; they are important institutions in our society for driving equality. They drive equality in two ways. Firstly, as was discussed by the member for Brighton, in driving equality of opportunity, universities play a critical role in ensuring that whatever their financial background, whatever the material circumstances of their families and whatever the circumstances their families have managed to create for them as they grew up, people of character and ability whose educational attainment is such that they are able to enter university are able to make their way in the world, taking advantage of those educational opportunities which have given them the capacity to live a life in which they can achieve fully and enter any profession their capacities allow them to. Secondly, this allows them to give back to the community, to repay the investment of care, resources, money, time and the skills of teachers and lecturers that has been made in them by the community.

This is a virtuous circle whereby people are no longer trapped by the circumstances of their parents and can escape into better lives. This is a change from what existed previously. There have been times when people who were literally at the top of their fields, who topped the state, did not have the money to advance into university education and so were forced to undertake different trades. There is much more social mobility in our society today than there was once upon a time.

La Trobe University particularly serves the community in areas such as my electorate of Preston. People from the northern suburbs of Melbourne often come from very disadvantaged backgrounds, but many people who go to La Trobe come from my electorate. For instance, many people who have lived in public housing — and I know of a number of examples — have gone on to university education and made professional lives for themselves in a way that was not available to earlier generations. La Trobe University has been a great driver of social advancement and social equality in our society.

Universities and their governance are important for another reason. Although they are statutory bodies, universities now play an increasingly important role in our economy. I have often talked in this Parliament about the important role that the export of educational services plays. I note that in 2008 that industry was Victoria's largest export earner, valued at \$4.9 billion. There were an estimated 161 625 overseas students enrolled in Victoria, 58 275 of those enrolled in universities. This is a reflection of that important role, which is one of the reasons why it is important to get the governance right. It is important that Victorian universities are able to serve the community and manage the important role that they have developed in our economy.

La Trobe University was established in 1964 as Victoria's third university. It was named after Charles Joseph La Trobe, the first Governor of Victoria, and it was officially opened in 1967 by the then Liberal Premier, Sir Henry Bolte. The dignitaries at the event included Sir Robert Menzies, who I think by that time was a former Prime Minister.

As I said, the main campus of La Trobe is located in Bundoora in the northern suburbs of Melbourne, but there are a number of other campuses, including one at Bendigo, the New South Wales border centre in Albury-Wodonga and smaller campuses in places such as Mildura, Shepparton and Beechworth as well as a CBD (central business district) campus.

La Trobe University has a particularly good reputation in the humanities area. I note that it was listed in the 2007 'Times higher education supplement', where it ranked in the top 25 institutions in the world in the category of arts and humanities and the third best in Australia. It also has a strong reputation in biomedicine and science. In the same 'Times higher education supplement' survey I think it ranked in the top 100 biomedicine universities in the world in that year. As I said, La Trobe is an important education facility. It

also has cultural facilities, particularly sporting and recreational facilities, such as indoor pools, gyms, playing fields and indoor stadiums which play an important role in the northern suburbs communities.

La Trobe has been a great university that has served the community well, and I believe it will continue to do so. This bill helps lay the foundation for what I believe will be many decades of good service to the community into the future. I commend the bill to the house.

Mr WALSH (Swan Hill) — I rise to make a contribution to the cognate debate on the La Trobe University Bill, the Monash University Bill, the University of Melbourne Bill and the Deakin University Bill.

Mr Cameron — Swan Hill's missing on the list!

Mr WALSH — Swan Hill is missing on that list, and that is one of the things I want to talk about, to pick up the interjection from the Minister for Police and Emergency Services.

The ACTING SPEAKER (Mr Jasper) — Order! The interjection is disorderly, of course!

Mr WALSH — The interjection is disorderly, but I will take it up in a moment, after I deal with the member for Preston. It was interesting, sitting here as a member representing a country electorate, to listen to the member for Preston talk about the issue of disadvantage. The people in my electorate probably have one of the highest deferral rates in Victoria, particularly among students who attend university, because it effectively costs parents in my electorate \$20 000 per year to send someone away from home to go to university.

When I stand here in this place and think about universities and the issues around universities for country students, it seems to me that a lot of members who stand in this house and talk about the universities in Melbourne or the major regional centres are effectively expressing elitism. It is fine for parents in those places because students can live at home and go to university. It is a lot easier for those whose children can live at home and catch a tram, bus or train to university than it is for parents in country Victoria, who have to save up or find the money somehow so that their children can live away from home to go to university. They have to find the money to pay not only the university fees — whether they be the HECS (higher education contribution scheme) fees or other fees — but also and particularly the living-away-from-home costs.

We are talking about these four bills here. As I understand it, some subsequent bills will deal with some of the other universities in Victoria as well. My focus, as the member representing the Swan Hill electorate, is to actually get some university courses delivered in my electorate — I understand they will not be the whole range of university courses you would have if you lived in Melbourne, but at least some of the courses — so that parents have an opportunity to send their children to university without them having to leave home. There is a significant geographical disadvantage in students having to go away to university. As I said, it costs something like \$20 000 per year per student to send your children away to university. I have been through that myself and know that it is a real issue.

If you look at the USA, you see that there is a land-grant model of universities. Universities are not necessarily centred in the capital cities of the states; often they are actually out in country areas. There is the opportunity for students to attend university courses without moving to the capital cities. One of the universities I have been to a couple of times, on other issues, is Davis university, which is in a country area of California.

When we talk about the governance issues of university we need to focus also on the issue of access, including the access of country students to universities without the huge disadvantage of cost. One of the bills we are dealing with here is the La Trobe University Bill. In my electorate there is a La Trobe campus in Bendigo and one in Mildura.

Mr Trezise interjected.

Mr WALSH — I am particularly focusing on La Trobe at the moment because it is probably the most geographically connected university to my electorate, with campuses at Bendigo and Mildura. We have a real issue, though, with La Trobe's focus on Bundoora and the fact that in some ways the Bendigo and Mildura campuses are distant cousins.

Mr Weller — Poor cousins.

Mr WALSH — Or poor cousins, as the member for Rodney says.

We talk in this place about red tape and bureaucracy and hierarchy. My experience of universities is that they are probably the worst when it comes to elitism and the way they actually work. The Bundoora campus is the centre of La Trobe University, as maybe it should be. Bendigo and Mildura are very much distant cousins,

and it is very difficult to get the vice-chancellors of universities interested in them.

The vice-chancellors of universities seem to be demigods in the system. When we debate this sort of legislation we probably need to tear down some of that elitism of universities, particularly those that relate to regional Victoria. I notice the member for Bendigo West is at the table. I am sure he understands some of the issues I am talking about. The universities seem very focused on metropolitan Melbourne and the campuses in country Victoria are very much the poor cousins or poor relatives.

We should not see universities as being just for those who live in capital cities. We should see universities as being for all Victorians; whether they live in my electorate of Swan Hill, in the member for Rodney's electorate around Echuca or in the Murray Valley electorate, Victorians should not be disadvantaged because of their geographic location.

One of the points we are missing in what we are talking about here is how we make sure that happens. One of the things I would like the government to consider in preparing this kind of legislation is for us not to talk about metropolitan universities that have country satellites but to think about how we might have a country-based university that is totally divorced from its city base, so that it actually has a real regional focus. Let us actually think about how we might have geographically tied HECS places with universities having to deliver in the areas where the HECS places are, rather than having HECS places that people have to come to.

It is an issue I am very passionate about. I represent an electorate that probably has one of the lowest university-educated populations of all the electorates represented in this house. Part of the reason is that the universities are elitist; they are based in and focused on metropolitan Melbourne and there is no real effort from this government, from those members who sit on that side of the house, to actually change that.

Mr Trezise interjected.

Mr WALSH — You might talk about Deakin University that is based in Geelong, but Geelong is effectively a suburb of Melbourne. It is not really part of regional Victoria. How do you put in place a university structure that actually delivers for country kids who live in country Victoria and not effectively a suburb of Melbourne? What we are talking about here is — —

Mr Trezise interjected.

Mr WALSH — I have been to the La Trobe campus. The university is very much focused on Bundoora. It is not focused on delivering to Swan Hill or Wycheproof or Birchip. It is not focused on delivering to the children in my electorate. It is focused very much on children relocating to Melbourne, taking the wealth from those communities and bringing it to Melbourne rather than delivering education in country Victoria. If we are talking about the governance structure of universities in this state, the government needs to have a serious look at how it sets up a governance structure that delivers for country children as well as city children. Rather than country children and their parents bringing their net worth to Melbourne — —

Mr Brooks — La Trobe University does more for country kids than you do, mate!

Mr WALSH — I know it is unruly to pick up interjections, but the member for Bundoora has missed the point totally if he thinks that, because it is about lifting the educational standard of country students rather than having their parents pay money to bring them to Bundoora to deliver education. This government has totally missed the point if the member for Bundoora's view of the world is its view.

Ms GRALEY (Narre Warren South) — It is a pleasure to be able to speak on the university bills. I was going to confine my comments to the Monash University Bill, but I cannot go on without having some sort of say about what the member for Swan Hill has said. As a mother who has sent three children to Melbourne to be university educated, I know how expensive it can be. I must say I would have liked to have seen some of the passion shown by the member for Swan Hill when the Howard government was in power. It ran down the universities, underfunded them and made it more difficult than ever for country kids to go to university. The fact is that under the Howard government the proportion of students receiving income support declined from around 40 per cent to 32 per cent, and payments declined dramatically in real terms because they were not indexed. No matter what the member for Swan Hill might think of the Gillard reforms, they will need more students — —

The ACTING SPEAKER (Mr Jasper) — Order! The member's comments will be made through the Chair.

Ms GRALEY — Thank you, Acting Speaker. I am passionate about it too!

The ACTING SPEAKER (Mr Jasper) — Order! A lot of members are passionate about this issue. The member will make her comments through the Chair and refer to individuals through the Chair.

Ms GRALEY — Thank you, Acting Speaker. In accordance with the 2008 annual statement of intent, reiterated in February 2009, the founding acts of the University of Melbourne and Monash, Deakin and La Trobe universities have been reviewed and through these bills thoroughly remade, which is a very good thing. The review in most part has been about developing new legislation that meets contemporary needs of students and the modern world in which the universities operate.

This legislation has four major objectives: to modernise the foundation legislation of Victorian universities to conform to contemporary standards and expectations; to introduce greater flexibility and governance in administration; to standardise powers and provisions across each of the university acts; and to remove redundant and obsolete provisions.

I have only a limited amount of time, so I will speak about an area I am very passionate about — that is, having Monash University in my electorate. Many members have said that Monash has campuses around Australia, in Italy, in South Africa and Malaysia, but it also has a campus in Berwick. We are very lucky to have the new campus in Berwick, and I am proud to say that many students from Gippsland are coming by train to that campus. We have a strong vision for how that campus is going to be developed, and this legislation is spot on in supporting Monash University's Berwick campus, because it is about acknowledging and allowing the university to grow in response to community, local and modern needs.

I am a member of the community advisory council at the Monash Berwick campus, and we have a strong vision for the development of an education precinct around the Clyde Road environs. We can see the potential of having linkages between Chisholm TAFE, the Berwick Technical Education Centre, the new Nossal High School, which will be located on the Berwick Monash campus, and Monash University expanding the array of courses it will be able to offer to our students.

This bill also provides for modern governance arrangements for Monash University. The provisions of these bills allow the universities to determine for themselves the number of council members in a range from a minimum of 14 to a maximum of 21 members, and will continue to indemnify council members in

exercising their functions and duties consistent with the objectives of the universities.

I recently had the pleasure of joining with the relatively new vice-chancellor of Monash University.

Business interrupted pursuant to standing orders.

ADJOURNMENT

The SPEAKER — Order! The question is:

That the house do now adjourn.

Rye Primary School: funding

Mr DIXON (Nepean) — I raise for the attention of the Minister for Education a matter regarding Rye Primary School. The action I seek is for the minister to fund Rye Primary School to purchase a badly needed property adjoining the school. Rye Primary School has 550 students, and the population of the school has grown rapidly. In the last couple of years an extra 100 children have enrolled in the school. However, the school is located on a property of only three and a half acres, which gives it — and the children have plotted this — the smallest per-pupil ratio of any school on the Mornington Peninsula.

The school is short of room, with two classes being taken in the science room and also on the stage in the hall. The school was eligible for \$3 million of funding under the BER (Building the Education Revolution) program. However, the education department told the school it could not have any of that \$3 million because its playground was too small for one of the off-the-shelf models. The principal asked for a smaller one and said the school would take anything but was told it had too many children to have a small model. The school was told it needed to sign over its \$3 million — it was not going to receive a cent of it — and give it to other schools in the area.

Rye Primary School is being badly done by, despite the federal government's promise that every school would receive money under the BER program. That shows the lack of flexibility. As a two-storey school it could have put on a two-storey block of four classrooms, which would have given it what it needed. But no, a two-storey building is not allowed; it has to be a certain off-the-shelf design with no flexibility. Therefore there is nothing of the \$3 million for Rye Primary School.

The school has been given the first option on a block of land adjoining the school, something which does not happen very often to any school. The school has asked

the minister for some money to buy this block, given that it missed out on \$3 million and signed it over to other schools in the area. Perhaps it would give the school a slightly larger playground. But the Brumby government said no, which is not fair on Rye Primary School. As that school has given up \$3 million to other schools in the area, it should have at least a percentage of that amount.

The fact is the money has gone to a very needy school in the area — Tootgarook Primary School, which will be totally rebuilt and the state government will not have to pay for it. A cut of that money should be given to Rye Primary School to purchase that block of land. The other option is to sell the Flinders Street land. It is empty and a firetrap. A cut of that money would enable Rye Primary School to purchase the land adjacent to the school and give the kids a reasonably sized playground.

Children: early childhood services

Mr TREZISE (Geelong) — I raise a matter for the attention of the Minister for Children and Early Childhood Development. The issue relates to the important service delivery of early childhood intervention services (ECIS), specifically within not only my electorate of Geelong but the Greater Geelong region.

As you would be aware, Speaker, early childhood intervention services support children with disabilities and their families. They provide services such as special education, therapy, counselling and support access services like kinder and child care. The 2008–09 budget provided 500 additional ECIS places, and there are an additional 500 in this year's budget. Given this allocation, the action I seek is for the minister to ensure that the next 500 ECIS places are allocated as urgently as possible and to ensure that the Geelong region is allocated its appropriate share of those places.

I am sure all members would be aware of how important early childhood intervention services are to families of children with disabilities or developmental delay. Within the Geelong region great demand is placed on organisations such as Gateway Support Services, which is a great Geelong organisation, and Scope Victoria to provide those services to families of children with disabilities in the Greater Geelong region.

I can assure the house that they do a very effective job in providing services and support, including information and parent education, individual assessment of needs, assistance in coordinating services, therapy programs and various other case

management services that are very important to local families.

As one can see from this abbreviated list of services, the early childhood intervention services program is a vital service to many Victorian families. The minister and the Brumby government appreciate the importance of these services, hence the significant budgetary allocations over the past two financial years. In the budget year 2008–09 nearly \$24 million was allocated. As I said, that provided 500 additional places and a further 500 were provided in the 2009–10 budget. I congratulate the minister on working hard within the budgetary process over the last couple of years to ensure that early childhood intervention services are provided to families across Victoria, including in my electorate of Geelong.

Seniors: travel concessions

Mr NORTHE (Morwell) — I raise a matter for the attention of the Minister for Senior Victorians. The action I seek is for Gippsland seniors to be afforded the same access to services as is provided to metropolitan seniors. Whilst I acknowledge that part of my contribution falls across other ministerial responsibilities, I ask the Minister for Senior Victorians to advocate on behalf of Gippsland Seniors Card holders to ensure they have similar entitlements to those of metropolitan Seniors Card holders.

The advent of Seniors Week in early October is a welcome initiative. However, it highlights the anomalies confronting many regional seniors, particularly those who reside in Gippsland. For example, Seniors Week was promoted in the *Latrobe Valley Express* of 1 October 2009, and under the heading 'Travel concessions and Seniors Card' it was reported that there would be free public transport during the week of the Victorian Seniors Festival. That is not quite accurate, and it has confused many seniors. The fact is that seniors wishing to utilise V/Line services could only do so on certain days during Seniors Week. Whilst metropolitan commuters were able to access eight days of free travel from Sunday, 4 October, to Sunday, 11 October, Gippsland commuters were able to access only five free travel days. If Gippsland seniors needed to access V/Line services on days precluded from free travel, normal rates applied.

The inequity of public transport services for seniors extends to the Seniors Sunday pass. Once again senior Gippsland commuters are disadvantaged in comparison with their metropolitan counterparts. Whilst Seniors Card holders in Melbourne travel free on Sundays, Seniors Card holders in Gippsland pay more for V/Line

journeys on Sundays than they do on weekdays, as no off-peak fares are offered on these services.

I have previously brought this anomaly to the attention of the Brumby government on behalf of Gippsland seniors. However, this city-centric government refuses to address the inequity. I pose a simple question: why will the Brumby government not provide free V/Line travel to eligible Gippsland Seniors Card holders on Sundays to ensure that all Victorian seniors have equitable access to public transport services? At the very least the government should provide a concession to seniors who wish to travel on public transport in regional areas on Sundays.

Fares for metropolitan seniors do not alter during the course of the day and, as I have noted, for them travel is free on Sundays. However, Gippsland seniors are confronted with peak fares at specific times on weekdays and weekends, including Sundays. For example, the cost difference between an off-peak fare and a peak fare for a return rail ticket from Traralgon to Melbourne is approximately 42 per cent. So on Sundays whilst metropolitan Seniors Card holders enjoy free travel, Gippsland Seniors Card holders are required to pay more than on weekdays. This is simply not fair. I ask the Minister for Senior Victorians to ensure that Gippsland seniors are supported on equal terms to those in Melbourne.

Shrives–Centre roads, Narre Warren: pedestrian crossing

Ms GRALEY (Narre Warren South) — The matter I wish to raise is for the attention of the Minister for Roads and Ports and concerns the need for a pedestrian crossing at the intersection of Shrives and Centre roads in Narre Warren. The action I seek is that the minister consider options for improvements to the intersection to make it safer for pedestrians. Members of the busy Narre Warren Senior Citizens Centre, which is located near the intersection, raised this issue with me recently. They are also organising a petition on the matter.

It is an important safety issue for the seniors, as they often need to cross Centre and Shrives roads to get to their centre, and we want them to go to the senior citizens centre. The intersection already has traffic lights. However, a pedestrian crossing is also needed to make it as safe as possible for the community, and our seniors in particular. The intersection is also near a shopping centre and the Narre Warren railway station and is part of a busy traffic thoroughfare from Fountain Gate shopping centre to Hampton Park.

As I have expressed many times in this house, my electorate is a very fast-growing area. As our community changes, our roads are continuously being improved and upgraded to keep up with change, and this is a classic example of where that needs to be done. Around the intersection there is a lot of farmland which will inevitably be developed. We need to ensure that measures such as this are in place so that even when the traffic further increases in this area residents can still cross the road safely.

The Brumby Labor government has a strong record of achievement in building new roads, upgrading track treatments and improving driver and pedestrian safety. That is something that I know my constituents are well aware of because they can see it happening before their very eyes. The pedestrians who use this intersection, especially our senior citizens who want to remain actively engaged in the community by attending all the terrific activities available at the Narre Warren Senior Citizens Centre, deserve to be able to cross the road safely. The president of the centre, Margaret Trickey, has informed me of the real need for the crossing. We do not want people being unable to get out and about because they are scared of crossing the road. Margaret's team is doing a great job and deserves our support. I therefore ask that the minister consider options for improvements to the intersection at the corner of Shrives and Centre roads in Narre Warren to make it much safer for pedestrians.

Trafalgar High School: funding

Mr BLACKWOOD (Narracan) — I wish to raise a matter for the Minister for Education. The action I seek is for the minister to fund the third stage of the Trafalgar High School redevelopment in next year's budget. Trafalgar High School is currently undertaking the second stage of its major upgrade after being allocated \$4.8 million in the 2009–10 budget. This partial redevelopment is long overdue and very welcome. However, it will rejuvenate only part of the school, with many of the current substandard buildings desperately in need of an urgent upgrade still remaining in use.

The maintenance required on these buildings to keep them in a condition that is barely adequate is draining the finances of the school and resulting in good money being wasted on short-term, bandaid solutions. Trafalgar High School was built over 40 years ago to cater for a student population of no more than 300. The enrolments this year are around 700 and predicted to increase next year and in subsequent years due to population growth which is exceeding expectations. A very significant factor accounting for the consistent

growth in enrolments is the excellent reputation Trafalgar High School has right across Gippsland. Around 200 students travel by train every day to Trafalgar High School from the Latrobe Valley.

The high school provides an accelerated learning program and a music program that are second to none in Gippsland. The staff at the school are dedicated, hardworking and well qualified in their areas of expertise. The school council is very proactive, has an excellent working relationship with senior staff and provides strong support for the principal. The Brumby government has an obligation to support the dedication and commitment of the teachers and parents at Trafalgar High School and provide a learning environment that is appropriate for secondary school students in this day and age.

More importantly, it is in line with promises made prior to the last election, when Trafalgar High School was promised an \$8 million upgrade that would have completed the refurbishment of all the substandard buildings and facilities at the school. The 2006 election promise gave Trafalgar High School great hope, but funding did not arrive in 2007 or 2008, and that absolutely gutted the entire school community. Sadly the funding commitment in the 2009–10 budget is just over half that originally promised.

The school community has been very patient in putting up with substandard conditions across large sections of its campus for many years. There is something drastically wrong with the Brumby government when it is prepared to treat the Trafalgar High School community with absolute contempt by so easily walking away from its original 2006 promise. I call on the Minister for Education to honour the Brumby government's pre-election commitment of 2006 and provide further funding in the 2010–11 budget which will enable the completion of the whole-of-school redevelopment project. This will provide students with a facility that they thoroughly deserve and reward the parents and teachers for their patience, commitment and dedication.

McClelland Secondary College: facilities

Dr HARKNESS (Frankston) — I too wish to raise a matter for the attention of the Minister for Education. The action I seek is that the minister visit McClelland Secondary College in my electorate to meet staff and students. Under the strong leadership of principal Angela Pollard, this college has become an absolutely fantastic school, providing enormously beneficial educational opportunities to approximately 940 young people.

Thanks to the Brumby government, the school has become even better, with the injection of \$5.65 million of capital works which has modernised outdated facilities. The modernisation of this school is part of the state government's record education package. This school was amongst the first to be funded under the Victorian schools plan — the government's 10-year commitment to modernise or rebuild every government school. The funding has delivered new general purpose classrooms and modernisation of commerce, information technology, library, home economics, administration facilities and learning spaces. This upgrade is providing access for students to high-quality modern facilities that have already enhanced teaching and learning.

This year the school has also changed its name and its uniform, and it has improved the programs it is offering to its students. They are very keen for the minister to see these very positive changes firsthand. Incidentally, as further evidence of the government's commitment to education in Frankston, an additional \$2 million was recently provided to another fantastic local school, Frankston Heights Primary School. This funding, coupled with the federal government's Building the Education Revolution P21 funding, will allow Frankston Heights to be completely rebuilt.

Through our continued investment in Victorian schools, we are ensuring that McClelland Secondary College students and other Frankston students are receiving modern school buildings, buildings which are leading edge and are providing innovative learning environments to equip our kids with skills necessary for 21st century jobs. The government is continuing its investment in education through the \$1.9 billion Victorian schools plan to rebuild and modernise 500 schools over four years and every Victorian government school over the next decade.

With the strong investments in our schools from both the federal and the state governments, combined with the energy and drive from local school communities, and particularly the McClelland College school community, Frankston schools are able to provide children with what they need for the future. The Brumby government is continuing to make education its no. 1 priority, with an extra 9550 teachers and staff employed in our schools, record low average class sizes and record investment in school buildings.

The programs at McClelland College encourage very high standards of achievement and provide students with the essential skills required for lifelong learning. The school regards highly the values of respect, tolerance and hard work, and these values are much

enhanced by a teaching staff which inspires students. I encourage the minister to visit the school at the earliest opportunity.

Walpeup research station: future

Mr CRISP (Mildura) — The matter I raise is for the Minister for Agriculture. The action I seek is that the Department of Primary Industries (DPI) stop and reverse the disposal of machinery assets from the Walpeup research station. The Walpeup research station has a long history of research into farming in the Mallee, in particular grain research.

On 5 August 2008 the Victorian Department of Primary Industries announced it was going to withdraw from the Mallee research station site at Walpeup. I have been informed by Robert Cooke of Walpeup that the staff have worked to a position where approximately 75 per cent of the operating budget of \$1 million came from sources other than DPI. The challenge has been to replace the 25 per cent of the budget provided by DPI and continue with a new management structure. DPI has provided \$25 000 to assist in the development of a viable business plan detailing how the proponents propose to manage the site.

My concern and that of the community is that DPI is asset-stripping the site. Intellectual assets have been lost. Of the original 14 staff at Walpeup, only 3 remain. Of the 11 staff that have left, only 1 went to Irymple. The intellectual and experiential assets have been lost. The machinery assets have been offered for dispersal to other DPI facilities. I am informed that purchase of some of the machinery was co-funded from grower levies from the Grains Research Development Corporation. Some of the machinery was provided by machinery dealers at considerable discount as a donation to the research station.

The consultant charged with developing a business case for the consortium must contend with preparing a plan while assets continue to be stripped away by the minor party at the site. The consortium bid is the only one that advanced to stage 2 of the expressions-of-interest process, and has since been invited to submit a business case to be assessed by DPI. The consortium consists of agencies that act as service providers in agricultural research: the Mallee Agricultural Research Foundation, Mallee Sustainable Farming, the Birchip Cropping Group, the Victorian No-Till Farmers Association, the Mallee Catchment Management Authority, the Sunraysia Institute of TAFE, the Australian Landscape Trust and Climate Friendly Fertiliser.

The consultant charged with developing the business case faces a major problem: how can the consortium prepare the business case if the infrastructure of the business is being sold off? This leaves an almost impossible task for those parties that are involved. I call on the minister to reverse the process of selling off the machinery and other assets from the site so that we can get a business case to go forward that can work for the majority of those who wish to remain at the Walpeup research station.

Monash Medical Centre: funding

Mr HUDSON (Bentleigh) — I raise a matter for the attention of the Minister for Health. I ask the Minister to take action to ensure that the Moorabbin campus of the Monash Medical Centre receives additional funding for maintenance and infrastructure works so that the hospital can maintain a high standard of health services. The Moorabbin campus has had a great history. It was a hospital that the community wanted as far back as 1949, when with local community fundraising the community bought the site in Centre Road, East Bentleigh, for £16 000. It took another 26 years of very hard work to get a hospital established on the site, and it was not opened until 1975. From 1975 until the 1990s, it played a great role as a local community hospital, with elective surgery and an emergency department.

Unfortunately in the early 1990s the Kennett government, as it did in many areas, closed the emergency department. At the time the community was very upset about that. The government sought to reinvigorate the hospital, to refocus it and to redevelop it as part of the Southern Health network. One of the first things we did as a government was to invest an additional \$10 million to completely redevelop the emergency department of the Monash Medical Centre in Clayton. That is one of the many things we have done at the campus in the last decade.

In 2004 we built a 15-bed elective surgery centre on the Moorabbin campus, which gave the local community an environment in which planned elective surgery could take place without being overtaken by emergency requirements. The centre is able to treat an extra 1300 patients a year in that facility. In 2006 the Bracks Labor government built a brand new state-of-the-art dialysis facility on the site. We also opened a new outpatients department, a specialist cancer treatment centre and two new radiotherapy bunkers to improve the treatment of cancer patients in the area.

However, there is a continual need to update the infrastructure at Monash Moorabbin. In particular the hospital needs funding for works associated with the

operating theatre. I am conscious that in the 2007–08 state budget the government committed \$80 million over four years for a statewide infrastructure renewal program in our hospitals. There is a real need to find funding to replace the switchboard and theatre air-handling units at the Monash Moorabbin campus, and I ask the minister to take action to do that.

Gas: safety regulations

Mr KOTSIRAS (Bulleen) — I raise a matter for the attention of the Minister for Energy and Resources. The action I seek is for the minister to sit down with his department to review the Gas Safety (Gas Installation) Regulations 2008 in order to define the term ‘dangerous gas installation’, and to assess whether the regulations and the current policies of Energy Safe Victoria (ESV) are sufficient and clear.

I have been advised that there is no definition for what is meant by the term ‘dangerous gas installation’, so what might be considered dangerous by one gasfitter might be considered safe by another. Through a plumbing industry consultant a local gasfitter wrote and met with me recently seeking clarification and assistance. I wish to read part of a letter that was forwarded to me. It states:

My client is a licensed gasfitter-plumber who operates a gas appliance service company servicing a range of gas applications, primarily appliances which have been in operation between one and 10 years. A particular specialty of the service work performed by my client involves the servicing of decorative gas fires.

...

In an effort to ensure appropriate action is taken when faced with an existing appliance that has not been installed correctly, my client has to make a number of decisions (one of) which is to determine if the installation is a ‘dangerous gas installation’. If the installation is deemed a ‘dangerous gas installation’ he must act in accordance with the provisions set out in the Gas Safety (Gas Installation) Regulations 2008 ...

...

... the regulations do not appear to define what a ‘dangerous gas installation’ actually is, which leads my client and I to the current issue.

...

Therefore we request that ESV provide a definition of what a ‘dangerous gas installation’ actually is, and guidelines on what ESV believe is an adequate response to installations which do not comply ... Once this is provided my client will then be in a much better position to complete the procedure document he is working on and advise his clients accordingly of his responsibilities as a licensed gasfitter.

I want the minister to investigate the regulations to provide a definition for the term ‘dangerous gas

installation’ and to ensure that the regulations which are in place now are sufficient and clear so that all gasfitters and plumbers understand what is required of them under the legislation. I urge the minister to provide some clarification and not to provide me with a general letter which does not give the information that is required by my constituent.

Buses: Carrum Downs service

Mr PERERA (Cranbourne) — The matter I raise is for the attention of the Minister for Public Transport. The action I seek is for the minister to take all necessary steps to ensure that the current bus services in the Carrum Downs area are enhanced to a regular service level.

There is a need for improvement in public transport for industrial areas like those along Lathams Road in Carrum Downs. Lathams Road is one of the fastest expanding industrial areas in the region. It is the largest industrial area in my electorate of Cranbourne. Employees travel to this industrial area from a wide catchment area encompassing Cranbourne, Langwarrin, Skye, Seaford, Carrum, Frankston and Dandenong. Many residents in the Carrum Downs, Frankston North and Belvedere Park areas have welcomed the Brumby Labor government’s 901 SmartBus route which operates between Frankston and Ringwood. Patronage is growing by the day. Many residents have advised me that they are frequent users of this wonderful service.

I have also been approached by residents living in the local area who tell me they are having difficulty accessing bus services to the Lathams Road industrial area in Carrum Downs. Supporting access to areas like those along Lathams Road would improve access to employment and subsequently help businesses, especially manufacturing businesses. The connecting frequent bus service to the 901 SmartBus which runs along Frankston-Dandenong Road is important not only for the convenience of current commuters but also to get more and more people to leave their cars at home and to use public transport to get to work. Supporting access will also attract and keep workers in the area.

I urge the minister to keep enhancing the bus services in the Carrum Downs area, especially to the industrial areas like Lathams Road.

Responses

Mr HELPER (Minister for Agriculture) — It gives me pleasure to respond to the matter raised by the member for Mildura. As the member correctly identified, the Department of Primary Industries has

made a decision to divest itself of operations at the Walpeup research station. As minister, my attitude has always been that divesting ourselves of that facility, whilst motivated by ensuring that our services and what we do in the department remains relevant to our industry stakeholders — our sectoral stakeholders, which in this case is the grains industry — should not in any way aggravate the impact that our move from that facility will have on the local community and the industry.

The matter the member raised is about the disposal of machinery from that facility. Clearly, as we move from it we have to divest ourselves of some of the equipment that is there. It has to be relocated to other facilities or disposed of. What I will undertake to do for the member for Mildura is assure myself that just as the process that we have put in place for divesting ourselves of the site is sensitive to the community and sensitive to industry, divesting ourselves of the plant and equipment from the site is similarly sensitive. I undertake to do that and report back to him.

The member for Narre Warren South raised a matter for the Minister for Roads and Ports regarding the pedestrian crossing at the intersection of Shrives and Centre roads, and particularly the effects on senior citizens in that vicinity. I will draw that to the attention of the Minister for Roads and Ports.

The member for Narracan raised a matter for the Minister for Education regarding Trafalgar High School and its redevelopment. I will make sure that the minister is made aware of that.

The member for Frankston also raised a matter for the Minister for Education regarding McClelland Secondary College. He encouraged the minister to visit to inspect the modernisation of those facilities, and I will ensure that the minister is informed of the member's wishes.

The member for Nepean raised a matter also for the Minister for Education regarding the facilities at Rye Primary School. I will ensure that the minister is made aware of those issues.

The member for Geelong raised a matter for the Minister for Children and Early Childhood Development regarding early childhood intervention services, particularly as they relate to his constituency in Geelong. I will ensure that the minister is made aware of those issues.

The member for Morwell raised a matter for the Minister for Senior Victorians regarding access by Gippsland seniors card holders to free travel services.

The member for Bentleigh raised a matter for the Minister for Health regarding the Monash Medical Centre, particularly the Moorabbin campus, and facility maintenance. I will ensure that the Minister for Health is made aware of those issues.

The member for Bulleen raised a matter for the Minister for Energy and Resources regarding gas installation regulations, particularly the clarity around the term 'dangerous gas installation' in those regulations. I will ensure that my colleague, the Minister for Energy and Resources, is made aware of those issues.

The member for Cranbourne raised a matter for the attention of the Minister for Public Transport regarding bus services in the Carrum Downs area, particularly as they service growing industrial development in that region. I will ensure that the Minister for Public Transport is made aware of the concerns of the member for Cranbourne.

The SPEAKER — Order! The house is now adjourned.

House adjourned 10.34 p.m.

