PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-SIXTH PARLIAMENT

FIRST SESSION

Wednesday, 29 July 2009

(Extract from book 9)

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By authority of the Victorian Government Printer

The Governor

Professor DAVID de KRETSER, AC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

The ministry

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

Legislative Assembly committees

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

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

Joint committees

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Dr S. O'Kane

MEMBERS OF THE LEGISLATIVE ASSEMBLY

FIFTY-SIXTH PARLIAMENT — FIRST SESSION

Speaker: The Hon. JENNY LINDELL

Deputy Speaker: Ms A. P. BARKER

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

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

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

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

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

Leader of The Nationals:
Mr P. J. RYAN

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

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

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

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Wednesday, 29 July 2009

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

BUSINESS OF THE HOUSE

Notices of motion: removal

The SPEAKER — Order! I wish to advise the house that under standing order 144 notices of motion 16, 111 to 113, 168 to 171 and 207 to 214 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 pm today

PETITIONS

Insurance: fire services levy

To the Legislative Assembly of Victoria:

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

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

By Dr SYKES (Benalla) (56 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 Dr SYKES (Benalla) (389 signatures) and Mr CRISP (Mildura) (106 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 by the federal government to change the youth allowance independence test and also to change the living-away-from-home allowance.

The petitioners register their opposition on the basis that the 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 proposed changes to both allowances 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 JASPER (Murray Valley) (507 signatures).

Equal opportunity: legislation

To the Legislative Assembly of Victoria:

The petition of the undersigned residents of Victoria draws to the attention of the house our grave concern about many of the proposals contained in the *Exceptions and Exemptions to the Equal Opportunity Act 1995 — Options Paper* published by the Scrutiny of Acts and Regulations Committee in May 2009.

The petitioners therefore request that the Legislative Assembly of Victoria ensures that Victorians in future will continue to enjoy the freedom of choice that the current exemptions and exceptions provide for us in the exercise of our faith and values. In particular we would like to retain the freedom to educate our children in accordance with our faith and values. Removal or limiting of the provisions that allow freedom of choice in regards to faith-based schools in particular must be avoided.

By Mr CLARK (Box Hill) (86 signatures).

Equal opportunity: legislation

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The petitioners therefore request that the Legislative Assembly of Victoria ensures that Victorians in future will continue to enjoy the freedom of choice that the current exemptions and exceptions provide for us in the exercise of our faith and values, in particular the freedom to educate our children in accordance with our faith and values. Removal or limiting of the provisions that allow freedom of choice in regards to faith-based schools in particular must be avoided.

By Mr DIXON (Nepean) (33 signatures).

Rail: Mildura line

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

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

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

1. the many undelivered promises;

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

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

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

By Mr CRISP (Mildura) (115 signatures).

Police: Red Cliffs

To the Legislative Assembly of Victoria:

This petition of residents of Red Cliffs and surrounding communities in Victoria draws to the attention of the house the need to increase police presence in our district.

The petitioners register their dismay after a weekend of vandalism with damage estimated to be in excess of $60 000 to the local bowling club and private and public property.

The petitioners therefore request that the Legislative Assembly of Victoria take action to increase staff levels at the Red Cliffs police station as a proactive step in ensuring that this criminal activity is not repeated.

By Mr CRISP (Mildura) (16 signatures).

Clarke Road, Springvale: refuse transfer facility

To the Legislative Assembly of Victoria:

This petition of certain residents of Victoria draws to the attention of the house that permit application number PLN 08/0410 has been made to the City of Greater Dandenong to construct a refuse transfer station at 98–100 and 168–222 Clarke Road, Springvale. The petitioners believe that concrete crushing, landfill and refuse transfer facilities are not appropriate uses for the Clarke Road site.

The petitioners therefore request that the Legislative Assembly of Victoria take the appropriate action to defeat the abovementioned application for the benefit of Springvale South families.

By Ms MUNT (Mordialloc) (104 signatures).

Rosebud: aquatic centre

To the Legislative Assembly of Victoria:

The petition of the residents of Victoria points out to the house that the Department of Sustainability and Environment appears to be delaying the planning and construction of the proposed Southern Peninsula Aquatic Centre on the Rosebud foreshore.

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

By Mr DIXON (Nepean) (523 signatures).

Tabled.

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

Ordered that petition presented by honourable member for Warrandyte on 28 July be considered next day on motion of Mr R. SMITH (Warrandyte).

Ordered that petitions presented by honourable member for Benalla be considered next day on motion of Dr SYKES (Benalla).

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).

DOCUMENTS

Tabled by Clerk:

Ombudsman — An investigation into the Transport Accident Commission's and the Victorian WorkCover Authority's administrative processes for medical practitioner billing — Ordered to be printed

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

Casey — C72, C110

Greater Shepparton — C108

Manningham — C74

Mildura — C53

Warrnambool — C58

Whitehorse — C100, C101, C102

Subordinate Legislation Act 1994 — Minister's exemption certificate in relation to Statutory Rule 84

Victorian Law Reform Commission — Jury Directions — Ordered to be printed.

GAMBLING REGULATION AMENDMENT BILL

Council's amendments

Returned from Council with message relating to amendments.

Ordered to be considered later this day.

MEMBERS STATEMENTS

Polwarth electorate: business excellence awards

Mr MULDER (Polwarth) — The annual *Geelong Advertiser* business excellence awards, held last Wednesday night, saw two awards go to businesses in my electorate of Polwarth. Otway Estate won the hospitality award and Bambra's Countrywide Cottages won the microbusiness award, doubling up after winning the award for business excellence last year.

Otway Estate was established in 2006 and has continued to grow in reputation. The dedication and innovation shown by all involved at Otway Estate is evident to everyone who visits the establishment at Barongarook. Andrew Noseda, Janine Rose and the entire team are to be congratulated.

Countrywide Cottages is a unique business nestled in pristine forest at Bambra and is one of a limited number of establishments around Victoria to offer accommodation for family pets as well as their owners. Host Di Schulze and all involved with this great concept are very deserving of this award.

Both of these businesses showcase what makes the south-west of Victoria such a great place to visit. The hospitality, environment, great food and wine, and most importantly the people who are dedicated to bringing all these things together, make a visit to the south-west a most memorable experience.

Melbourne Vixens: championship

Mr MERLINO (Minister for Sport, Recreation and Youth Affairs) — Congratulations to the Melbourne Vixens on their magnificent win in the ANZ Championship on Sunday.

A capacity crowd of close to 10 000 fans saw the Vixens defeat the Adelaide Thunderbirds 54 to 46 in the grand final, ending an incredibly successful season which saw the Vixens drop only one game. Led by Sharelle McMahon and Bianca Chatfield, the Vixens took the game apart in the second term and held the lead for the remainder of the highly entertaining contest. Congratulations to coach Julie Hoornweg, every player on the list, the team's staff and Netball Victoria.

The Brumby government is proud to strongly support the Vixens in the ANZ Championship, which this season has seen record crowd numbers and record television audiences.

Renae Hallinan

Mr MERLINO — Congratulations to The Patch's Renae Hallinan, who is one of nine Victorians to have been selected in the Australian Netball Diamonds squad for the upcoming international season. This is the second straight year Renae has been selected to represent Australia, which is a fantastic achievement for this star, who learnt her skills running around the Dandenong Ranges. She is indeed an inspiration to the many young netballers in my electorate.

Denise Harris

Mr MERLINO — I would like to pay tribute to Boronia Heights Primary School assistant principal Denise Harris, who received the Elizabeth Gray Award for Excellence in School Leadership. The award recognises staff who make an outstanding contribution to Victoria's school community, and Denise is a most worthy recipient. Her career at Boronia Heights began in 1980, and much of her work has revolved around adapting professional learning and the involvement of students in social programs. Denise's educational work as a regional middle years facilitator and as a member of the assistant principal and student welfare networks is highly regarded right across the region.

Local government: councillors

Mrs POWELL (Shepparton) — Over the past four months I have had discussions with 37 Victorian councils, along with the shadow parliamentary secretary for local government, David Morris, and a number of coalition MPs. There is overwhelming opposition to the government's complex new conflict of interest rules, which the government rushed through this Parliament three weeks before last year's council elections. At that time I asked the Minister for Local Government to review the legislation after 12 months to

rectify any unintended consequences. After my discussions with councils, the Municipal Association of Victoria and the Victorian Local Governance Association, I call on the government to review the legislation as a matter of urgency and start genuinely consulting with councils.

I was given examples of councillors declaring a conflict of interest when they may not have had one because of the complexity of the new laws, councils unable to obtain a quorum, councillors resigning from community committees and section 86 community committee members who are volunteers threatening to resign or not renominate because of the new rules which force them to declare all shares and properties. This information is then open to scrutiny by the public. The requirement for councillors and staff to declare all gifts and election donations of over $200, retrospective for five years, shows how out of touch this Labor government is. A councillor or a staff member could receive a dinner invitation which could put them over the threshold or receive a gift of flowers, bottles of wine and other thankyou gifts for attending community functions. Councils are spending thousands of dollars on legal advice which would be better spent on services for the community. The majority of councillors and staff are decent, hardworking people serving the community's best interests, and this government has failed them.

Research Junior Football Club

Mr HERBERT (Eltham) — I rise to congratulate the Research Junior Football Club for its recent outstanding presentation of the club's master plan to local councillors and me. It was one of the most professional and detailed presentations I have seen from a sporting club. I would like to single out for special praise president Glenn Harris, vice-president Campbell Waters and football operations manager Gary White, whose dedication and hard work will undoubtedly cement Research Junior Football Club's position as one of the premier junior football clubs in the region.

The Research Junior Football Club provides an opportunity for young people in the local area to participate in Australian Rules football and enhance their health and wellbeing through organised sport. The club also provides a terrific social environment that allows young people to come together and make friends, and learn about the importance of teamwork, discipline and sportsmanship. The club fields approximately 250 players each week, with a further 80 to 90 taking part in the Auskick program. The club should also be congratulated for its involvement in many community campaigns throughout the year, including the highly acclaimed 'Say no to domestic violence' campaign and the Boots For All campaign, where each year the club collects unwanted and used football boots for underprivileged kids.

In 2010 the club aims to introduce a young girls football team in the Research-Eltham area. It aims to offer young girls an opportunity to play football, whilst also providing the facilities, equipment, coaching expertise and support they require to be successful. I believe the master plan for new facilities will reflect their on-field success, highlighted by 23 premierships since 1978.

Water: government policy

Ms ASHER (Brighton) — I urge the Victorian government, particularly the Minister for Water, to look at South Australia's recent water policy, released in June 2009, for some ideas, seeing as it has none. In South Australia there is a commitment to increased recycling and increased stormwater harvesting. This is in comparison to Victoria, which has now abandoned its recycling commitments. The government has done a complete about-face on water policy since the 2006 state election. In 2006 it called desalination a hoax, it said it would never take water from north of the Great Dividing Range and it promised full use of recycled water for the eastern treatment plant. All of these positions have now been reversed. In particular, I urge the Minister for Water to have a look at the South Australian document, and I refer him to page 20 of that document where the South Australians have made the following commitment:

> By 2013, we will be capable of harvesting 20 gigalitres per annum for non-drinking purposes in Greater Adelaide …

The document also goes on to say:

> We will have the capability by 2013 to recycle 45 per cent of wastewater from urban areas across the state …

This increased target for recycling is completely in line with the government-dominated Environment and Natural Resources Committee, which also recommended increased recycling targets to the government. I urge the government to look at its own committee, to look at South Australia and to increase water recycling targets.

Dr Oscar Lipson

Ms RICHARDSON (Northcote) — Recently one of Thornbury's most notable citizens, Dr Oscar Lipson, retired after long and dedicated service to the community. He is most remembered as a general

practitioner at the Dundas Street medical clinic where he worked from 1954.

Dr Lipson is also remembered for his successful involvement with the Preston Football Club, now the Northern Bullants. Under his tenure the club won its first Victorian Football Association second division premiership in 1963 and then again in 1965, and it then won first division premierships in 1968 and 1969. He has been inducted into the club's hall of fame. But, as the staff from Dundas Street medical clinic recently wrote in a letter to the *Northcote Leader*, 'His true fame lies in his 55 years of tireless, compassionate service as a GP'.

Merri Stationeers

Ms RICHARDSON — On a chilly and windy Sunday in May last year a small group of locals gathered at Merri railway station to see what they could do as a community to improve their local station. With the support of Keep Australia Beautiful Victoria, which has its home in my electorate, the group has incorporated itself as the Merri Stationeers. The enthusiastic volunteers have now successfully organised working bees at the station, and the transformation of this once-neglected site is there for all to see.

The enthusiasm of the Merri Stationeers has rubbed off, leading to material and financial support from the City of Darebin, Connex and Keep Australia Beautiful.

I warmly acknowledge the inspiring efforts of Janna McCurdy, Patricia McGuane, Jela Ivankovic-Waters, Liz Wotherspoon, Anna de Leeuw Pool, Jenny Bastas, Heather Hesterman, Rohan Griffiths, Anne-Marie Rourke, Anne-Marie Tenni and Matt White. They are magnificent role models for other groups in our community.

Electricity: smart meters

Mr CLARK (Box Hill) — A weekend media report suggests that Victorian electricity consumers face further increases in their electricity bills of up to $150 a year, due to the costs imposed on electricity retailers by the Brumby government's bungled introduction of its so-called smart meters.

Victorian consumers are already having to pay for these interval meters through increases in their distribution charges, as well as facing further increases due to the Rudd government's bungled design of the transitional arrangements for its emission trading scheme, on top of the price increases that are an inherent consequence of any emission trading scheme.

Smart meters were supposed to be a boon for consumers, giving them the ability to monitor and control their power use and to save on their electricity bills through being able to reduce consumption at times of peak demand and prices. However, the Brumby government's dumb meters will not necessarily provide functions such as in-home display of information, customer supplier monitoring, interoperability with other devices, remote load management and connection to a home area network.

The minister's claim that retailers do not want smart meters because they will increase competition is palpably false. The Brumby government's meters give so little benefit to consumers that they will do nothing to improve competition. The truth is that retailers do not like the Brumby government's meter rollout because distributors are given monopoly control and the retailers have been left at the mercy of distributors and public servants as to how the meters will work and interface with retailer systems and how much software re-engineering the retailers will be required to do.

Labor's interval meters were originally due for deployment in 2006. They were then delayed to 2008 and then rescheduled to this year. Like most of Labor's projects, the interval meter project is chronically over time and over budget, and yet again Victorian citizens will be paying the price for the Brumby government's incompetence.

St Kilda Sacred Heart Mission: Journey to Social Inclusion

Mr FOLEY (Albert Park) — On 15 July I attended the launch by the Premier of the St Kilda Sacred Heart Mission's Journey to Social Inclusion project. This project aims to address chronic homelessness and to challenge the notion that views it as inevitable in our society. It will implement a three-year project that helps people back on their feet and addresses the crisis-driven nature of our homeless services that sees some 30 per cent to 40 per cent of people suffering homelessness trapped in a cycle they cannot readily break out of. Rather than manage homelessness, this project seeks to address its root causes by challenging the models of dealing with it and improving both individual outcomes as well as community and government investment models.

The program seeks to demonstrate that chronic homelessness is also a costly and fruitless exercise, costing the community somewhere between $30 000 and $35 000 a year to keep people in a system that too rarely sees them break out. The project will demonstrate that a well-resourced, long-term approach

can both permanently end a person's chronic homelessness and point to a new and economically justified model of social justice outcomes from government and community investment.

The mission will work with 40 persons suffering chronic homelessness. It will address the traumas that both contributed to their homelessness and which the experience of homelessness in turn heaps upon them. Through a program of counselling and treatment and an effort to reconnect people with the community through skills development, health management and building confidence in their own future, the mission seeks to achieve social inclusion in practice.

I congratulate all the partners who have joined with the mission and the state government in supporting this important work, particularly the Lord Mayor's Charitable Fund, which is the single largest contributor to date.

Buses: Bass electorate

Mr K. SMITH (Bass) — The issue I raise today is the stupidity of the Department of Transport and the Minister for Public Transport. Bass Coast and South Gippsland residents have eagerly awaited an upgraded bus service to provide them with a new service that would get them to Melbourne and across the municipality faster and safer. But what did they get with the new service? They got a new bus timetable that was not distributed or displayed to the people before the service changed, they got new bus stops that no-one knew about, they got buses without toilets and a bus stop without any toilet facilities nearby — and advice that they could ask the driver to stop at the nearest service station!

There are bus stops without any long-term car parking facilities nearby, bus stops without telephone facilities nearby, no nearby taxi rank for people arriving back at their bus shelters, and bus shelters that are not able to provide proper shelter from wind or rain. I have to ask: what the hell is going on when the government is treating the people in my electorate as second-class citizens?

The minister should realise that these people pay the same taxes as the people in metropolitan Melbourne, who have all the transport services available to them within minutes of their homes. The minister will stand up in this house and talk about what a great job the Brumby socialist government is doing, but it cannot deliver a simple bus service to a community. The people have listened to the government and the lies it has told, and — —

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

Prostate cancer: awareness

Mr NOONAN (Williamstown) — I rise to thank a number of people who gave their time last Wednesday evening to speak at a prostate health awareness session at the Williamstown Sailing Club.

Speakers at the event included the federal Minister for Health and Ageing, the Honourable Nicola Roxon; National Men's Health Ambassador, Bill Noonan; community partnerships manager at the Prostate Cancer Foundation of Australia, Jo Fairbairn; Western Health urologist, Doug Travis; local GP, Dr Murray Verso, and Ted Whitten, Jr. The event generated great interest, with more than 170 people in attendance. Those who came to the session were reminded that prostate cancer is the most common cancer in men after skin cancer and the second highest cause of male cancer deaths.

Each year in Australia 2900 men die of prostate cancer — equal to the number of women who die from breast cancer annually. Around 18 700 new cases are diagnosed in Australia each year. The good news is that prostate cancer is potentially curable if detected and treated while still confined to the prostate gland. The most important message conveyed to the audience on the night was not to procrastinate about the prostate; to have a regular check-up, and act without delay.

This most valuable event would not have been possible without the support of the Prostate Cancer Foundation of Australia, the Williamstown Sailing Club and the Rotary Club of Williamstown. Thanks also to my staff and to Bill Pride and Wally Curran, who all assisted with this event.

Motorcyclists and cyclists: safety apparel

Mr JASPER (Murray Valley) — Serious consideration must be given to enacting legislation forcing the wearing of safety garments by all motorcyclists and cyclists to reduce the incidence of motor accidents among this group of road users.

Following earlier representations from constituents I made direct representations to the Minister for Roads and Ports seeking consideration of action by the state government to implement legislation making the wearing of road safety garments mandatory for all cyclists.

The minister's chief of staff responded stating:

> An educative approach based on voluntary standards and clear public information is considered the most appropriate approach at this time …

But he acknowledged that the research indicated that riders wearing bright clothing have a lower crash risk. He said it would be necessary to demonstrate that the benefits outweighed the cost incurred by the manufacturers designing and testing new protective garments with high-visibility elements and the cost to all current users. However, I believe the government has an important role in enforcing safety standards and should legislate on this issue just as it did with the compulsory wearing of seatbelts and cycle helmets.

My observations indicate that many cyclists wear reflective or iridescent clothing, but most motorcyclists wear black garments, making visibility very difficult. Enforcing the wearing of high-visibility garments would promote a higher degree of safety for this category of road users. Therefore I believe consideration must be given to enforcing the wearing of specific coloured garments such as those used by truck drivers, construction workers and others.

Refugees: literacy

Mr SCOTT (Preston) — I rise to discuss the rights of illiterate persons in our society. Many people who come to our society and become citizens are refugees from war-torn countries where their schooling was either interrupted or non-existent. Some of these persons are illiterate not just in English but in their own native tongue as well.

The electorate of Preston has a large number of refugees and a number of people who are illiterate. Mass literacy through the universal provision of state education is one of the great achievements of the modern world. Many aspects of our society require literacy, including areas where the state compels persons to participate.

For example, people are compelled to participate in the electoral process, even though it is effectively impossible for an illiterate person to cast a vote. I believe that although they are a small group in our society, the illiterate should as much as possible be able to participate in activities this state compels them to participate in. The problem with the mess that exists currently is that illiterate people can vote but the secrecy of their ballot is destroyed. This is a serious issue, as the secrecy of the ballot is an important part of our electoral system; in fact it is a cornerstone of it. The secret ballot was once referred to as the Australian ballot. Developing countries have established protocols and systems whereby the illiterate can vote without secrecy being destroyed. If countries in the developing world can do it, so should we be bale to.

Emergency services: dispatch system

Mr THOMPSON (Sandringham) — I place on record my concern at the 40-minute delay in the arrival of an ambulance to a person in my electorate, and separately wish to draw attention to the Emergency Services Telecommunications Authority call taker classification system. In a letter to my constituent, who along with her family suffered great distress in very serious circumstances, the authority said:

> Notwithstanding the dispatch rules in relation to code 1 and code 2, it is evident that the Emergency Services Telecommunications Authority call taker made an incorrect judgement when coding the first call as 26B1 (possibly dangerous haemorrhage); it should have been coded as a 26B2 (possibly serious haemorrhage). A 26B2 coding would result in a code 1 response, which is much less likely to be diverted.

As a matter of interpretation of the English language, what is being suggested here is that something that is 'serious' has a higher priority than something that is 'dangerous'. I sought to clarify this classification with a professor of English, who agrees with the view that the distinction used does not correctly convey the relative seriousness of the matters. The professor is of the view that the word 'dangerous' carries greater gravity and therefore requires a more urgent response than the word 'serious'.

Damascus College: energy-efficient vehicle program

Mr HOWARD (Ballarat East) — Recently I was pleased to visit Damascus College, Ballarat, to advise members of its Energy Breakthrough Team that our government is contributing $20 000 to support their program. The program, which commenced at the college in 1997, was initially aimed at involving junior school students in building an energy-efficient vehicle, and the program has continued to develop since then. Last year the team, led by teacher Mark McLean but based on student involvement, drove its latest energy-efficient hybrid and human-powered vehicle from Sydney to Ballarat. This year the team is developing a new vehicle which team members plan to drive from Darwin to Melbourne, leaving Darwin on 23 November and arriving at Parliament House on 9 December. The event, which will be called the Ride Against Greenhouse Emissions, aims to spread awareness that more can be done to reduce the effects

of climate change as well as to raise funds to fight poverty.

During my visit I was met by many enthusiastic students, including Morgan Purdie, who gave me the opportunity to sit in Illumenator, the vehicle driven from Sydney last year. The students also showed me the new vehicle presently under construction. Clearly the students gain much from the program, whether they are involved in the high-tech aspects of the construction of the vehicles or are part of the team whose members are training to be drivers. I commend the school on its great work with this program. I am pleased that the government and so many other groups in the community are supporting the project.

Trafalgar Soccer Club: funding

Mr BLACKWOOD (Narracan) — The Trafalgar Soccer Club provides an opportunity for well over 100 players, ranging in age from 10 through to open age, to participate in this great international game. For many years now club members have been playing on an oval at the Trafalgar Primary School. The oval is poorly drained, has a very uneven surface and is substandard in comparison to grounds being used by rival clubs in the local Gippsland competition. The change rooms consist of an ATCO-style structure, and their condition and size are deplorable for a club that supports so many players. There have been constant complaints from rival clubs whose members visit the facility to compete, and the referees are also very disillusioned with the room with which they are provided to change, shower and fill out their reports in.

The Baw Baw Shire Council has purchased a large parcel of land to be developed as a sporting precinct for the Trafalgar community, but its application to the state government for funding for the first stage of this development was unsuccessful. The first stage involves the delivery of critical infrastructure, which would then allow the construction of a much-needed new home for the Trafalgar Soccer Club. I call on the Minister for Sport, Recreation and Youth Affairs to reconsider this application from the Baw Baw Shire Council. I ask him to have urgent discussions with the shire to try to find options for the funding of the first stage of the project. One alternative could be a joint application to the federal government by his office and the Baw Baw shire with his strong support.

Jessie Spark

Mr TREZISE (Geelong) — I take this opportunity to mark the life of a remarkable woman who dedicated her life to the health and wellbeing of others. Jessie Spark was born in Cobden on 27 June 1915 and died in Geelong on 27 January this year. I came to know Jessie and her work through the enormous contribution she made to Geelong Hospice. However, I can assure the Parliament that Jessie Spark's commitment to the health of others went far beyond her dedication to hospice care. Jessie graduated in nursing in 1938 and was awarded the Robert McPhee prize for the best graduate nurse at Geelong Hospital. From there she became a midwife, working at both St George's Hospital in Kew and Colac District Hospital.

Following her marriage to Robert Spark, Jessie and her husband moved back to Geelong, where she worked as a night sister and then sister-in-charge of the specialist outpatient department. For many years until her retirement in 1977 she worked within the Geelong Hospital school of nursing, where many hundreds, if not thousands, of nurses benefited from her training and guidance.

I note that following her so-called retirement Jessie was recruited by the Colac hospital and trained nurses for a further four years. It was from there that Jessie commenced her long association with Geelong Hospice. It is accurate to say that Jessie Spark was one of the mainstays of the organisation for more than two decades. In the early years of the organisation Jessie not only nursed dying people in their own homes but dedicated herself to fundraising and administration, particularly in later years.

However, her energy was not limited to hospice care. In 1993 Jessie's dedication and commitment to nursing and hospice care were rightfully recognised with an Order of Australia. Jessie Spark made an enormous lifetime contribution to nursing.

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

Schools: closures

Mr DIXON (Nepean) — Since the Parliament last met, the Minister for Education was shamed into releasing the names of the 138 schools that the Bracks and Brumby governments have closed so far. As the minister has admitted, and as members know, there will be many more before the year is out. Nobody believes the government's spin that it does not close schools and that communities make these decisions. What everyone now knows and understands is that this government has a hit list of schools in its sights and goes about slowly starving a school of capital funding, maintenance funding and specialist programs. Children start leaving these schools, followed by staff whose numbers drop.

After a generation of students have received an education in a substandard school building, a community is forced into the heartbreaking decision to close its school. To finish off a school the government sends its senior officials to either bully or bribe a school community into its final awful decision. Many school councillors, parents and staff have told me harrowing stories of their experiences at the hands of these envoys of the minister.

On a positive note, and in contrast to Labor closing 138 schools in Victoria, it was a pleasure to join my colleague David Koch, a member for Western Victoria Region in the other place, and some excited locals in Torquay on Sunday to announce that the Liberals-Nationals coalition government would provide full secondary education to the people of Torquay. Against the wishes of the local community the Brumby government persists in pushing for an overcrowded P–9 school, which will force hundreds of students to travel all the way to Geelong to complete their secondary education. Only the coalition would develop full secondary years 7 to 12 education on a greenfield site for the students of Torquay.

Peninsula Link: construction

Dr HARKNESS (Frankston) — It was fantastic to welcome the Premier and the Minister for Roads and Ports back to the Frankston region last week to mark the beginning of works on the toll-free Peninsula Link project. The first sod of the $9.4 million Lathams Road overpass in Carrum Downs was turned, a clear indication that the Brumby government is taking action to invest in new infrastructure to tackle congestion and improve Victoria's road network whilst also generating thousands of jobs. Around 4000 jobs will be created during the construction of the $750 million Peninsula Link project, which will be welcomed by our building industry, the Victorian economy and people living and working in Frankston and in Melbourne's south-east.

When it opens to traffic in early 2013 Peninsula Link will transform the way people travel around Frankston and the Mornington Peninsula. It will cut travel times to just 17 minutes, which is a saving of around 40 minutes. In the face of the global financial crisis I am pleased the Brumby government is so heavily focused on securing Victorian jobs. We are investing responsibly, building new railway lines and roads, modernising schools and expanding our health system. These investments are not just improving services but are also securing jobs.

I am proud to be part of a government that has a plan and is committed to doing everything possible to stand up for Frankston families in tough economic times. An example is that every Victorian kindergarten is receiving a new computer and a new equipment grant thanks to a $6.8 million funding boost from the Brumby Labor government. Kindergartens will also share in $3.93 million for minor capital works, including new rainwater tanks, shade structures, outdoor play equipment and other educational resources. We know how important participating in a quality kindergarten program is for children's learning and development, which is why we are giving every kindergarten funding to allow them to purchase the equipment and resources that they need.

State Emergency Service: Tallangatta

Mr McINTOSH (Kew) — Recently, at the invitation of the member for Benambra, I was able to attend the 50th anniversary dinner dance for the Tallangatta State Emergency Service unit at the Tallangatta memorial hall. My attendance was occasioned by the member for Benambra unfortunately being unable to attend due to a longstanding portfolio commitment; however, I was proud and pleased to represent him in Tallangatta on that occasion.

It was a wonderful night — not only a happy occasion but also a time to reflect on the good works that the Tallangatta State Emergency Service and the SES generally do in relation to motor accident victims, most recently in the bushfires and also in relation to storm and tempest damage. A number of people attended, including the Victoria State Emergency Service director of operations, Trevor White, and the mayor of the Towong Shire Council, Mary Fraser, together with a number of local police and Country Fire Authority members.

One of the matters that arose during the evening was put to me by Mrs Dana Lauder, who said that her husband, who died a number of years ago, had received a 50-year service medal from the CFA but it had been stolen. I will certainly make representations for that to be replaced. I congratulate the Tallangatta SES and thank it for the great work it does.

Gisborne: industrial estate

Ms DUNCAN (Macedon) — On Friday, 17 July, I had the pleasure of accompanying the Premier to the new Gisborne industrial estate, where he announced an $800 000 commitment to a $2.2 million expansion of the industrial estate in Gisborne. The estate will generate up to 200 jobs and attract new business investment to the region. The funding will help facilitate an 18-lot expansion of the estate to develop

8.2 hectares of industrialised land, creating new opportunities for private investment to grow the region. This is another example of this government taking action to secure jobs and ensure our regions continue to grow and thrive.

The new Gisborne industrial estate is already a key part of the region's economy, and further development will lock in future prosperity by generating more business opportunities and creating even more new jobs. With quality existing infrastructure and its proximity to Melbourne and the Tullamarine airport, the Gisborne industrial estate is attracting industry interest. Further expansion will cater to this demand and promote business growth, employment and investment in this growing region. Fifty businesses employing more than 400 people are already housed in this estate. The $2.2 million expansion is a partnership between the Macedon Ranges Shire Council and a private developer to develop the 8.2-hectare final stage of the estate into suitably serviced and sized industrial land for the growing region.

The grant is great news for the future of Gisborne and will allow the region to continue to grow sustainably, providing expanding business and employment opportunities.

Opposition: performance

Mr BROOKS (Bundoora) — There is something very wrong with the Victorian Liberal and Nationals coalition, which has no policies to protect Victorian jobs, no plan for Melbourne's population growth, no credible economic policy, no plan to improve hospitals and health services, no plan to improve education, no concept of the importance of boosting skills and training, no coherent policy to secure Victoria's water supplies, and no concept of the challenge of climate change, let alone any policies to address this challenge.

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

MATTER OF PUBLIC IMPORTANCE

Government: achievements

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

> That this house notes the second anniversary of the Brumby government and congratulates the government on another year of action supporting jobs, improving essential services and creating a fairer Victoria.

Mr DONNELLAN (Narre Warren North) — It is an honour to talk on this subject today. Over the last two years the Brumby government has done a marvellous job. I will look at this through the context of Ken Henry's three Ps. Members will know why these were put forward at the time, in 2004. Ken Henry, federal Secretary to the Treasury, was concerned at the path the then federal Howard-Costello government was going down, and wanted it to focus on productive activities. He wanted it to encourage population growth, improve productivity and look at employment participation, which is very important.

That is very much the story of this government: it is focused on population growth, improving productivity and increasing participation in employment. We know what is required to provide a sustainable economy over the long run rather than giving a it short-term fillip, as the Howard-Costello government spent a lot of time doing, which is just about driving consumption. It is a sort of drunken sailor special whereby every time you get $1000 you bribe everybody. You get a bribe because you are alive; you get a bribe because you are dead; you get a bribe because you deserve a bribe. At the end of the day, as people like Saul Eslake and others have pointed out, never has so little been done with so much money by one government — and that was the Howard-Costello government.

But we know what Ken Henry said about the things to concentrate on, and this is what this government has largely done, and this is what John Brumby in his time as Treasurer and now as the current Premier has focused on. If you look at the comments in the *Australian Financial Review* and places like that, you see that Victoria's government is generally recognised as the best run government in this country — a leader in national reform, a leader in growth. If you look at all the mining economies and things like that, you see they are all going backwards at the moment. There is one economy that stands out in the whole of Australia, and that is the Victorian economy. It is going forward. Sure, growth is only at about 0.25 per cent, but that is better than any other state in the country, and we have monstrous population growth, improving productivity and the highest level of employment participation we have had since the 1960s. That is what John Brumby as the leader and as the Treasurer has focused on.

If you look at what this government has done, you see it has set out over the last 10 years a broad base of policy to look at how we grow. We do not have minerals, so we have to look at intellect, capacities and innovation.

That is what this government has done. Ten years ago we set the plan, and it has held us in very good stead compared to most other countries in the world which would love to have the figures we have, the low debt levels we have and the growth levels we have. Everybody is envious of our economy at the moment.

If you look at the opposition, you see that all it has is a desire to get into government. It has no policies at all. It is going to do more with less somehow. It is going to be the David Copperfield of the state government. It is going to produce more with less, and at the end of the day it is simply impossible. It will get caught out — I have no doubt about that — but it will take time. You cannot have two water ministers, because there is only one type of water. It is not rural water and it is not suburban water; it is water.

The opposition has the rain dancing policy where you dance around and you hope for rain that will somehow or other fill the mysterious dam. We still do not know where this mysterious dam is. We know that the natives do not do rain dancing any more, but we know the opposition continues to dance around with no policy, and at the end of the day it is just rain dancing.

Let us look at the challenges facing this government at the moment. They are serious challenges: rebuilding after the bushfires and preparing for the season ahead; securing jobs, which are absolutely vital in the current environment; and keeping the budget in surplus. We have the only surplus in the country at a state level, with $160 million rising to about $190 million next year and over $200 million the year after. We have very strong finances ticked off by the *Australian Financial Review* and ticked off by Standard and Poor's — very positive!

Mr K. Smith interjected.

Mr DONNELLAN — It is not like the dead wood we have over the other side. At the end of the day, it is very positive. We have to support families through this financial crisis, and we are doing that. We are securing our water supply with real policies — not rain dancing but real policies — and with investment in our public transport network.

Looking at the three Ps which I earlier mentioned, we are looking at a massive population growth — the fastest growth since 1971 when they started collecting figures for population growth — of 102 000-plus people last year. That population growth drives consumption, creates jobs and drives housing, as we have seen. We have never before seen the level of first home buyers we saw last month with 5000 people applying. Absolutely every other state in Australia would love to have those figures, but there is one state that has them, and that is Victoria. There is one state that has had a leader as Treasurer and now as Premier who has focused on that growth, and that is Victoria. We all know that at the end of the day he is generally recognised as the best in the country. There is no doubt about that. Those on the other side may laugh, but what are they? They are in opposition, because at the end of the day people have made their judgement and they have said that they will sit over that side and we will sit over this side.

That is a simple judgement they make. No ifs, buts or maybes.

Mr K. Smith interjected.

Mr DONNELLAN — We might have the member for Bass telling us what we should be doing, but at the end of the day the people have made their judgement. They said, 'You guys are in, the others are out for the moment'. Population growth and housing starts have been at the highest level in the country for the last two years. The report of March 2009, the most recent quarterly report, shows that one in every three housing starts was in Victoria. That is bloody good news. Damn good news.

The DEPUTY SPEAKER — Order! The member should temper his language.

Mr DONNELLAN — That is lovely news. That is very positive news; it is fabulous news. I guess we should leave the Bs out of it. Over the last 12 months, a third of all first home buyer grants — some 1800 — were taken up by residents of the city of Casey. It is incredibly positive news for my area. The value of retail trade in Victoria grew by over 8.5 per cent in the last year. No other state has figures like that. It is a simple fact of life. These are the figures, and they do not lie. We can all have different interpretations of statistics, but these figures are pretty straightforward. They come from the Australian Bureau of Statistics, and they show that Victoria's retail trade grew by 8.5 per cent, which is incredibly positive news.

If you look at population growth and its effect on water supplies, you see that we have also dealt with the water issue. We know what is happening on the other side. The other side will not deal with the water issue, but we have put a plan in place. We are going to deal with the serious water issues such as the desalination plant and the north–south pipeline. We are not doing a rain dance, because at the end of the day we do not accept that the Victorian public will allow us to dance around like a

pack of natives hoping that somehow or other water will come out of the sky. It will not. Members on the other side will not even tell us where they are going to put their dam — the mystery dam that no-one knows about.

If we look to productivity, we see that the state of Victoria is moving ahead and is doing very well. We are producing more with less input. What have we changed? We have reintroduced technical training. We have rebuilt our schools and improved the conditions of teachers. We are upskilling our workforce. We have the second-highest level of apprenticeship and training completion in the country. What we are doing is making our workforce more capable, brighter and able to do more things with less.

Over the next 12 months we will put $11.5 billion into infrastructure spending. I know the member for Scoresby was most concerned about the level of infrastructure spending, but an article in the *Age* of 28 July reports that if the state government was not doing infrastructure spending, no one in the state would be doing it. At the end of the day we have taken up the slack; we recognised there was slack and that we needed to do it. If we had have taken the line that the member for Scoresby puts out, we would not have done anything. We would have just watched the world go by, which would have been pretty dramatic in terms of the impact on employment and very dramatic in terms of the impact on confidence in this state.

I ask generally: what would you do, what would you choose? I know that most people would have chosen to ask the government to pick up the slack and put the $11.5 billion in to improve productivity, water services and the like. That is what we have done, because at the end of the day the Brumby government had the vision and knew what we needed to do in these difficult times. It did not suddenly say that we would abandon the marketplace, let everything fall in a heap and blame somebody else. We said we needed to deal with it, and we took responsibility.

We are doing things like fast-tracking planning. We put in EastLink, which has caused industrial growth to boom in Dandenong South. It is great for jobs, for employment and for productivity. We have had 172 000 training places rolled out throughout Victoria. It has been very good. Employment participation is the highest in Victoria since the 1960s, both in the regions and in Melbourne. Some people accuse us of neglecting the regions, which I consider to be an absolute load of rubbish. At the end of the day employment participation has not been this high since the 1960s. You cannot get better than that. At the end of the day I believe the benign economies of the 1950s and 1960s were a lot easier to manage than the economy of today. What we have done is deliver outcomes across Victoria, not just in little pockets that suit us but across Victoria. It has not been done with pork-barrelling, it has been done with a focus.

We have reduced payroll tax rates from 5.75 per cent to 4.95 per cent; there have been five consecutive cuts in WorkCover premiums; we have introduced workplace health checks through the WorkHealth initiative — no-one else in the world does WorkHealth. We are increasing the level of employment participation in the economy by ensuring our workers are healthy and by ensuring that our employers pay lower rates of tax. At the end of the day we are doing things very well.

After the last budget was brought down the member for Scoresby was reported in the *Age* as saying:

> More than 200 000 Victorians will be unemployed … and because of Labor's addiction to debt we will risk losing our AAA credit rating.

No-one else agreed with him; he was out there on a limb. What did Standard and Poor's say? The Alacra Store, an e-commerce website, reported that:

> Standard and Poor's ratings services said that the budget announced today for the state of Victoria is consistent with the 'AAA' credit rating …

Unfortunately, Standard and Poor's did not agree with the member for Scoresby. The Victorian Employers Chamber of Commerce and Industry (VECCI) is reported, also in the *Age*, as saying:

> We have confidence that the AAA … rating will be maintained. The borrowing is still low by historical standards and it is certainly important to ensure that we get that productive investment under way.

The Victorian Employers Chamber of Commerce and Industry knew that we needed to look at infrastructure investment to drive the economy because at the end of the day it was expecting a dip. It probably knew that some of its own people would not be putting their money into infrastructure, so the government had to come in and pick up the slack — which it did, and did very well.

An article by Rick Wallace entitled 'Report card for a Premier' appeared in the *Australian* newspaper last weekend. It is reasonably positive, but there are a couple of kicks in the pants for us. We do not ever pretend we are perfect, but we are certainly better than most. In talking about the Premier, Mr Wallace says:

> He has radically increased spending on transport to clear road and rail congestion —

that has got to be good for productivity —

> and tackled the water shortage with a pipe bringing irrigation … to Melbourne … and a desalination plant to generate 150 billion litres of water a year.

That is really good. He goes on to say:

> None of this was in Labor's election platform but the rapid population growth of Melbourne and ongoing drought and climate change more than justified fresh thinking.

In other words, John Brumby and his team are on the job. They do not buggerise around; they just get the job done and they go at 100 miles per hour, and that is a good thing. It is a very positive, good thing.

The DEPUTY SPEAKER — Order! The member for Narre Warren North is very enthusiastic, but again he should temper his language.

Mr DONNELLAN — The most positive thing said in this article — and this is what I like most of all — is Mr Wallace's comment:

> But overall Brumby can look back with satisfaction on his two years at the helm. One conservative —

I would like to know who this conservative was —

> who is a 'guilty' admirer of Brumby, broadly endorsed the Premier's performance while talking to 'Inquirer' this week but warned of the need for renewal and a continued push for reform.
>
> I would still give him 7 out of 10, but he should be a 9 out of 10.

Obviously there are a couple of guilty Liberal members on the other side of the house — or they could be Nationals, I do not know — who secretly admire how good this government, this Premier and this Treasurer have been. That is a very positive and welcome endorsement, and I am sure the Premier would be grateful for that endorsement from the conservatives.

Dr SYKES (Benalla) — I will start by saying that there is one thing that the member for Narre Warren North and I share, and that is a love of Fitzroy and the Brisbane Lions, but after that our views on the world are somewhat different. I invite the member for Narre Warren North to come beyond the end of the tram tracks to see what it is like out there.

There is something wrong when the unelected and unelectable Premier organises his own second anniversary celebrations and summons his underlings to sing his praises. Today is not about celebrating two years of the Brumby government's achievements, it is about grieving over a decade during which Mr Brumby has been steering the Labor ship either as Treasurer or as Premier. It is about grieving over a decade of mismanagement, deceit, half-truths, straight out lies and government by spin over substance.

Let us set the record straight. Firstly, Labor cannot manage money; in fact, Labor cannot manage. Secondly, under Brumby, Victoria has become a secret state where corruption and bullying are common practice, the truth is withheld and is available only through FOI (freedom of information), and even then the government fights tooth and nail to hold it back. I will concentrate my remarks on what is happening in country Victoria, or rather what is not happening in country Victoria, using the food bowl modernisation project, the north–south pipeline, the drought and bushfires to illustrate my concerns, but from a statewide perspective let us look at a couple of fundamental issues.

There is financial management. The Brumby Labor government inherited a low level of debt. It has had a massive income — over $300 billion — in its decade of mismanagement. You would expect that prudent management would see the debt level kept low and savings put aside for a rainy day. That is what farmers are expected to do. That is why the financial management deposits have been put in place, and businesses which are surviving the current tough times have done that.

What has the Brumby government done with this unprecedented wealth? It has overspent its budget by hundreds of millions of dollars each year. It has only been saved by windfall gains from the GST (goods and services tax), land tax, gambling, and by upping traffic fines. The government has gone back into debt to levels inherited by the coalition from the Cain and Kirner governments. It has failed to spend wisely. There have been massive cost blow-outs on a number of projects and poor performance outcomes. We only need to look at the so-called fast — we prefer to call it the 'farce' — rail project which has incurred a cost blow-out from $80 million to $800 million while saving only minutes on a small number of train journeys. There is also the myki fiasco, an absolute disaster with massive cost blow-outs and still nothing delivered.

Big and medium-sized businesses tell me that they love doing business with the Labor government because it is so easy to screw. For example, currently we have the issue of massive cost blow-outs in the costing for the school replacement program, cost blow-outs in excess of 30 per cent. This inflationary pattern has occurred in the last two or three months because they see the suckers coming. Business people see the suckers coming — the Brumby government — and milk them

for all they can. There is something wrong in Victoria when the Ombudsman exposes corruption and bullying in the Brimbank council and several key Labor MPs are implicated, yet the Premier fails to sack them or take any obvious disciplinary action.

We can look at the handling of the drought as an example of the government's mismanagement. People grappling with drought need to make timely decisions and act decisively in a timely manner. This government believes that announcing drought assistance measures in mid-October is a timely and appropriate action. I invite the members of the government to come to the northern Victorian irrigation area and talk to some of the dairy farmers, who have next to no water. They have extremely high input costs, they have low milk prices, and there is a massive exodus from the dairy industry.

I take the example of Dennis Galt, who is a good operator. He and his family are third-generation dairy farmers. The Premier has visited his property. His feed costs are in excess of $2400 a day. On current projections he is going to lose $1000 a cow this year. He has 500 or 600 cows, so he is going to lose a lot of money. He has to make decisions on a monthly basis and continue to review his future.

He is looking at calving down his cows and then perhaps, if the circumstances do not improve, chopping off all their heads. It is pretty tough out there. And what does the Brumby government say? It says, 'We will monitor the situation, and in about mid-October we will let you know whether we will give you a water rebate or a local government municipal rate rebate'. What about making those calls now, saying, 'If water allocation is less than 50 per cent, we will give you the water rebate.'? What about having the courage to act now? What about some basic business principles in the management of this state?

Looking at the food bowl modernisation project, we have had Mr David Downie from DSE (Department of Sustainability and Environment) say at VCAT (Victorian Civil and Administrative Tribunal) hearings that government policy was formed before the business case was done. What an appalling condemnation of how this state is being run by the Premier!

We also have spin over substance whereby the potential water savings estimated in the northern irrigation area are based on 100-year averages, whereas Melbourne's critical water needs are based on the last three or four years of extreme events. That is dishonest and deceitful. We also have a commitment by this government to deliver 520 gigalitres of water savings per year. The only problem is that in the last year we had losses of only 350 gigalitres. That is impossible, even for the Premier.

Something is wrong with the water savings when one-third of the savings that have been claimed are for measurement inaccuracies. Whilst correcting the meters will change the way water is charged for, it does not in itself save one drop of water. Similarly the so-called saving claimed by the transfer of ownership of water from the end of the spur channels to where the water leaves the main backbone of the irrigation system is not really a saving — it is a transference of loss from the public books to private books.

Something is wrong when you look at the water buyback proposals that are going full bore, where so-called willing farmers are selling. They are not willing sellers; they are desperate farmers trying to keep their heads above water, albeit water that is at a very low level. The Brumby government does not seem to recognise the impact this will have on communities — for example, in the Torrumbarry irrigation district where a buyback of 40 per cent of the water is proposed. This will result in a 37 per cent reduction in jobs, a 52 per cent reduction in agricultural income and a population decline of 14 per cent. Not 1 cent has been allocated to help create new employment or new income streams for that area, so those communities in the Torrumbarry area are going to wither on the vine.

Locally we have the Lake Mokoan situation, of which the minister would be well aware. It is a sad and sorry saga of seven years of half-truths, deceit and lies. Just this week it has been announced that there is going to be a buyback of 8307 megalitres of high-security water. There are still many issues unresolved in relation to security of supply, deliverability and cost to remaining irrigators, but what is particularly important right now is another issue concerning the impact on local communities such as Goorambat and Devenish, on local schools at Goorambat, Devenish and Broken Creek and on the Goorambat Football Netball Club.

When you take away the water, you take away the income-generating capacity of that area. What has been done in relation to looking after those communities in the face of this rationalisation that is going on? The Minister for Water is at the table. I ask him to speak up today and announce support for the local communities being impacted by these water buyback proposals across the northern irrigation district.

We also have a government that focuses on spin rather than substance. Over the years the country road toll has been increasing, whereas the city road toll has been

decreasing. When this issue has been raised with the Minister for Roads and Ports in the Public Accounts and Estimates Committee he has been in a state of denial, saying that is not so. Even when recent figures produced by the TAC (Transport Accident Commission) showed that whereas road deaths in Melbourne and provincial cities have reduced this year, road deaths on rural roads have increased by 14 per cent, the roads minister denied that. It is a fact, and to be in denial and not recognise that if you fix country roads, you save country lives is a failing of significant proportion on the part of this government.

We also have an issue in relation to the education of our young country people; there is a serious education disadvantage for them. The year 12 completion rate is 69 per cent in the country compared with 89 per cent across the state. The uptake of academic-based tertiary education is 33 per cent in the country and 55 per cent in the metropolitan area. The government has been in denial over that undeniable fact for years, but the Education and Training Committee's report on its inquiry into geographical differences in the rates at which Victorian students participate in higher education, released yesterday, tells the world what we have been telling the government for years: that there is a serious educational gap between young country people and their Melbourne-based counterparts.

The reasons for that are cost and aspiration. For this government not to address those issues and in particular for this government to be silent when the federal government proposes to make it tougher for young country people to get the youth allowance is a condemnation of this government's callous disregard for young country people.

Looking at accountability, I refer the house to an opinion piece penned by the Leader of The Nationals in today's *Weekly Times* under the headline 'CFA hung out to dry'. The Country Fire Authority has been put through the mill by the royal commission. Many questions which should have been asked of the Premier and of the Minister for Police and Emergency Services have been asked of the CFA, but where are the Premier and the minister? They are missing from action. When the going gets tough, they are gone. The Premier and the minister like to claim credit when things turn out well, but they fail to stand up, be accountable and accept responsibility when the going gets tough.

I come back to the issue of bullying and standover tactics. Legal action has been threatened against one of the Leader of The Nationals' staffers because of the way he was pursuing a freedom of information request. That is an absolute disgrace. We have had gagging of local government in relation to the north–south pipeline. If you do not support the pipeline, you will not get any money. The mayor of Moira Shire Council, in particular, was told that. He went on ABC radio and said he was told that at a public gathering. The government immediately rang up and said that was not true. The mayor of the Moira shire was forced to apologise. He went on the radio and said, 'I apologise. I was told to shut up, but it was not in a public meeting, it was privately'. The government is standing over local government.

The most recent example is school principals being gagged. The government knows its management of building upgrades et cetera is appalling, but it will not let the school principals speak up and get the best outcome for their schools and for the taxpayers dollar.

I will return to the north–south pipeline. It is the most appalling, ill-conceived and — in the words of Barack Obama — 'stupid' project ever undertaken by a government. It does not make sense to pipe water from the dry north to Melbourne when Melbourne's water needs can be met through other means.

Here is a little education for members. When the Thomson Dam is low, so too is Lake Eildon. There is not the water to send there. In case members have not read the polls, 95 per cent of Victorians are against the pipeline. Rather than celebrating two years of the Brumby government's so-called achievements, we are commiserating and grieving over 10 years of neglect of country people by the Brumby government.

I call on the Premier to live up to his claims to govern for all Victorians and to address the rapidly widening country-city social disadvantage gap. I call on him to start by plugging the pipe.

Mr STENSHOLT (Burwood) — I rise to talk about jobs, services and a fairer Victoria. Before I start I should note that it is always a delight to follow the member for Benalla. I share his concern about the road toll in country Victoria, but I must say that he seems to be almost hypocritical in the way he deals with it by complaining about speeding fines. He should know that speed kills. I want him to come out and say, 'Speed kills', and that if people speed in country Victoria and get killed, they should not have been speeding. The member should be consistent, not hypocritical.

I would like to talk about jobs, services and a fairer Victoria. These are essential issues for any government that is concerned about the people, listens to their issues and seeks to deliver. This is exactly what the Brumby government has done over the last two years and indeed

over the years of the Bracks government. This is not a passive government; it is not a government that just keeps things ticking over. It is not a government that is merely hoping for the best. We leave that to the opposition, to the Liberal Party that stands for nothing and does nothing except criticise. It is a case of Liberals first, Victorians second. That still sticks today.

The Brumby government stands up for ordinary Victorians. It is a government that is there for working families and is doing its utmost to help them by keeping jobs in difficult economic times. We grow the jobs in good times, and we secure them in hard times.

We are investing in our schools. We are prioritising innovation here in Victoria, making sure that Victorians, their families and their children have a future. That is what it is all about. You plan for the future, not just for the day; or else you do nothing, like the opposition. We are making sure that Victoria leads the nation in so many ways.

The member for Narre Warren North talked about productivity. We have been talking about productivity and skills development for years. Steve Bracks and John Brumby led the push on this in the Council of Australian Governments talks with former Prime Minister John Howard. We dragged him kicking and screaming into dealing with these sorts of issues. The low productivity of the Liberal-National federal government made us sure that we wanted to increase productivity not only here in Victoria but also throughout Australia.

What else have we done? We are leading Victoria and the nation by having the best health service, by being a safe state, by having so many more training places — 170 000-odd as of 1 July this year. We respond positively and decisively — and I am sure the member for Macedon will talk more about this — when the state is faced with significant crises, like the one we had earlier this year with the Black Saturday bushfires. The Brumby government is responding by making Victoria the best place to live, work and raise a family.

The Brumby government is a government of action, one that rises to the challenges. We embrace the challenges; we embrace them as they come. We are committed to Victoria. We are committed to working families and the children of this state. We are committed to jobs. Let me say that again: we are committed to jobs. I am happy to repeat the mantra because it is not just a mantra but a reality here. The budget secured 35 000 jobs. It was a budget about jobs, jobs and jobs. We are committed to having the best services possible and we are absolutely committed to a fairer Victoria.

The member for Narre Warren North has already talked about some of the economic factors, and I would like to talk particularly about some of the Brumby government's actions over the last 12 months or so. We are rebuilding after the bushfires and preparing for the season ahead. We are specifically taking action to secure jobs for Victorian families and to keep the state budget in surplus. We are supporting families through the global financial crisis. We are also seeking to secure Melbourne's water supply — and I see the Minister for Water is in the chamber. We have made those decisions and we are taking action on them. We are also rebuilding our schools and making massive infrastructure investments in transport and in health.

Let me talk about some of these particular actions, first of all in terms of securing jobs and supporting families through the global financial crisis. During the past year the Brumby government has implemented a job stimulus program alongside the efforts of the Rudd government. It is not just about securing and creating jobs for thousands of Victorians but also about rebuilding schools and hospitals. Every school in Victoria is being rebuilt through action by both the state and federal governments. The opposition voted against it federally. Peter Costello and Petro Georgiou and others voted against it. Opposition members should go and tell their schools that. I bet they do not. I bet the member for Benalla does not tell the schools in his electorate that his federal member voted against fixing up the schools in his electorate — and he did vote against it.

We are also securing jobs through our infrastructure investments. There are other achievements. We are working out there to create jobs. It is a difficult economic climate but we have to be fair dinkum and work hard. We are attracting a number of new investments into Victoria, including the ACCIONA Energy wind farm at Waubra, which will be the largest in the Southern Hemisphere. We can all remember how the Howard government — made up of the Liberal Party and The Nationals — ruined the VRET (Victorian renewable energy target) scheme.

We had the VRET scheme here, but then the wind farms had to go. The manufacturers had to go because there was no incentive. Now there is an incentive. We have a target of 20 per cent of renewable energy with the VRET, working in close association with the federal government. Other new investments include BAE Systems to build a new air warfare destroyer for the Royal Australian Navy and John Holland Aviation

Services winning the Virgin maintenance contract only this week.

Disciplined financial management in Victoria means that we have retained our AAA credit rating. Members may remember that the AAA credit rating was finally achieved earlier this century by the Brumby Labor government — not just last century but earlier this century. We have maintained that credit rating.

We have a surplus of over $100 million in the forward estimates. There is only one other state, Western Australia, which has a surplus, and just a few days ago it announced that it is not too sure whether it will keep its surplus when it has done its revisions because it has real problems with royalties from the mining industries.

The government opened the new convention centre and has completed 90 per cent of the deepening of the port of Melbourne shipping channels. The sceptics on the other side of the chamber were saying one thing to one lot of people and other things to other people. To some they were saying 'Yes, it is a good idea'. To others they were saying, 'It is terrible, it will ruin the bay'. It is now 90 per cent completed; it is almost finished, and this is after extensive environmental studies were carried out to make sure that our natural resources were protected.

The government released a $360 million Securing Jobs for Your Future — Skills for Victoria program which will create 172 000 additional training places. This is about productivity going into the future. This is about securing the future for our children, securing the state of Victoria. The government has launched and begun its implementation of the $244.7 million *Building Our Industries for the Future* statement, including the $50 million industry transition fund to help Victorian companies protect local jobs.

What does the opposition do? It does nothing except to oppose. It is living in Bailleauland! I saw a pamphlet the other day that was issued by the Leader of the Opposition. I thought it was put out by one of my colleagues because it said, 'Together we have achieved much, but there is more to do'. I thought it was one of ours. The facts are that it is not true. The Liberal Party stands for nothing. It has done nothing. It has achieved nothing. There is no togetherness; there is only division. It is not just me saying this. An editorial in the *Herald Sun* of 23 March said that Mr Baillieu's main problem is that as opposition leader he has become a leader who opposes everything. Paul Austin in the *Age* of 19 March said:

> When the moment came Ted Baillieu had almost nothing to say.

That is completely the opposite of the Brumby government. The Brumby government is out there working in the community. It is working with the community securing jobs. It is connecting people and places, keeping Victoria safe, tackling climate change and protecting our natural environment, delivering a world-class education system, delivering a healthier Victoria in terms of our hospitals and health services, ensuring that regional Victoria remains the best place to work, live, invest and raise a family, and ensuring that work is available. It is also ensuring that the state and federal governments are working together.

We have a historic opportunity in Victoria to lead the way in cooperation with the federal government and to ensure that we have a fairer Victoria.

Mr WAKELING (Ferntree Gully) — It is a pleasure to rise to speak on this matter of public importance. This topic proposed by the member for Narre Warren North sums up where this government is at. This motion calls for the house to note the second anniversary of the Brumby government and congratulates the government on another year of action supporting jobs, improving essential services and creating a fairer Victoria. If ever there were a motion that sums up in one line how arrogant and out of touch this government is, this is the motion.

This is all about members of the government patting themselves on the back, saying that the job is done, the job is over, there is no more hard work that needs to be done in this state. It is not about identifying problems or solutions; it is about saying, 'Let us take it off; we have completed what is expected, the job is over and we as Labor members of Parliament can go back to our constituencies and say that no more work needs to be done; no more advocacy, no more listening, no more action, because the job is already done'. How arrogant! How out of touch that position is!

I know that the people I represent believe a lot more needs to be done in this state. There are many issues out there that people want raised in this house and expect this government to fix and improve for the future.

Are Victorians patting the Brumby government on the back when they look at the raft of policy areas that are under the control of this government? How many Victorians are patting the Premier on the back when they look at the public transport system? How many Victorians were patting the Premier on the back when they were in trains this summer in January and February when the government was telling them not to catch the train because they should not expect to catch one? When the train system was breaking down the

government blamed the heat, it blamed passengers, it blamed unions and Connex, but it was not prepared to look at itself.

Only recently senior members of the public service came out and admitted that there were problems that fell under the control of the Minister for Public Transport, that were not the responsibility of unions, of Connex, of heat or of passengers. The government is not prepared to do the hard work; it is not prepared to accept responsibility; it is not prepared to identify solutions and put those solutions in place.

We are finally getting new trains, and that is fantastic. They are years too late, but we are finally going to get them. However, we are told they will not run on half the network. Half the network cannot even take the trains. How ridiculous! We have a situation where the government says, 'Here is the solution for people in Melbourne's north; here is the solution for people in Melbourne's south-east; here is the solution for people in the west: we have new train sets, but funnily enough we have just discovered we cannot use them'. That is ridiculous. I cannot believe this government accepts that fact. Now we will be looking at a situation where the trains may not even arrive, because we are now being told that Long John Silver and his band of merry men may be stealing them halfway around the coast. This is ridiculous; this is Noddyland stuff.

The Melbourne transport plan — the 20-year, $38 billion blueprint — was the solution for Melbourne's public transport needs. Unfortunately the people who live east of Warrigal Road were forgotten. There was nothing in the plan for people living in Melbourne's east; there was nothing in the plan for people out in my community. It was a $38 billion investment, a 20-year plan, with nothing in the document.

Let us look at the economy. Are Victorians patting the Brumby government on the back over the performance of the economy? One need only look at the debt roller-coaster that this state is now back on to see that is not the case. We know about the debt level that was inherited by the former Kennett government from the Kirner and Cain governments, which was upwards of $32 billion. That debt was reduced down to near $5 billion by the Kennett government, but now we see the debt level is going upwards again at a significant rate of knots and by 2013 will exceed the rate left to the Kennett government by the former Premier, Mrs Kirner. Victorians are certainly not patting this government on the back when it comes to the performance of the economy.

Let us look at infrastructure investment in this state. In the years 2007 and 2008, under the control of this Premier — both in his role as Premier and in his former position as Treasurer — Victoria had the lowest level of expenditure on infrastructure of any state.

Mr Nardella — Rubbish!

Mr WAKELING — I am happy to provide the statistics for those opposite, but it was lower than New South Wales.

Mr Nardella interjected.

The DEPUTY SPEAKER — Order! If the member for Melton wishes to have the call, I will give him the call at the appropriate time. Until then we will hear the member for Ferntree Gully.

Mr WAKELING — Even the Premier has acknowledged that New South Wales is a basket case and is spending more on infrastructure than this state. One thing we know is that it is increasing is taxation. Land tax, payroll tax and stamp duty have all gone up. The government believes everyone is patting it on the back. We should not forget that the Premier, when he handed down the last budget, said that there was no bad news in the budget.

The Premier talks about the investment in new jobs, and we were reminded of it yesterday. I refer to yesterday's *Daily Hansard* in which the Premier is reported as saying:

> The budget papers make it very clear that the $11.5 billion of new capital works will create 35 000 new jobs.

Let us refer to the Treasury papers, which explain that the $35 000 figure includes existing jobs on existing projects, such as the new Royal Children's Hospital and the north–south pipeline. When there is bad news, the government rolls out a spokesman; so Matt Nurse took the fall for the Treasurer when he confirmed that the figures were not all new jobs, but he was unable to provide a breakdown of how many of the 35 000 jobs were existing or new.

I refer to an article in the *Age* by Melissa Fyfe dated 9 May which says:

> Although Mr Brumby and at least one of his ministers claimed the jobs were 'new' in Parliament —

under privilege, of course —

> elsewhere —

in other words, outside this house —

> they were careful to say that the government was 'securing, 'supporting' or 'stimulating' the 35 000 jobs. The jobs were also not, as Mr Brumby claimed, all 'direct new jobs'.

What a lie! What a sham! Nobody is patting this Premier on the back for his performance on jobs.

Let us look at health. Recently the *Your Hospitals* report covering the period July to December 2008 was released. It revealed there were 37 311 patients on elective surgery waiting lists. Victorians waiting for elective surgery and in hospital departments are not patting the Premier on the back.

In terms of the government's own benchmarks, it failed five of its nine benchmarks. These are not the opposition's or the community's benchmarks, they are the government's own benchmarks — and it failed the majority of them, including hospital bypass; patients waiting more than 8 hours on a trolley before being admitted; patients waiting more than 4 hours in an emergency department before being treated; the proportion of category 2 emergency department patients treated within the clinically appropriate time; and also the proportion of semi-urgent elective surgery patients treated within 90 days. In addition 44 000 patients waited more than 8 hours in an emergency department before they were admitted to a bed and 83 000 non-admitted patients waited longer than 4 hours in an emergency department before being treated.

How many of those patients were patting the Premier on the back? How many of the 44 000 patients who waited more than 8 hours in an emergency department before being transferred to a hospital bed were patting this Premier on the back? It is all about spin, it is all about patting each other on the back, and it has nothing to do with identifying problems and working out solutions.

Ms BEATTIE (Yuroke) — It gives me great pleasure to join this debate, noting the second anniversary of the Brumby government and congratulating the government on another year of action, supporting jobs, improving essential services and creating a fairer Victoria. It is the aspect of supporting jobs and creating a fairer Victoria that I want to focus on in my contribution, as I was starkly reminded of that on the weekend when the Prime Minister was in my electorate, and again on Monday when an announcement was made of more jobs at John Holland Engineering.

However, it would be remiss of me not to refute some of the assertions that have been made in this place today. The member for Benalla claimed that nothing had been done about the Ombudsman's report. The member for Benalla must have been asleep, because the notices were read out yesterday. Later today, if he cares to be in the house, the local government bill covering the Ombudsman's report will be second read. The government has accepted every one of the recommendations from the Ombudsman. If the member for Benalla were fair dinkum, instead of trying to think of ways to chant his silly mantra and shouting and waving about plugging the pipe when he comes in here, he would come into this house and apologise for misleading the house by saying the government has done nothing. The member for Benalla is quite wrong.

Another thing I want to talk about while the Minister for Water is in the house — noting he is also the Minister for Tourism and Major Events and the Minister for Finance, WorkCover and the Transport Accident Commission — is that some fine things have been done in those three portfolio areas.

The opposition keeps talking about building a new dam, but where will it be built? At Arundel, it says. The member for Albert Park is right; Arundel would be nothing more than a drop in the bucket.

The ACTING SPEAKER (**Mrs Fyffe**) — Order! I ask the member to come back to the debate on the matter of public importance, which is about the government's achievements.

Ms BEATTIE — The government has made some fine achievements with its water projects, in contrast to the opposition's proposed projects. I ask the house to think about how a dam at Arundel, if it were to go ahead, would affect Melbourne Airport and the jobs at Melbourne Airport. Melbourne Airport is an important part of my electorate, providing many jobs. If a dam did go ahead at Arundel, it would severely affect the airport. One of the things the airport always focuses on is bird strikes, which is a significant factor.

I opened my remarks by stating that I wanted to focus on supporting jobs and creating a fairer Victoria. Nothing creates fairness more than having a job and a roof over your head. As I said, at the weekend we were reminded of that when the Prime Minister came down and opened three new public housing units in Tullamarine.

Mr Nardella — Three?

Ms BEATTIE — Three, and those are the first ones that have been opened. Each of the tenants there used the same words — and the people had not been introduced to one another at that stage because they had only moved in the day before. They each described

receiving their new units as like having a Tattslotto win. The units gave them a dignity that had not been provided to them before, and that dignity is very important.

I want to talk about jobs, particularly jobs at the airport, in the tourism industry and also in the maintenance industry. On Monday the Premier announced 249 new jobs at John Holland. That is in addition to the other really important things that have happened at Melbourne Airport. We have new services, new routes and new carriers, all providing more jobs for Victoria and putting money into and stimulating the economy.

I would like to remind the house of some of the new carriers that have come in and of the tourists that will be coming in. There is a range of new services: Qatar Airways, Etihad Airways, AirAsia X and Garuda Indonesia are all now flying into Melbourne. There is also extra capacity being provided by some of our existing carriers. Emirates, Pacific Blue, Air China, China Eastern Airlines, China Southern Airlines, Vietnam Airlines, United Airlines, Philippine Airlines and Malaysia Airlines have all announced new capacity into Melbourne, and that is a great thing. Qantas is introducing the A380 aircraft on the Melbourne–Los Angeles route, while Singapore Airlines will have the A380 aircraft on its Melbourne–Singapore route from September. In all of that is a whole suite of jobs.

There have been advantages for employers too. Since this government came into office in 1999 we have had five — yes, Acting Speaker, five — cuts to WorkCover premiums. That has encouraged employers no end to put on more people. We cannot forget that that is a great stimulus to employment. Return-to-work provisions are also very important, and the government has reviewed those. That is a great job that has been done for employers, creating stimulus for them to employ more people.

I want to talk about assistance for home owners, because this affects my electorate of Yuroke. In 2008 and 2009 the government provided over 44 000 Victorians with assistance in buying their first home — that means many families are living in their own homes for the first time. This suite of measures — the securing of jobs I referred to and measures allowing people to have a roof over their head — are most important for a fairer Victoria.

The member for Ferntree Gully talked about us patting ourselves on the back. It is not about patting ourselves on the back, it is about Victorians who do not pat us on the back but vote with their feet.

Mr O'Brien interjected.

Ms BEATTIE — You'll get a shot later! Members of the Victorian public are voting with their feet. They are using public transport in record numbers. We have terrific transport options. There is the Victorian transport plan and a whole suite of new projects coming on line. Craigieburn and Roxburgh Park stations have come on line and now Coolaroo station is coming on line. These are all great assets for Victoria, making Victoria an even better place to live, work, raise a family and invest in.

It has been two years since the Premier took over; we had eight years under the former Premier, Steve Bracks; so all in all, for those on the opposite side who cannot count — and I think the Leader of the Opposition spends a lot of time counting numbers — that is 10 years. Those years have seen Victoria move forward. We have not taken a step backwards. We have a plan, and we keep moving forward with that plan. We have seen unprecedented growth in Victoria, unprecedented growth in employment opportunities, unprecedented cuts in the WorkCover system and an unprecedented number of new airlines flying into Victoria, and all of this augurs well for Victoria's future.

We are not going to take a backward step. We are not going to listen to the Liberals and put Victoria in a hole. We are going to keep moving forward so we have good policies. I look forward to being a continuing part of the Brumby Labor government, with its steady hand on the wheel moving Victoria into the future.

Mr BLACKWOOD (Narracan) — Thank you, Acting Speaker, for the opportunity to make a contribution to the debate on this matter of public importance, the motion being:

> That this house notes the second anniversary of the Brumby government and congratulates the government on another year of action supporting jobs, improving essential services and creating a fairer Victoria.

I do pass on my congratulations to the Premier for reaching the two-year milestone. Any Premier not elected by the people achieving two years in the job could be seen as extraordinary. However, I am not sure the people of my electorate of Narracan would entirely agree — such as those in the manufacturing sector who have lost their jobs in recent weeks because of the economic downturn, or those farmers who were severely impacted upon by the Bunyip Ridge fire and are now battling to survive the below production cost milk price.

I acknowledge these circumstances have arisen principally because of circumstances outside the control of the Brumby government. However, I believe those hardworking families suffering loss of jobs and loss of income would view this MPI as the height of arrogance. The government is patting itself on the back while many Victorians are doing it really tough, despite the government's spin and rhetoric and despite 10 years of record income.

I find it quite offensive that the member for Narre Warren North can suggest the Brumby government deserves accolades for another year of action, particularly when, as I said earlier, dairy farmers cannot cover their production costs and when Thorpdale potato farmers are battling very harsh interstate marketing conditions because of the outbreak of potato cyst nematode. At best, some of those farmers will break even this season, but most will carry forward a significant loss only to face another season which will be just as tough or even worse. The impact of the downturn in activity in the farming sector on the business communities of the major towns in the Narracan electorate — Moe, Trafalgar, Warragul and Drouin — will hit during this financial year and more than likely will result in additional job losses. If we add this to the impact of the fires on the tourism and retail sectors of the many small outlying towns in West Gippsland, I see no reason for celebration or backslapping. The government has had its chances and has had the power and money for 10 years, yet when the people of Narracan and the businesses that underpin our communities need assistance, the cupboard is bare.

The member for Narre Warren North claims that this government has improved essential services. I take this opportunity once again to thank all the staff and volunteers of our essential services organisations for the massive effort they put in during the devastating bushfires earlier this year. In many cases they battled against enormous odds to protect life and property, and we can never underestimate the contribution these brave men and women continue to make in our country communities year after year. However, when it comes to the government's claim that it is improving essential services I have to say that this Brumby government has failed the people of Narracan miserably. Front-line police are still being subjected to demoralising desk duties in the D24 unit at Moe police station, despite a promise in 2007 to relocate regional D24 units to the Emergency Services Telecommunications Authority in Ballarat.

In addition, ambulance paramedics are being hung out to dry in the current enterprise bargaining agreement negotiations. Members may recall that when this assembly met in Churchill in October last year we faced a small contingent of ambulance officers who were protesting about the lack of will being devoted by this government and the Minister for Health to the negotiation process. Now, almost 12 months on, these hardworking, highly qualified and unquestionably dedicated professionals are still being treated with contempt by the Premier and the Minister for Health.

An election promise was made of a new ambulance station at Neerim South, yet not even one sod has been turned for the beginning of its construction. I spoke to the Gippsland regional manager of Ambulance Victoria last October, who assured me that it would be up and running within 12 months, but there is no way that will happen. Currently the police station at Neerim South is manned for only 16 hours a day. The community of Neerim South and district have expressed extreme concern about this for three years. I have raised this matter on numerous occasions in this house, but funding for 24-hour police availability has not been provided.

The member for Narre Warren North suggested that another reason for self-congratulation is that this government has created a fairer Victoria. He should tell that to the families and individuals in Gippsland who are battling with mental illness and disability. They live with difficulties 24 hours a day, 7 days a week, and they are crying out for help through such advocacy groups as Barrier Breakers and the Gippsland Carers Association, but sadly they are constantly ignored by the Brumby government. I ask the Premier and the member for Narre Warren North whether this is fair.

The rail commuters of Gippsland continue to be treated as second-class citizens. They have been constantly disadvantaged by Connex passengers taking up seats on V/Line trains, which forces country commuters to stand between Flinders Street and Pakenham. Now we have the farcical situation of having plans to terminate V/Line services into the city at Flinders Street station. The minister has been questioned about this but refuses to guarantee that the 18 trains currently running on a daily basis from Gippsland to Southern Cross station will continue to do so. These plans are based on an attempt to improve services for commuters from the west and north-west of Melbourne and will happen to the detriment of Gippsland services and consequently to the disadvantage of Gippsland commuters. I ask the Premier and Minister for Public Transport whether this is their way of creating a fairer Victoria.

While we are on the issue of transport I have to mention the Lardners Track rail crossing. Every crossing on the fast rail line was to have boom gates installed. The

complications involved in doing this at this location on Lardners Track and therefore the extra cost has led to it being denied this upgrade. Every day members of my community — mums and dads taking their kids to school, men and women going about their daily business and other rail commuters — are having their personal safety compromised. Again I ask: is this the way the Premier and the Minister for Public Transport make Victoria a fairer state?

Now that the safety of my community is in the frame I have to mention the Princes Freeway–Sand Road intersection at Longwarry, which has been identified as a black spot for some years and now has a service centre operating on both the eastbound and westbound sides of the freeway, with Sand Road being used as an exit route from both service centres. The traffic using this intersection to both access the service stations and travel across the freeway, south or north, has increased enormously, and a planned overpass is desperately needed. This is yet another action that this government has failed to appropriately prioritise.

The worst example I have come across of this government's unfair treatment of country Victorians, including hardworking farmers in my electorate, is the failure of the government to be a good neighbour by sharing the cost of boundary fencing with farmers and private landowners. This has placed an enormous burden on a significant number of property owners who were impacted by the Bunyip Ridge fire. In fact one property owner had to bear the entire cost of replacing the boundary fence he shares with the government at a cost of around $300 000. Again I ask the Premier whether this is fair.

In summary, I could go on highlighting the shortcomings of this government, but I hate being a constantly negative contributor to the debate on this matter of public importance. However, I believe there is something very wrong in Victoria when the Labor government of the day chooses to congratulate itself on supporting jobs, improving essential services and creating a fairer Victoria when in reality there are many Victorians who are doing it very tough for a whole host of reasons. I understand and agree that no government can solve all problems and satisfy every Victorian, but Victorians do not deserve to be insulted by a government that is so out of touch that in its attempts to hide the true position of this state and the difficulties confronting many Victorians it stoops to self-congratulation.

Mr FOLEY (Albert Park) — It gives me great pleasure to rise to support the matter of public importance proposed by the member for Narre Warren North and in particular to focus on the areas of supporting jobs, improving essential services and creating a fairer Victoria.

This matter of public importance marks the anniversary of the Premier coming to office, an event which is close to my own heart, as it led to an opportunity that resulted in my having the honour and privilege of representing the district of Albert Park and its people in this house. Over that time not only has the Brumby government sought to deliver on the promises the Labor Party took to the 2006 election and to lead the national reform agenda on how the commonwealth and the states in partnership can seek to improve the level of services and governance arrangements for the people of Australia, and in particular the people of Victoria, but we have also seen the Brumby government maintain Victoria's leadership role in a whole range of different areas of service delivery and government leadership that sees Victoria lead the commonwealth and particularly the state jurisdictions in a whole range of different areas.

This has occurred in a climate in which the challenges could not have been more difficult and in which Australia and other countries have been suffering the worst global economic crisis in 50 years, if not longer. More immediately and locally it has been highlighted by the tragedy of this year's Black Saturday bushfires. Throughout these two years the government has focused on taking action to create jobs and improve services with the goal of building a fairer and more just Victoria. It is only a Labor government that believes it is the role of the state to bring together the different efforts that could achieve the last outcome.

I contrast this approach with the position taken by members of the Liberal Party and The Nationals over the course of the last two years. They have been bereft of any activity or new ideas. Those opposite can barely hold their show together with their strategy of opposing everything whilst failing to engage in a discourse about what it is they might do. This is because those opposite, who regularly leak information and undermine their own leader and who apparently are proposing the Leader of The Nationals as the Leader of the Opposition — —

Mr O'Brien — On a point of order, Acting Speaker, the member for Albert Park is clearly straying from the terms of the matter of public importance before the house. I ask you to bring him back to the matter.

The ACTING SPEAKER (**Mrs Fyffe**) — Order! I was listening intently to the member's contribution, and

he seemed to be beginning to stray from the matter. I bring the member back to the matter.

Mr FOLEY — Thank you, Acting Speaker. Of course I will take your guidance. I thank the member for Malvern for his contribution. His only redeeming quality is that he is Irish; beyond that he has nothing going for him whatsoever.

Fundamentally the world view of the Brumby government, in contrast to that of those opposite, is a view about the role of government and its importance. It is not the failed view of those opposite — the wreckage of 20 years of neoconservative policies that those opposite have embraced — which has caused the political tsunami we have seen sweeping across the globe. This government has run — not just over the past two years but over the previous eight years, when the current Premier played the key leadership role of Treasurer — an efficient government that has continued to return economic benefits and manage the economy responsibly as a necessary precondition to the role that the government seeks to play: to build better lives and a better outcome for our citizens. That is the measure by which we pursue these outcomes by improving service delivery in a whole range of areas for the community. Whilst the member for Malvern might not like it, the truth is that this contrasts with the paucity of the opposition's view as to what the role of the state should be in these areas.

Even more fundamentally, this matter seeks to highlight the benefits that that responsible economic management and strong economic performance are really about delivering. Over the last two years the Bracks and Brumby governments have worked under a partnership model with the federal Labor government. The state government has stood shoulder to shoulder with the federal government to deliver the national economic stimulus package that seeks to rebuild the infrastructure of this state and this country. It does so despite the opposition of the Liberal Party and The Nationals at both the state and federal level. They have opposed the incurring of responsible levels of debt, and the investment that has gone with that as private investment has all but disappeared from the economic system as a result of the international credit squeeze that has flowed from banking systems driven by greed and the cutting off of links with communities.

The opposition is not content with that. We have begun to see the first green shoots of economic recovery through the substantial efforts of the Labor state and federal governments, which have acted in partnership to invest in education infrastructure, social and community infrastructure, the jobs package and the underwriting support of the economic and financial systems that seek to rebuild private sector confidence, but the opposition now says that the Labor governments cannot claim responsibility for these early signs of benefits to economic performance at the state and federal levels. Despite the carping of those opposite and despite the fact that government revenues have collapsed as a result of declining taxation revenue and private sector lack of confidence, throughout this time the Victorian budget has stayed in surplus and Victoria has retained its AAA credit rating. You would think that those opposite, who seek to cloak themselves in the garments of responsible economic management, would at least acknowledge that those outcomes are fundamental to the Labor government's achievements and that they in no small part result from the leadership shown by the Premier and the continued tight economic management team that he established as Treasurer and has continued as Premier.

The defining difference between those opposite and this government, led by the Premier, is that those economic performance outcomes are not a goal in their own right for the government; the economic performance measures are there to ensure that Victoria becomes a fairer and better place for its citizens.

We are seeing record investment in education to ensure that our most vulnerable citizens — whether they are in the public, private or Catholic system — are able to access high-quality, professional education. We are seeing a record investment of some 7000 new social and community housing units coming on line over the next two years — the greatest single investment in that area since the immediate postwar period. We are seeing job creation packages being reworked in partnership with the private sector. We are seeing record investment in mental health programs. We are seeing assistance measures being put in place for our most vulnerable children and families. We are seeing disability services, despite the difficulties that they run into on a periodic basis, deliver more and more quality services to those most in need in that area.

We are seeing training and education opportunities being provided to all young Victorians who wish to pursue them in order to reposition themselves for the economic recovery. We are seeing targeted and effective neighbourhood and community renewal programs. We are seeing record numbers of partnerships with private and non-government organisations, and record programs for community building. We are seeing the fruits of the Brumby Labor government deliver — —

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

Mr CRISP (Mildura) — In relation to this matter of public importance, self-congratulation is the lowest form of flattery. Something is wrong in Victoria. I will run an eye over the big five areas that are always of interest in northern Victoria and country Victoria in general — health, education, transport, law and order, and water. This is what the people of Victoria and country Victoria are concerned about.

I will begin with education. On its second anniversary the Brumby government is congratulating itself on creating a fairer Victoria at the same time as a parliamentary committee is delivering a report on the geographical differences in the rate at which Victorian students participate in higher education. It is an abysmal record of fairness for country Victorians. The report shows that the disparity in deferment rates is 10 per cent in city areas and 33 per cent in country areas. Why is this so?

The report goes on and identifies the reasons why. It is to do with financial unfairness between country and city students. It is also impacted disastrously by the federal government's changes to the youth allowance — something this government must do something about, because it is blowing the aspirations and opportunities of country students right off the radar, in the words of Peter Hall from the other place. Also the report looked at performance, and it found that less than 70 per cent of country Victorian certificate of education students continue to higher education studies versus 90 per cent in the cities.

Something is wrong in Victoria. Country families cannot afford the $20 000-plus that it costs to have a student away from home. We must address this. If access to higher education was fair, then families in my electorate would not be petitioning the Victorian Parliament over the changes to the youth allowance. They would not be getting their children to reconsider their options and lower their aspirations for what they are capable of. This will be a tragic loss to country Victoria and a tragic loss to Victoria, and it will not be a fairer place for country Victorians.

Improving essential services and water security is everything in country Victoria at the moment. Last year irrigators received 35 per cent of their water entitlement. The scenarios for this year are out there: for December the worst case scenario is 11 per cent, and the worst case scenario for February is 19 per cent; the best case scenarios are 66 per cent for December and 81 per cent for February. There was a little optimism there, but it has not rained for a few weeks and that optimism is fading.

You cannot do business under those situations and those circumstances. With drought relief this government must be fair to country Victorians and allow them to plan their business and go forward. It must reintroduce at an early stage assistance with local government rates and water rates and vital catchment management authority employment programs. The Mallee environmental employment program is vital for those country families to stay where they are. Also, the Victorian irrigation water distribution system in the Mildura area is not competitive. The Victorian system is not fair to Victorian irrigators. It is costing Victorian jobs. It is costing Mildura jobs. Something is wrong in Victoria when the Victorian government cannot or will not match the commonwealth's $103 million for irrigation infrastructure improvements in Mildura. We are having to accept second best in Mildura because the Victorian government will not commit to a project going forward. We are having to patch up a system and make do when other states like South Australia have competitive systems and competitive water rates. It is just not fair, and this government is not to be congratulated.

I turn to health in my area. After years and years of lobbying, still nothing can be done to fix the difficulties at the Mildura Base Hospital. The accident and emergency department is still overcrowded and people are left waiting there. They are part of the 44 000 who are waiting for a bed for more than 8 hours. They are waiting in corridors. The overcrowding is also probably detrimental to health recovery.

Professor Pettigrew wrote a concerning report two years ago that there was work to be done on the difficulties with the availability of maternity services that were brought about when the Mildura hospital was planned. The private hospital in the town provided maternity services, but it has ceased to do that. The Mildura hospital is very busy in the maternity section. Post-operative care is getting in the way of elective surgery waiting lists. There is not enough room in the post-operative section, and again people are recovering in corridors or being sent home perhaps sooner than they should be. Our mental health facility struggles in a remote area. We need that step up, step down facility so that people leaving mental health can recover before being fully released into the community.

I have to talk about what I call Sally's issue. Sally and Rod Nicholl are a young couple in their 30s who have a young family of four children. Rod's kidneys have failed, and he is on dialysis. He is costing the state

$80 000 a year or more. Because of his condition he cannot work and his family is in trouble. In desperation after 10 years of waiting for a kidney, Rod's sister has offered a kidney. She happens to live in the north of Western Australia at Kununurra, and the family has exhausted all its financial resources, both of the donor and of the recipient, trying to arrange for that family member to donate a kidney, one of the greatest gifts you can give. Neither the Victorian government nor any other government would help them with the transport of the living donor to Victoria for that operation.

The situation caused the family the greatest of stress. The donor could no longer afford to come here for an operation that was scheduled for last night. The family is in trouble with its home payments, and there was nothing left in the cupboards and no-one to help them. The opportunity for a new life was going to be denied because they simply could not get that live donor there. Thank God for the Salvos — not the Victorian government, not the Brumby government and not 10 years of Labor. That operation occurred only because the Salvos went out of their way to make it happen.

The spin and all that we spend on advertising and government work are washed away when you see Sally and Rod's family circumstances. Something is really wrong in Victoria when it is more important for the government to promote itself than it is to do something about returning someone to a normal life. A decade of Labor government — and it is probably a decade of the Brumby government, because he has been pulling the financial strings — has not helped Sally, Rod and their family. This is a disgrace, and it is certainly not something to be happy with.

I turn now to the rail — a decade of lost promises and promises not kept. Standardisation of the Mildura line has not occurred. The commonwealth put money in to help with the maintenance. Labor has promised it and promised it. Then more recently, in the latest indignity for the people of Mildura, it said, 'You are no longer a growth area, so therefore you have slipped off the radar for the return of the passenger train'. You can now add to that the additional indignity that passengers must carry their own luggage when they have to change modes of public transport when travelling from Mildura to Melbourne. This is not fair for older people. It is not fair on people who for health reasons have to access the very skinny Victorian patient travel assistance scheme arrangements for travel.

It is very hard to congratulate a government that cannot and will not keep its promises. For a decade now it has had the opportunity to fix so many of these problems and to manage them as they have occurred. What has it done? It has simply been an opportunity lost. Victorians in country areas will not be congratulating the Brumby government on its second anniversary. It will not be congratulating the Labor government on its 10 years, because so much of it has not been fair and has not been just. It has not preserved and grown jobs in the way it wants to. The mere fact that Mildura has lost its growth status and therefore fallen off the government's radar tells us that jobs have not been created in country Victoria and that the Brumby Labor government has failed country Victoria.

This needs to be changed. It is not beyond repair; it is not beyond reproach. The Sallys of this world, who we have come to know so well, deserve much better.

Ms DUNCAN (Macedon) — I rise in support of the government matter of public importance, and I look forward to the member for Mildura putting into practice all of the suggestions he has made here this morning about what this government should be doing. I look forward to his suggestions being part of the Liberal government policy. In trying to cost some of the member's suggestions, we will have to wait to see where the magic pudding lies that the Liberal Party believes exists in Victoria.

The matter of public importance notes the two years the Premier has been in office and the work the government has done in that time. One of the features of this government and of our Premier is strong leadership. This stands in contrast to the lack of leadership shown by the opposition. If we were looking for a recent example of this demonstrated leadership, we would need to look no further than this government's response to the bushfires that commenced on 7 February of this year when more than 300 fires swept across Victoria. These fires burnt until early March and caused the worst natural disaster and prompted the largest recovery and rebuilding effort in our history.

From Black Saturday in February through to early March Victoria's emergency services mounted a large and sustained fire suppression effort. Victoria's ability to make a comprehensive and rapid response to the terrible events of that day were due to the enormous contribution of paid and volunteer firefighters, as well as a range of other organisations, most notably the Country Fire Authority, the Department of Sustainability and Environment, the Metropolitan Fire Brigade, interstate and international firefighting bodies, the State Emergency Service and the Australian Defence Force. Fire agencies estimate that on each day there was an average of 4000 fire agency personnel

working directly at the front line of these fires. On each of these days up to 46 aircraft were deployed, with up to 4 air cranes, including the one known as Elvis, as well as hundreds of tanks, trucks and other equipment. The government's response to this devastation was immediate and comprehensive.

The Brumby government also held a national day of mourning. The Brumby government took action to directly respond to this disaster. Specifically it set up the Victorian Bushfire Appeal Fund, chaired by the former Governor of Victoria, John Landy. It worked with the commonwealth government to establish the Victorian Bushfire Reconstruction and Recovery Authority chaired by the former Chief Commissioner of Police, Christine Nixon. It established a royal commission chaired by retired Supreme Court Justice Bernard Teague to look at the causes of the fire and to make recommendations about improving fire preparedness. An interim report will be delivered ahead of this year's fire season to help us prepare for the fire season.

We heard contributions from members of the opposition who were critical of the royal commission. I also feel some discomfort about things said to the royal commission. However, unlike opposition members, I would not suggest that any government should dictate to the royal commission what sorts of evidence it should hear or what sorts of questions should be asked. I recall when the royal commission was first set up there were suggestions from the opposition that the government was somehow trying to gag the royal commission. We have seen here this morning evidence of what the opposition would do if it was in government.

On the reconstruction and recovery phase of this devastation, the Victorian Bushfire Reconstruction and Recovery Authority has, more than two months ahead of schedule, completed the clean-up of almost 3000 properties that were destroyed or damaged by the bushfires. It has also established 10 community service hubs in bushfire-affected communities, providing a base for recovery workers and a one-stop shop for services. It has delivered donated goods to bushfire survivors with the rollout of 21 000 pallets of donated goods to thousands of familles, and that work continues. Temporary villages have been built at Kinglake, Flowerdale and Marysville. Community recovery committees have been set up in fire-affected communities to ensure that people have a say in that rebuilding process. The authority has also started work on a whole-of-government master plan for the recovery and rebuilding of these affected communities and commenced the establishment of the rebuilding advisory centres in bushfire-affected areas to help people rebuild their homes.

The government has also formed strong partnerships with the commonwealth government to deploy over 350 case managers to personally assist more than 5000 people as they rebuild their lives; provided $51 million in assistance packages for small businesses damaged or destroyed in the fires; established a $10 million community recovery fund which will provide grants to community organisations and sports clubs to help them rebuild; and established the $10 million tourism fund to encourage visitors to return to fire-affected and surrounding regions in the short, medium and long term. On 8 February the Victorian and commonwealth governments and the Australian Red Cross established the Victorian Bushfire Appeal Fund to support families and communities in towns and suburbs affected by the bushfires. The overwhelming response to this fund has impressed every single person in this chamber.

Having noted all the action this government has taken, I contrast it with the role of the opposition. Brendan Donohoe in the *Sunday Herald Sun* of 1 March reported that:

> Opposition Leader Ted Baillieu has missed a big opportunity … so far he's sat on the fence, too scared to act …

We have seen the actions taken by this government. There is much that this government has done over the last decade, but specifically in the last two years, as this matter of public importance would suggest. A previous speaker said this government was suggesting, by raising the matter of public importance, that somehow all of this work was done and there was nothing more to do. I am not sure what the member was reading from, but as far as this government is concerned nothing could be further from the truth. At each opportunity this government acknowledges that while it has done some fantastic things in this state, it knows there is always more to be done. That is why this government continues to be invigorated. The Premier shows enormous levels of energy in continuing to meet the challenges that lie ahead of us. This is in stark contrast with the actions of the Leader of the Opposition, who barely seems able to rise to ask a question at question time, such is his level of disinterest and disengagement.

In regard to water in this state, the government's position stands in stark contrast to that of the opposition. I refer to the recently tabled Environment and Natural Resources Committee (ENRC) report which lists a range of opportunities this government has

taken and also opportunities that will exist in the future. We have made a number of achievements in this area.

One of the contrasting positions I refer to is the minority report written by Liberal opposition and Nationals committee members which forms part of the ENRC report. One of the things they suggested in the report was that there should be a legislated target for water substitution, which in their view would provide a more effective mechanism to increase the uptake of water projects to replace potable water used for non-potable purposes with recycled water, treated stormwater and rainwater. Presumably the point of this is that despite the costs and any cost-benefit analysis any future government would be obliged to proceed with water replacement projects regardless of their benefit in order to meet its legislative targets.

We have been criticised for increasing the cost of water, which is partly due to the increased funding for infrastructure. One can only imagine what the cost of water would be if, regardless of the benefits and regardless of how much it would cost and how much water it would deliver, future governments were required to proceed with projects that basically made no sense. I can only imagine how this would increase the cost of water, a cost which we already know will increase due to the investments this government has made in improving water infrastructure in the state to cope with the increasing and prolonged droughts the state is likely to face as a result of climate change.

This government has done an enormous amount of work in the state, but its members would be the first to acknowledge that there is always more to be done. I am proud to be part of a government that has achieved so much in this state, and I congratulate it. I look forward to its continuing work in all of these areas.

Mr K. SMITH (Bass) — I am very proud also to be part of the opposition in this state that will be taking over government and having to improve the state after the mess that will be left by the current Brumby government. In rising to contribute to the debate on this matter of public importance (MPI) I can only say that we should make sure that it gets into the record that the member for Narre Warren North is also the parliamentary secretary to the Premier. Obviously the Premier got into a bit of a panic and said, 'Listen, we have got an MPI; you had better see if we can get something good up about ourselves'.

Government members talk well about themselves, but the rest of the public does not think too highly of the government, so the member for Narre Warren North has proposed an MPI which states:

> That this house notes the second anniversary of the Brumby government —

let us not talk about the eight years before under Bracks —

> and congratulates the government on another year of action supporting jobs, improving essential services and creating a fairer Victoria.

All of this self-congratulation is a bit of a joke. It is interesting to see the Minister for Public Transport sitting at the table with a smile on her face as if she knows that the government really has not done much at all. When we talk about the government, do we congratulate it for plunging the state of Victoria into heavy financial debt? It talks about having a $160 million surplus, but it is not talking about the huge debt it is going to create and has already started to create.

We are going to have about $31 billion worth of debt in the financial year 2012–13, which is going to be a bit of a problem — but not for members of this government, because they will be scurrying off after the next election and saying, 'What a wonderful job we did putting the state into that much debt'. That was the amount of debt left by the Cain and Kirner governments when Jeff Kennett had to come in and try to pull the state back into some sort of order, which he did. The debts of the previous Labor government were paid off. It looks as if the Baillieu government is going to have to come in and do exactly the same thing, because this government has no financial experience and no financial understanding of what running a state is all about. It is sad that we have to continually come back and try to put the state into some order.

Should we congratulate members of this government on taking all the federal government stimulus money that has been put into education and calling it their own? They are virtually saying, 'We have put all of this money into education facilities', but what have they done? They have gone to Mr Rudd, who has given them a handful of money, and they have come back here and said, 'It is all our money that we are putting in'. It is not! It is money that has come from the Rudd government, yet this government for 10 years, and particularly in the last two years, has put very little money into education facilities in the state of Victoria.

After 10 years of crying out, 'Let us do something for Inverloch Primary School' this government actually said, 'We are going to put some money into that, and we are going to improve that school. We are going to put in about $600 000 and the federal government is going to put in about $4 million to rebuild the school'.

The school was falling apart and has been ignored by this government for 10 years. The Victorian government is taking the Rudd stimulus package money, putting it in and calling it its own. It will not be this government's money; it is money that will come from the federal government, but you can bet your life that we are going to have the Minister for Education, with the federal Minister for Education, Science and Training and probably Kevin Rudd, coming to the opening of the school down at Inverloch when it finally gets done. This is a bit of a joke that the government is trying to pull on the people of Victoria.

It is great to have the Minister for Public Transport sitting at the table, and I congratulate the minister on ordering a new lot of trains. What a shame they are not going to fit on all of our railway lines. How could that possibly have happened? What sort of incompetent people has the minister got working for her that she has not been prepared to do anything about? I ask the minister to listen to me. When is she going to do something about these incompetents she has working in her department who cannot order billions of dollars worth of trains that are actually going to be able to run on the tracks? You have got to wonder a little about what sort of control the minister has. Or is this a Fabian Society, with the lefty bureaucrats taking control of her department?

It is a disgrace. We have had cancellations of trains; we have had security on trains being breached; we have had a lack of parking facilities at railway stations. We want people to use public transport, but they cannot even get a car park near a railway station. At Pakenham people park 1.5 kilometres away from the station so that they can catch the train, and what has the minister done about it? Nothing.

A new railway station is needed at the Lakeside estate that is nearly built, and the government is finally talking about putting a railway station in now. That station should have been there at the opening, but no, the minister, with her bureaucrats, has decided that she is going to put it in. It might be finished by 2013 or 2015, but that is not going to be much use to the people who have already established travelling arrangements and will be using their cars on the already overcrowded freeways and highways. These people could have been using trains if the minister had used her brain and said, 'Get that station built at Lakeside'. There are probably about 3000 or 4000 people living there, and another huge estate is going up across the road from where this is going to be built, but it is not going to be ready for those residents either. The minister will leave — she will be gone after the next election — so it is not going to worry her if these people have already established their travel patterns. It is just wrong.

Should we also be congratulating the government on its stewardship of local government? Should we be talking about how good it has been there? Let us have a look at Brimbank City Council or the Greater Geelong City Council and the corruption that has occurred there among some councillors. Maybe we should be having a bit of a look at those and congratulating the government, because it has really made a botch of the whole thing with respect to local government. We have an incompetent Minister for Local Government who does not do anything. When issues are raised with him he does not take any notice of them and tries to palm them off.

The Premier and the former Premier knew all about what was going on at Brimbank and did nothing. The Minister for Planning knew all about it; he was right into it. All the local members knew what was going on and had known about what was going on for four or five years and did nothing about the corruption that happened out there. The government employed as advisers some of the councillors who were right up to their necks in the corruption that went on there. It has done nothing about that. The Premier has not made anybody accountable for what happened there. He is bringing some itsy-bitsy legislation into the house to try to stop councillors working for members of Parliament. Let us get rid of all the advisers to Labor members of Parliament. That will probably clean up local government. I would like to be congratulating the government for putting up an independent, broadbased anticorruption commission to start to have a look into some of this corruption that is occurring in these areas.

What about the water crisis? Should we congratulate the government on the absolute balls-up it has made of the water crisis? What it has done there is appalling. We are about 350 days away from having no water in our dams and reservoirs, and what does this government do? It waits until the last two years to put in a desalination plant that is not going to be ready until 2011, even though it pushed through an environment effects statement in less than 12 months against the will of the people in the Wonthaggi area. It is an absolute disgrace.

What about the north–south pipeline? The government is going to pipe water from where there is no water — from nowhere. The government will have to have fans in place to pump a bit of country air into Melbourne and Victoria. That is what it is going to bring down. There is no water up there to bring down. The government has wasted another $750 million. How

many millions of dollars is it going to cost us for a desalination plant that is not going to be ready to produce any water until 2011, probably about two and a half years from when we are going to run out of water in Melbourne? What has the government done about it? Nothing. It sat on its hands for eight years before it did anything. It put out reports. It put out all the rubbish that it puts out year in and year out. It does nothing. What it has done is a disgrace.

Should we congratulate the government on the lack of police on the streets and the crime rate going up in the state of Victoria? Should we congratulate it on the lies it has told to the people of Victoria? This government is a disgrace. I do not think we should be congratulating it, and I certainly will not be congratulating it. The self-congratulation the Premier has asked his parliamentary secretary to come into this house and try to foist onto the history books is an absolute disgrace. This government will stand charged by the people at the end of November next year — —

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

Ms MARSHALL (Forest Hill) — I rise to support this matter of public importance submitted by the member for Narre Warren North. Congratulations are due to the government for its continued action in creating and supporting jobs in the current global economic climate, boosting essential services such as education and health, and providing for a safer and fairer Victoria.

When we ask what it is that Laborites value we need look no further than how the Labor Party was created. It was born from the collective struggle for better living and working conditions and the continuing pursuit of a society which values security, champions fairness and equality, believes in communities and families, promotes social justice and compassion, values environmental sustainability, supports freedom, liberty and enterprise, and strives for opportunity and aspiration. We value fairness and equality, and we believe in a fair go for all. We believe we should govern in the broad interests of all and not in the sectional interests of a few. We value compassion and dedicate ourselves to social justice. We believe we should work together to help alleviate suffering and disadvantage where we can.

We can look at key points in our history at which these values have been epitomised, such as during the Whitlam years, when there was an ambitious program of policy reform. Hawke restored economic and employment growth with a simultaneous attack on the high levels of unemployment and inflation and tackled a legacy of economic mismanagement and social neglect. Keating addressed a wide range of social and economic issues facing Australia. Economic recession and unemployment were major problems at that time, but it was from there that enterprise bargaining was introduced in the industrial relations sphere and financial assistance for families on low incomes was improved.

The Hawke and Keating Labor governments were responsible for a number of important reforms, including the establishment of Medicare, designed to ensure a universal, comprehensive and fair system of health cover for all Australians; the creation of more than 2 million jobs; increased financial assistance to families, especially those on low incomes, to help meet the cost of raising children; an increase in the social wage, giving workers access to superannuation and creating a safer and fairer working environment; extensive reform of the taxation system, making it fairer and more efficient for individuals; and the integration of employment, education and training policies to create job opportunities and, through Labor's training initiatives, improve the skills of our workforce and improve school retention. The Brumby government understands that a strong economy will pay for social progress, better educational opportunities and improved health care.

We all understand that a fair society underpins a strong economy, and once again this year has seen another budget surplus. Victoria is the only state in Australia to have a surplus of at least $100 million across the forward estimates period. The consistent sound financial management of this government, particularly in this year's budget, has allowed for a number of initiatives to be introduced that are designed to help businesses and households through tough economic times by creating jobs and attracting investment into Victoria.

Over 35 000 jobs have been secured through record investment in infrastructure in conjunction with the commonwealth. The past 12 months alone have seen the Brumby government facilitate more than $3 billion in new investment, including the establishment of Costco's first Australian store, bringing a capital investment in excess of $60 million, which will in turn create more than 200 jobs. Small business has also benefited from this government's Reducing the Regulatory Burden initiative, which is now in its third year and which will save businesses in Victoria an estimated $256 million per year by 2011.

The Brumby government has a vision to increase the skills of all Victorians to ensure that everyone is given the chance to secure the jobs they need and want. To ensure this vision is realised the government has committed to creating an additional 172 000 training places over the next four years, has launched the $316 million skills strategy Securing Jobs for Your Future and is delivering a $120.9 million skills and employment package containing measures to boost the skills of all Victorians with the $13.8 million Skills to Transition program, which will provide additional training support for more than 6400 retrenched or at-risk workers. The Brumby government should be congratulated on the action it has taken and continues to take to aid businesses and households through these very tough and uncertain economic times.

Victoria is a great place to live, work and raise a family, and this is due to the record investment the government has allocated to improving essential services such as education, health and police. To rebuild, renovate or extend Victorian government schools $1.9 billion is being invested through the Victorian schools plan. This, combined with more than $2 billion in federal government funding through Building the Education Revolution, translates into great possibilities for our children.

Families in Forest Hill have welcomed the government's aim to deliver a world-class education system. More than $14.3 million in state and federal funding has been delivered to schools in Forest Hill through the Victorian schools plan and Building the Education Revolution, creating facilities in which students can continue to achieve great results. With more than 9550 equivalent full-time teachers in our schools, the Brumby government has made no secret of the fact that education is its no. 1 priority.

Another vital service the Brumby government is committed to ensuring all Victorians have access to is health. We are facing the challenges that are associated with an ageing population; however, with $826 million being invested in health under this government, this issue is being met headfirst.

Along with the record investment in health in the last budget, the Brumby government provided a $1.9 billion Victoria Police package to ensure that all Victorians are kept safe. There are now more police on the front line than ever before, and that is reflected in the dramatic decrease in the number of offences in the electorate of Forest Hill and across Victoria. Since this government came to power in 1999 there has been a 22 per cent decrease in drug offences in the city of Whitehorse. Our local police continue to do excellent work in detecting and charging people who have cultivated, manufactured or trafficked drugs. This is demonstrated by the stark increase in the number of drug detections that were made last year. The incidence of the offence of possessing a drug fell by 6 per cent in the past year in Whitehorse alone.

Victoria Police has increased its visual presence in and around entertainment precincts in a further effort to tackle alcohol-fuelled, antisocial behaviour, and the Brumby government has supported that effort. In 2008 a further $11 million in funding was allocated to fast-track the recruitment of 50 additional police to assist with the work of the Safe Streets Taskforce. This year also saw an additional 50 transit police funded to patrol and keep the public transport network safe.

The Brumby government knows that for Victoria to be the best place in Australia, it needs to be the fairest place in Australia. It has been a collaborative era, the likes of which Victoria has never seen before, in which the Victorian government is working shoulder to shoulder with our federal colleagues, the community services sector, the business community and local groups to improve access for Victorians. These are difficult times, and the Brumby government is to be congratulated for making tough investment choices that will enable us to emerge stronger, not only economically but also as a more cohesive, fair and inclusive society. It is strong, connected societies that will always be better placed to seize opportunities when times are good, and better placed to manage when times are tough.

A Fairer Victoria 2009 has continued to build on the social foundations that define this government. It aims to protect the most vulnerable and to invest in and build Victoria by enabling Victorian children to get the best start in life. It facilitates better educational opportunities and assists people as they enter the workforce. It aims to improve the health and wellbeing of all Victorians whilst targeting health inequities. Fairness has never been more important, and it is the Brumby Labor government that has developed the policies that are fostering inclusion and creating a state that the rest of the country holds up as the benchmark for the best place to live, work, invest and raise a family.

The second year of the Brumby government was a challenging one. The state suffered its worst natural disaster, which claimed over 170 lives. The global financial crisis has affected the livelihood of many Victorians. Yet through these times this government took steps to create jobs, deliver a balanced budget, continue its record investment in essential services and

create a fairer Victoria. It is more than worthy of this house's congratulations.

The major debate in this day and age is not how we create wealth but how we distribute it. Our aim has always been to create a stronger economy not as an end in itself but as a means to create more wealth for everybody to share, and not just the lucky few. Like all members on this side of the house, I desire a strong economy so that we can create a fair society. It is not just enough to put a set of policies in place and pronounce the job finished. We need to adapt and respond to a continuously challenging environment, changing as it does. It is with deep appreciation that I congratulate John Brumby for achieving this through his actions and great leadership. I commend the matter of public importance to the house.

Mr KOTSIRAS (Bulleen) — It is a pleasure to stand to speak on the MPI (matter of public importance). The sad, pathetic and incompetent Labor government comes into this house after 10 years and tells us, 'Forget the first eight years because we failed. Let's just look at the last two years'. It thinks that the last two years have been better than the previous eight years. The government has failed to govern. It has failed to deliver the services that are required by Victorians. There is no water. Public transport is in disarray, as is the education system. Schools are being sold; schools in my electorate are being sold. This is from a government which claimed that it would not close any schools, and yet it is forcing principals and teachers to support school closures. What hypocrites!

Ms Kosky interjected.

Mr KOTSIRAS — The minister is a hypocrite. Every single member on the government side is a hypocrite because they have voted for the closure of public schools across Victoria. It is an insult to Victorians that members stand up after 10 years in government, 10 years of inaction, 10 years of failing, and say to us — —

Honourable members interjecting.

The ACTING SPEAKER (**Ms Munt**) — Order! There is too much conversation across the table. I ask the member to direct his comments through the Chair.

Mr KOTSIRAS — We have had 10 years of a government that has achieved nothing at all, and yet it brings in an MPI to tell Premier Brumby, who was never elected as Premier by the people, that he has done a wonderful job for the last two years. The government says, 'Let's forget the previous eight years under Bracks because we know that we failed. We know that we did not achieve much. Let's just look at the last two years'. I have to say to the government that Victorians are saying that the Brumby government has failed in the last two years as well. It is a shame that after 10 years it cannot come into this house with an MPI with a vision for the future or something that it has actually done in the past. What it has achieved is more staff in ministers' offices, better chairs and tables, and that they enjoy the privileges — —

The ACTING SPEAKER (**Ms Munt**) — Order! The time allotted for the matter of public importance has expired.

STATEMENTS ON REPORTS

Education and Training Committee: geographical differences in the rate in which Victorian students participate in higher education

Mr DIXON (Nepean) — I wish to make a few comments this morning about the Education and Training Committee's inquiry into geographical differences in the rate in which Victorian students participate in higher education. In doing so, I congratulate and my fellow committee members and thank them for their hard work and cooperation in producing this report. It was an interesting process which saw us travelling to many places in country Victoria and also holding hearings here in Melbourne. I personally learnt a lot from it, as I think did all members of the committee. I also congratulate the committee staff on their work in producing a substantial and in-depth report. I know the contents of it are eagerly awaited by the various organisations and individuals the committee spoke to in the course of its inquiry.

I will talk about some of the key findings of the report — and there are a lot there. The report found that there are geographical differences in the rate in which students access and participate in higher education. There is a huge difference in the number of students studying at universities who come from rural areas. There is a huge difference in the numbers of applications from students leaving school to go to university to take up higher education. There is a huge difference in the number of students who take up offers, and there is a huge difference in the number of deferments. Large numbers of rural students defer their studies. That is increasing for a number of reasons which are set out in the report. More worrying is the fact that even though young people defer their studies

for 12 months, a lot of them do not then take up their deferred offer during that 12 months.

The report also talks about the importance of completing the VCE (Victorian certificate of education). Again, that is a huge issue and one that has been tackled quite well in the report. It argues that students cannot go into higher education if they do not complete their VCE. There are some quite low completion rates of VCE in some of our regional areas, and we need to work on that. We also need to work on the breadth of subjects offered in our country areas.

The committee report talks about raising aspirations, which again is an important issue. This is not only just about raising the aspirations of students in relation to higher education, but also the aspirations of their teachers and families. The raising of aspirations is really a community issue. It is also a long-term issue that we need to start addressing now.

Increased articulation — that is, gaining credits for TAFE studies and carrying those credits through into other studies at university — is a great way of introducing a lot of students to further education through an area in which they might be more comfortable. For example, they may start with a TAFE course and then move on to university as they gain confidence and knowledge.

The cost to universities of the provision of regional education is probably the main reason there is not a greater provision of higher education in country Victoria. It is an expensive exercise. If universities are committed to it, then they have to pay for it, and there is no extra support for them to do that.

The biggest issue that was raised — and it is fascinating in terms of the timing of recent federal government announcements regarding youth allowance — was youth allowance and its effect on young people in regional areas and their participation in higher education. This issue was consistently brought up with the committee — by parents, by the students themselves, by universities and by all sorts of organisations. What we found towards the end of writing this report after all these hearings — in fact we could have nearly started again — was that the federal government's proposed changes to youth allowance will actually take us even further backwards in terms of how they are going to affect students in country areas.

As I said, the cost of relocation and all the costs that are associated with a student from a country area moving into Melbourne are absolutely massive. Even to move into a regional centre — perhaps to La Trobe University in Bendigo — is a massive cost. The youth allowance payment is depended on by students, and the fact that it is now going to be so much harder for so many of those students to access it will mean that we are going to take a backward step. The committee has made recommendations regarding that, and I urge this government — it is our most urgent priority as far as I am concerned — to work with its federal counterparts and try to reverse this trend.

Drugs and Crime Prevention Committee: strategies to prevent high-volume offending and recidivism by young people

Mrs MADDIGAN (Essendon) — I would like to comment on the *Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People* report by the Drugs and Crime Prevention Committee, which was tabled in Parliament yesterday. Firstly, I would like to thank the staff and the members of the committee for their great work on this report, particularly the other members of the committee, two of whom, oddly enough, are sitting in the chamber at the moment — the members for Mornington and Lowan. Certainly the members from all parties were a joy to work with on this committee, and they have worked very well together in bringing forward the report, which I think we all endorse wholeheartedly. In some ways it was not a difficult report to prepare because most of the public submissions we received tended to say the same thing, so I think there is a fairly broad view across the community about what we should do in relation to trying to prevent young people from getting into the juvenile justice system and staying in the justice system.

We undertook a survey of children who were born in 1984 and traced their figures through to now to try to determine the level of juvenile crime. I think young people get extremely bad media coverage in this state, particularly through some of our newspapers and some news reports on television which tend to degrade young people. Of course, as we all know, most young people are fine, upstanding young citizens who will make great adults, and it is only a very small number who really have significant problems in the juvenile justice system. What we did find is that one in five offenders apprehended by the police in 2007–08 were under the age of 18 years. As the report states:

> 13 per cent of those persons born in 1984 were apprehended by the police at least once before age 18 …

I think it is not uncommon for some young people to have an initial contact with police, and for most people that is the only contact. By the time their parents, the

police or the courts have finished with them, they have decided never to go into that area again. Those sorts of people will probably not be the problem cases that the state will have to deal with in the future. However, the report also states:

> 1.5 per cent would record five or more contacts with police before age 18 …
>
> High-volume offenders (those who had contact with police five or more times prior to turning 18) within the 1984 birth group were responsible for around half of all offences recorded to age 18 and one in four crimes recorded between age 18 and 24.

They are really the people we have to concentrate on to ensure that they have more of a chance to live worthwhile lives, not only for their own sake but also for the sake of the state of Victoria, because spending a large part of your life in detention is hardly what we want for young people in Victoria.

What we looked at was a range of strategies, particularly relating to very young children, and what we found, especially from the evidence that was put before us, was that there was a very strong similarity between people who ended up in the juvenile justice system. Many of them had dropped out of school, many of them had a mental illness or an intellectual disability, and many of them came from families that actually needed some support themselves in the way they managed their families.

What we have done in the report is make a number of recommendations aimed at really trying to address some of those problems when children are very young. A number of teachers informed us that they can pick children with behavioural problems as early as prep grade at school. There is a great capacity for the government, across all levels, and for the community to be able to identify and work with very young children to ensure that they have every opportunity and to try to prevent them from getting into the juvenile justice system. A number of recommendations relate to when children are very young and not just to the children themselves but also to their whole families where that kind of support is needed. In fact New Zealand has an excellent model. It has probably done considerably more than the states in Australia in addressing these sorts of issues.

There is a great range of supports that have been given to children, and I think keeping them at school is an important one. The recent initiatives by the Minister for Education in relation to suspensions are ones that will be warmly welcomed by anyone who was involved in these hearings, because certainly a number of the young people we met under detention in juvenile justice centres — in fact all of them — had left school at a very early age. I think that keeping children at school is essential, and the minister's recent initiatives and any in the future will be warmly received by that greater community.

I hope people look at the report. There are some great findings in it. Finally, I would like to say that we are talking about a very small group of young people. As I said, most young people are a great credit not only to their parents but to society and to themselves and will lead very useful lives.

Drugs and Crime Prevention Committee: strategies to prevent high-volume offending and recidivism by young people

Mr MORRIS (Mornington) — It is a pleasure to also make some comments on the Drugs and Crime Prevention Committee's *Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People*, which was tabled yesterday. I have the honour to be the deputy chair of that committee and to serve with my coalition colleagues the member for Lowan; Andrea Coote, a member for Southern Metropolitan Region in the other place; and in the early part of this report, the member for Kew. I also recognise the bipartisan approach that the committee takes and definitely concur with the comments of the member for Essendon.

I also place on record my thanks to the committee's staff, in particular Sandy Cook, the executive officer, Mr Peter Johnston and Dr Cheryl Hercus, who had such a great commitment to the task. The quality of their work, which was performed in somewhat challenging circumstances, was excellent and much appreciated by the committee.

The extent of public interest and public input into the inquiry was considerable. It is fair to say that the committee tackled its task with great enthusiasm. It heard from over a dozen agencies at preliminary briefings, and members attended sessions of the Children's Court and met with Judge Paul Grant. It visited the central business district late in the evening of 5 April and into the small hours of 6 April. I must say it was a side of Melbourne I had never seen before and hopefully will never see again, although I did not feel particularly uncomfortable as I had a 6 feet 6 inches tall senior sergeant standing at my shoulder.

The committee also met with 10 experts in the field in Brisbane. Indeed there are some good things happening in Queensland, particularly with the recognition that if a kid offends or is on the brink of offending, it is not

good enough to take action in two or four weeks because you need to take action straightaway. That is recognised in Queensland, and it is an important move forward.

The committee received some 34 written submissions, heard from 78 witnesses in public hearings, including submissions from Bernie Geary, the child safety commissioner, and Judge Michael Bourke, the chair of the Youth Parole Board, and many other expert witnesses. The committee took a quick trip to New Zealand and over five days met with 66 individuals engaged in the youth justice field. They ranged from judges to youth workers, senior public servants and most particularly those delivering services on the ground. Of particular interest to the committee was the development and implementation of the youth offending teams that New Zealand has in place. The committee conducted eight visits to other local facilities, including the Melbourne Youth Justice Centre and Malmsbury Youth Justice Centre, and had discussions with detainees. I mention all those things because we need to demonstrate there has been considerable expert input and considerable community input, and I believe the recommendations squarely address community concerns.

The member for Essendon mentioned that several things stood out, and I certainly agree with that. First and foremost is that most young people behave themselves. Most of them, if they are not already good citizens, become good citizens. I direct to the attention of the house the tables at the back of the report, particularly the statistics relating to the 1984 cohort. By age 18, 6.9 per cent of females and 17.8 per cent of males had come in contact with police; by the age of 24 years that had risen to 22 per cent of those born in Victoria and 19 per cent of those living in Victoria. Of those, 54 per cent came in contact with police only once. The member for Essendon mentioned some of the statistics, but the number of repeat offenders is relatively small. However, the members of that small group are on occasions quite capable of causing havoc in this community.

I do not have time to address the detailed responses, but the undoubted key is education. Every detainee we spoke to at the youth justice centres had left school at a ridiculously early stage, ranging from year 5 through to year 9. We have to keep young people at school, but they cannot be kept at school at the expense of other students and they cannot be allowed to cause disruption. However, if we cannot keep them in the education system they will end up on the scrapheap. They will be left to their own devices, and that will cause problems for everyone. The solution is not being soft on crime. The solution is about removing the causes, removing excuses and ensuring that genuine repeat offenders are punished appropriately.

Education and Training Committee: geographical differences in the rate in which Victorian students participate in higher education

Mr HOWARD (Ballarat East) — I was very pleased yesterday as the chair of the Education and Training Committee to present the latest report from the committee which relates to geographical differences in the rate in which Victorian students participate in higher education. I thank all members of the committee who participated in and had input into that inquiry. I also thank members of the committee staff for their significant input into the inquiry.

The inquiry resulted in a very weighty report of over 300 pages and an unprecedented number of people participated, either by presenting written submissions or by attending the many public hearings held in Melbourne and in regions across Victoria. I appreciate the input from all of those people who made contributions. Clearly they know, as do we in this house, that higher education generates important benefits to individuals who go to university in terms of the opportunity it provides for them in earning income when they have completed their courses and in helping them to gain greater insights. It also generates greater benefits to the communities in which they work and live later on. In the report the committee wanted to evaluate the participation levels in higher education across the state and look at what barriers might be in place so that it could attempt, through the recommendations, to reduce or remove the barriers to ensure that wherever people live across Victoria they will have equal opportunity and equal reason to participate in higher education.

When members of the committee looked at the application of the rates for higher education from persons who had completed their Victorian certificate of education (VCE) they saw a very varied pattern of participation. In the metropolitan south-east nearly 90 per cent of students who had completed their VCE applied to go to university. In the metropolitan south the figure was much lower at 76.5 per cent, and in non-metropolitan areas and interface areas application levels were down to 72.8 per cent, and they were lower in some regions than in others.

When the committee looked at the evidence presented to it, it found a number of areas in which it needed to report and present recommendations. In addressing

those the committee noted that in the regions in particular there were was a concern about the high level of deferments among students who were offered places, with something like 33 per cent, or a third, of students in regional Victoria who were offered places choosing to defer for a year before going on to take up their places.

We know that a big part of the reason — although students said they believed it was a great opportunity for them to have a year off and freshen up — probably relates more to the cost of living away from home for those students and to their not wanting to put too much pressure on their families, who may be struggling. Taking that year off school and earning money for 18 months has in the past made them eligible for independent status and hence able to gain the youth allowance.

We know that will change under the federal government's proposed changes, and it will be an issue to watch in terms of how it affects participation rates. While we recognise that under the federal government's proposal more students from families with lower incomes will become immediately eligible for student support, there are issues in the regions and other areas where if students have to live away from home they might determine that it is too difficult for them to go to university. We have recommended that all students who live away from home should be provided with student assistance and that the state government lobby with regard to this matter.

Other things that we suggest need to be done include better collection and analysing of data and supporting students in schools, especially in cases where their parents have not gone to university. We need to let these students know that they can aspire to go to university, and they need more support to achieve well and get a good ENTER score to get in. We recognise that where universities have regional campuses, students in those regions are more likely to attend, and we want to see those campuses appropriately funded. There are a great many recommendations, and I support this report.

Drugs and Crime Prevention Committee: strategies to prevent high-volume offending and recidivism by young people

Mr DELAHUNTY (Lowan) — I rise to speak on two reports, the first of which is on the inquiry into strategies to prevent high-volume offending and recidivism by young people in Victoria. Like the members for Essendon and Mornington, who were chair and deputy chair of the committee and who made excellent contributions here this morning, I would also like to thank the other members of the committee and particularly the staff. Sandy Cook, the executive officer, had some ill health during the period but was ably supported by Mr Peter Johnston, our senior legal research officer; Dr Cheryl Hercus; Ms Michelle Summerhill and other members of the staff during the period of production of the report.

The committee had a large amount of input into this report from many people, as has been outlined by the previous speakers. We wanted to get the best research we possibly could. We looked at the best practices, strategies and programs in Australia and New Zealand and looked for innovative practices to address the concerns here in Victoria. We visited many places, including magistrates courts, juvenile justice centres, Berry Street's The Shed in Morwell and the Victoria Police Ropes program in Altona. We also visited Queensland and New Zealand.

Many issues are discussed in the report, but one of the key things that hit me hard when I was going through it and hearing the submissions was the age of the young people who were running into the police for the first time. The average age was 13 years, and the average age of people committing their fifth offence was about 16. This is a major concern to me, and page 344 of the report shows that of the 57 167 persons born in Victoria in 1984, 846, or 1.5 per cent, had been apprehended by the police on five or more occasions before the age of 18 years. It goes on to say that 1803, or 3 per cent, had been apprehended by police on five or more occasions before the age of 24.

But regardless of which measures for combating offending are used, a relatively small number of offenders were individually responsible for more than half the crime recorded here in Victoria. It has been highlighted before that it is a very small number of youth who are causing these problems.

Males were at a significantly higher risk, and the younger the age of the offender at the time of the first apprehension, the higher the risk. We have made many recommendations in this report — 41 in total — that would, firstly, prevent young people from getting into the juvenile justice scheme, and secondly, if that were not successful, that would produce strategies to reduce or eliminate further offending. That is a pretty big ask. From the evidence we received as a committee we all believe that keeping young people at school will give them the best opportunity to learn the skills in life that will keep them out of the juvenile justice scheme.

Education and Training Committee: geographical differences in the rate in which Victorian students participate in higher education

Mr DELAHUNTY (Lowan) — The other report I want to comment on is on the inquiry into geographical differences in the rate in which Victorian students participate in higher education. As a country member, but particularly as the shadow minister for youth, this is of major concern to me. The report has highlighted that economic barriers are the main reason why many of our country students do not attend university compared to their city counterparts. In fact there was a difference in the number of students who applied to go to university — 70 per cent in regional areas compared to 90 per cent in the city. When we look at the deferral rates we see that 33 per cent of country students defer compared to 10 per cent of their city counterparts, so once again many students are missing the opportunity to obtain higher education.

We all know that education is a key tool in the future lives of our youth, and this report gives a lot of weight to the call to retain the current youth allowance arrangements of the federal government. I again call on the Minister for Skills and Workforce Participation and the Minister for Sport, Recreation and Youth Affairs to speak up on behalf of these country people to show that they are Victorians first and not members of the Labor Party first.

We must get more support for our country kids. There is something wrong when we see the grave differences in higher education opportunities for city and country youth. I have looked through the report extensively since it was tabled yesterday, and it illustrates many reasons why we should bring back the youth allowance for country youth to give them the opportunity to get a higher education. The federal government's recent changes to the youth allowance have blown away the aspirations and opportunities of many country students.

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

Ms DUNCAN (Macedon) — I rise to speak on the report of the Environment and Natural Resources Committee on its inquiry into Melbourne's future water supply and the ways we could augment that supply. There were a number of recommendations in this report, but the most significant and the most politically contentious one that we came to was the recommendation that no additional dams be constructed to augment Melbourne's water supply, and I should note that there is a minority report which has something different to say about that recommendation. With regard to the issue of no new dams we had many scientific reports given to us and heard evidence from expert water industry people, and the only people who supported new dams were either lobby groups opposed to other water augmentation projects or political groups such as the Victorian Farmers Federation.

One of the most compelling pieces of evidence presented to us came from Professor John Langford, who reported to the public hearing in October 2008, in response to a question I asked on future dams:

> I have been involved in dam building, so I am not philosophically opposed to them — so there you go — but if I look at Melbourne — and I have been involved in the strategic planning of Melbourne's system, and I can produce you maps that were out of bottom drawers. To the west of Melbourne there is basically no resource; it is effectively used … If I look to the north, then in the Murray-Darling Basin the system is highly regulated. The river has stopped flowing to the sea. We have got a lot of air in dams. We have got constraints such as a cap on diversions, and frankly the diversions are going to have to come down if that river and irrigation are going to survive … So building a dam north of the Great Dividing Range is not on — there's no point. Now I am starting to go east. If I were looking to tap water, there is the Aberfeldy River, and you could build a 2-kilometre tunnel into the Thomson … But it is only about 20 000 megalitres every year, and given what has happened to the shift in climate, it is probably not worth going after. If you go east of the Aberfeldy, the country falls away in elevation, so you are looking at either about a 70-kilometre tunnel in one hit to get out into the headwaters of the Wonnangatta and the Mitchell to put it into the Thomson, and that really is not particularly economic because of the scale of the tunnel and the fact that you are only getting a thin strip of catchment south of the Divide. So diverting water by gravity into Thomson is not a goer. If you looked at the Macalister — people look at the flood that has occurred … But even with that flood, the annual flow in that river was below the long-term average … So enlarging that would not do you much good. So now you are looking at the Mitchell River.

Professor Langford goes on:

> It does have a significant amount of water in it … But if you were going to get any of that, you would need a very substantial dam. It is one of the few free-flowing rivers in Victoria, and it flows into the Gippsland Lakes, so the environmental consequences of doing anything to that — and in our current circumstance, building a dam takes a while, a long pipeline, it is energy intensive to get it here, plus we have got to wait till the dam fills. So it really is not an alternative to the desalination plant, because if we are trying to fill a dam in a dry sequence, it is not going to work. So it is definitely not an alternative to the desalination plant, and personally I do not think it is worth considering. If you want Plug the Pipe, I'll tell you what, you would have an even bigger Plug the Pipe if that occurred.

That is the evidence of Professor John Langford, considered to be one of the eminent professors and experts on this issue, certainly in Victoria. I note that

while our recommendation was no new dams, the minority report from the opposition members says they do not support the recommendation that there be 'no additional water storage capacity constructed to supplement Melbourne's water supply'.

Rather than referring to the recommendation we made, the minority members paraphrased and changed it in saying they would not support it. Nowhere did this report say there could not be additional water storage capacity constructed to supplement Melbourne's water supply. The minority report is a disappointment.

BUSINESS OF THE HOUSE

Orders of the day

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

> That the following order of the day, government business, be read and discharged:
>
> > Primary Industries Legislation Amendment Bill 2008 — Resumption of debate on the question: that the Primary Industries Legislation Amendment Bill 2008 be referred to the Dispute Resolution Committee for consideration under section 65C of the Constitution Act 1975 and that a message be sent to the Legislative Council informing them accordingly.

This motion seeks to discharge from the notice paper the motion contained within it. I moved that motion, and it sought to refer to the Dispute Resolution Committee of this Parliament the Primary Industries Legislation Amendment Bill 2008. Members will recall that following notice of that motion being given some procedural debate took place, the matter was adjourned and in the interregnum, through a parallel process — —

Mr Ryan interjected.

Mr BATCHELOR — Through a different process, the Parliament resolved the issue. Members will recall that the Assembly advised the Council that it was not prepared to accept the amendments to this bill which were passed by the Council and that the Council's decision was to accept that advice from the Assembly. It subsequently passed the Primary Industries Legislation Amendment Bill 2008 unamended. Thus with the passage of time an issue that was a dispute between the two houses was resolved, not by taking it to the Dispute Resolution Committee, as was the intent of the original motion, but rather in the traditional way. Given that that parallel process concluded and the legislation passed, there is of course no need to continue with this procedural motion to ask the Dispute Resolution Committee to consider this matter, because the Parliament has resolved the issue in advance of the Dispute Resolution Committee being able to consider it. I would therefore seek to remove the matter from the parliamentary notice paper.

It is interesting to note that the first three items of government business today deal with resolving problems that have arisen between the Assembly and the Council and that a different way of resolving each problem was or has been suggested. In relation to the Primary Industries Legislation Amendment Bill the Assembly asserted its view, and that view was adopted by the Council. In relation to the Planning Legislation Amendment Bill there is a clear dispute: the Assembly passed it and the Council defeated it. Nothing could be clearer than that dispute, and we will be dealing with the associated motion later. The third matter is in relation to the Electricity Industry Amendment (Premium Solar Feed-in Tariff) Bill. The bill was passed by the Assembly and amendments were then passed in the upper house. The bill has come back from the upper house, and the Assembly will consider those amendments later today.

This demonstrates that there is a range of procedures now provided for in this Parliament to help resolve disputes. We think the best way of resolving them is as occurred with the Primary Industries Legislation Amendment Bill and, anticipating the result of the debate on the Electricity Industry Amendment (Premium Solar Feed-in Tariff) Bill, the manner being used also to deal with that bill. We will give test to relevant procedural alternatives later on today. I recommend the motion I have moved to the house.

Mr McINTOSH (Kew) — The opposition will not oppose this motion. However, I say from the outset that there was no dispute in relation to the Primary Industries Legislation Amendment Bill, and certainly not one that would fall within the ambit of the dispute resolution processes that are currently provided for in our constitution. The issue was resolved in the normal course of events without having to be even deemed to be a disputed bill within the meaning of the constitution.

The bill was introduced into the chamber at the end of last year. There was a vigorous debate about that, but from the very outset opposition members indicated that they would not oppose the bill but wanted to proceed with some amendments. The government did not give us the opportunity of putting or testing those amendments in this chamber by virtue of going into consideration of the bill in detail, so the opposition's amendments were never formally put. The bill passed through this chamber without any division and then

went to the upper house, where the opposition sought to put the amendments it wished to have debated and they were debated in the committee stage. I understand that the Greens moved amendments to the bill, both of which were adopted.

The bill was then returned to the lower house for it to consider those amendments, and the single question that was ultimately put by the Leader of the House was that the amendments from the Legislative Council be disagreed with, but before that transpired the government sought to put onto the notice paper this very motion that we are taking from the notice paper. The government put it on the notice paper understanding that there was no dispute, which was premature in the extreme. It might be a fact that the Leader of the House or the government were not familiar with the constitutional provisions that govern dispute resolution, but clearly where there is an issue relating to amendments from the upper house the matter must be properly considered by the Legislative Assembly.

The process would require the Assembly to disagree with those amendments as a precondition for the bill to be declared a disputed bill. When the notice was put on the notice paper, that had never been formally tested by this house. Yes, we have anecdotal evidence that the Leader of the House and a few other government members may have been concerned about these amendments, but they had not been tested in the proper way, which was by this house expressing its view through a division about the amendments — firstly, because we were never able to debate them in a consideration-in-detail stage, and secondly, because the government launched into the debate on this motion.

Members of the opposition are concerned that, notwithstanding this matter, this was the first time the government had proposed to adopt this dispute resolution process. As I said, it occurred notwithstanding the fact there was no clear dispute before either house. That debate started when the Leader of the House formally moved the motion to refer the matter to the Dispute Resolution Committee. I took a point of order, and a number of speakers spoke on both sides of the chamber. The opposition's point was that that dispute had never been tested on the floor of the chamber by putting the amendments to the house. The debate occurred at a time when the member for Keilor was Acting Speaker, and after about an hour of vigorous debate on this issue and much reference to the law involved in this matter, it was agreed across the table that all parties needed time to consider the matter to enable them to properly put their arguments. There was some merit in this because, as I said at the time, whatever else people may be looking at about what we say individually in this chamber, this matter would be something they would look at because it was the first time this issue had been tested and it could be used categorically as a useful precedent and accordingly should be properly debated. I withdrew my point of order and it was agreed to have the matter debated. Unfortunately, rather than dealing with the matter as a precedent, the government called on the bill and put to an end any issue about whether it should be referred to the Dispute Resolution Committee. The opposition does not oppose this motion.

Mr LUPTON (Prahran) — At the outset let me say that the matter we are debating is really a very simple matter. Its essence is that we discharge a matter from the notice paper that is no longer required because the bill that is the subject of this issue, the Primary Industries Legislation Amendment Bill, has been passed because agreement between the two houses has been reached. In that sense it should be a quite straightforward matter, but I think it is necessary to make a few points about the way in which this matter has been dealt with to date and to deal with a couple of issues raised by the member for Kew in his contribution.

At this point I will say that those of us on this side of the house do not agree at all with the contention put by the member for Kew that there was no dispute about this bill. There was a dispute about this bill in the constitutional sense in which we are using that term. The history of the bill is that it was passed by the Legislative Assembly and transmitted to the Legislative Council where, upon the debate being had in relation to the bill, amendments were moved by the opposition and minor parties and the bill was passed by the Legislative Council, not in the form in which the Legislative Assembly had passed it but in a different form — that is, in an amended form based on the amendments of the opposition and the minor parties.

The way in which the constitutional processes now operate in relation to disputed bills means that upon that amendment by the Legislative Council and upon those amendments not being agreed to by the Legislative Assembly, either in the context of a debate, vote and resolution or by the effluxion of time, being the two-month period specified in the constitution, that bill became a disputed bill. The way in which the initial debate and the point of order were dealt with in the chamber in relation to this bill was that the government and the opposition resolved to take further time to consider some of the constitutional issues surrounding this point. That was agreed to by both sides of the

house, and that was a sensible and appropriate thing to do in all of the circumstances.

However, subsequent to that decision being made, the negotiations between the government and the opposition determined that the bill would be agreed to by the Parliament in the form in which it had been passed by the Legislative Assembly. In those circumstances it was no longer necessary to pursue the Dispute Resolution Committee path because the dispute had been resolved, the amendments that had been proposed and passed through the Legislative Council were not being proceeded with and the bill was agreed to by the Parliament in the form in which it passed the Legislative Assembly.

As the Leader of the House indicated in moving this discharge motion, there is a range of possible methods that the houses of Parliament and political parties have used over the course of the years to resolve differences. The constitutional processes that have been put in place are consequent on the constitutional reform passed by this Parliament in 2003, meaning that there are new and different methods of dispute resolution now possible under the constitution — additional forms of dispute resolution — and a particular formal process through the Dispute Resolution Committee of the Parliament.

While I believe that that is a very good and appropriate thing and something we will be utilising in more cases in the future, that does not mean the older and more traditional methods of dispute resolution simply fall into abeyance. They continue to be available to us, and this Primary Industries Legislation Amendment Bill is an example of that process working. In those circumstances it is appropriate that the Leader of the House move this motion and that the house agree to it.

Sitting suspended 12.59 p.m. until 2.04 p.m.

Business interrupted pursuant to standing orders.

ABSENCE OF MINISTER

The SPEAKER — Order! I advise the house that the Minister for Agriculture will be absent from question time today. Any questions for him will be taken by the Minister for Regional and Rural Development.

QUESTIONS WITHOUT NOTICE

Transport Accident Commission and Victorian WorkCover Authority: medical practitioner billing

Mrs SHARDEY (Caulfield) — My question is to the Premier. I refer the Premier to the opposition's warning on 28 November 2007 that an urgent inquiry was necessary into the Transport Accident Commission's billing arrangements for medical professionals and further to the finding of the Ombudsman's report today that the TAC had failed to detect and to prosecute for millions of dollars of fraudulent billing by surgeons, and I ask: why did the Premier ignore these warnings and what is the consequence and cost to Victorians of his failure?

Mr BRUMBY (Premier) — I thank the member for her question. In relation to the Ombudsman's report, I welcome it. Both the Transport Accident Commission and the Victorian WorkCover Authority (VWA) have indicated that they also welcome the report and that they fully support and accept the Ombudsman's recommendations. The fact that the Ombudsman's report has been completed shows that the system of checks and balances and oversight that we have in place works as it should. Illegal billing — that is what we are talking about — of any description is inexcusable.

That is why the VWA and the TAC are taking such a tough stance on illegal billing by doctors. Both organisations have a responsibility to the Victorian community to ensure that all the invoices that are provided by doctors are accurate and appropriate. Indeed the Ombudsman notes that both the VWA and the TAC acted decisively in accordance with that responsibility as soon as they became aware of the problem and that since that time they have taken significant steps to improve the robustness of their billing and payment processes to guard against illegal activity in the future.

In relation to the member's question, the Ombudsman stated:

> … the TAC … has demonstrated a strong commitment to promptly and efficiently address the issues raised by my investigation and WorkSafe has given a commitment to deal with the issues raised.

Specifically the Ombudsman has noted that both the VWA and the TAC have, firstly, improved their account processing and payment systems to prevent fraud, either intentional or otherwise, and to ensure that doctors bills are consistent with the commonwealth system through the medical benefits scheme; secondly,

they have introduced strategies for the monitoring and investigation of the outlier — that is, potentially suspect billing practices; and thirdly, they have put in place improved strategies to recover moneys incorrectly paid by doctors.

Finally, with the significantly improved systems and processes the TAC and the VWA are now much better placed than they were to identify any instances of fraud. Anyone contemplating illegal behaviour should be reminded that both organisations undertake audits and investigations and, where there is evidence to support it, they will prosecute those individuals with the full intent of the law.

Bushfires: preparedness

Mr CRUTCHFIELD (South Barwon) — My question is to the Premier. I refer to predictions about the forthcoming fire season, and I ask: could the Premier outline for the house what steps are being taken to prepare Victoria to face this threat?

Mr BRUMBY (Premier) — I thank the member for South Barwon for his question. I remind the house, as I did yesterday in answer to another question, that in most parts of Victoria now we have gone through 13 years of below-average rainfall, particularly the last 2 years, which have been critically below average. Even in many parts of the state where we thought we had pretty reasonable rainfall in the second half of June, in terms of Melbourne's rainfall this was the lowest June rainfall since the bureau has been collecting statistics — that is, in more than 100 years. Taking that into account, the advice being provided to government is that this year's fire season, in terms of the potential, is likely to be as bad, if not worse, than last year's fire season.

Last night, with all the responsible ministers, all the agency heads and all the department heads, I had a further meeting about the steps being put in place in preparation for this year's fire season. Over recent weeks and months we have been having a number of these meetings to ensure that every possible step is taken by the government, by the community and by individuals to make our state as safe as possible in the run-up to this year's fire season.

As honourable members are aware, a significant number of initiatives have been already announced by the government. In the May budget this year we committed $56 million extra for the Emergency Services Telecommunications Authority to improve its capacity to manage calls and dispatch units; $57 million extra to purchase new radios and upgrade radio and pager networks used by the State Emergency Service and the Country Fire Authority (CFA), and that builds on something like a $450 million investment since 2000; and $33.2 million to upgrade the Department of Sustainability and Environment (DSE) pagers and radios.

Mr K. Smith — Are they going to be ready this season?

Mr BRUMBY — Yes, they will. There was $21.1 million to replace 87 CFA appliances; $10.3 million to replace heavy vehicles and others; and $10.3 million for 42 ultralight tankers.

As we move through late winter and into spring, I have made it clear that through this period we need to be focused on making our state fire-ready; that we need to make our state as safe as possible; and that this will involve a coordinated effort by the government, by emergency services personnel and organisations, by the community and by individuals.

I have said that a fire preparation week will be put aside in October. We have had weeks across Australia and across our state in the past that have been about fire awareness, but we need to put aside time for prior preparation. That means for individuals there will be more fire plans. That means for individuals there will be more work on their own places, on their own farms, cleaning spouts, fixing up eaves and clearing away debris from around the house. It means there will be more roadsides that need to be burnt in terms of fuel reduction and firebreaks before the fire season, and it means that township plans will be put in place to make sure that our state is as safe as possible.

Honourable members will have read reports in today's media about the advice provided to DSE. I can only reiterate the briefings that were provided to ministers last night. If you overlay the climatic conditions with the vegetation conditions and you forecast that forward with the possibility, I regret to say, of an El Niño event through late winter and spring, you get a set of fire circumstances which are predicted at this point in time to be more serious and potentially more dangerous than they were last year. That is a statement of fact from the best advisers possible.

The responsibility that we all share across the state — government, community organisations, community groups, emergency services organisations and individuals — is to work together to make the state as fire-ready as possible and to ensure that our state is as fire safe as possible.

We will of course get the interim report of the royal commission in August this year. It has indicated that that report will be provided on 17 August. The government will give careful consideration to the commission's interim report before finalising these activities, which will run through spring and into early summer.

As I have made clear in this house before and made clearly publicly, the government has not been in a position where it can wait until that report before taking action which is necessary to protect our state. That is why, as I have said, going right back to the days immediately following 7 February, back to March and April when we announced planning reforms and back to the budget in May, subsequently the government has made a number of decisions which are about making our state safer.

Justice Bernard Teague, the chair of the commission, supported the approach the government has taken. The house might recall that at the time the commission was established he stated:

> If there's something sensible to do now, the government should get on and do it.

That is exactly what the government has been doing.

Honourable members interjecting.

The SPEAKER — Order! The Premier has been speaking for in excess of 5 minutes, and I ask him to conclude his answer.

Mr BRUMBY — Whittlesea Secondary College lost something like 20 members of its school community and 70 families lost houses there; I spoke at its memorial service earlier this year. I was joined today by the chair of the bushfire advisory committee, John Landy, who announced that the fund has committed a further $8.8 million to assist particularly with psychological support for children and families affected by the fires.

We have three major goals as we work through the year. The first is to rebuild the communities that have been affected. The second is to prepare for the fire season and to make our state as safe as possible. The third, obviously, is to ensure that we provide the psychological support which is so important for those families and young people who have been so terribly affected across the state.

Rail: metropolitan rolling stock

Mr MULDER (Polwarth) — My question is to Premier. I draw the Premier's attention to the opposition's media release of 5 April 2007 which warned the Premier that the X'trapolis trains could not operate on the majority of Melbourne's train lines, including the Cranbourne, Pakenham, Sandringham and Frankston lines, and I ask: why did the Premier ignore these warnings and what is the consequence and cost to Victorians of his failure?

Honourable members interjecting.

The SPEAKER — Order! I direct the members for Warrandyte and Ferntree Gully not to interject in that manner.

Mr BRUMBY (Premier) — I thank the honourable member for his question. I saw in the *Age* today a comment from the president of the Public Transport Users Association. He said:

> Overcrowding is the priority to fix … Does anyone care if a train that arrives is 5 minutes old or 20 years old? As long as it's clean, safe and reliable.

Mr Mulder interjected.

The SPEAKER — Order! I direct the member for Polwarth to not interject in that manner.

Mr BRUMBY — The fact of the matter is that we have a $1 billion program for 38 new trains, which includes the $440 million which the Minister for Public Transport and I announced yesterday for the new stabling and maintenance facilities that will be in place in a number of locations across the state. We have already got X'trapolis trains. The house may remember that they were the ones that ran on the old Hillside system when the former Kennett government split the rail system into two. Do members remember that?

They run on six lines: the Belgrave, Lilydale, Alamein, Glen Waverley, Epping and Hurstbridge lines. The maintenance and stabling facilities for these trains are located on those six lines, and it makes sense to ensure that the trains run on tracks where all the necessary support and maintenance is provided. The fact is that all train commuters and all train lines will benefit from the new trains. The new trains are all coming into service — —

Honourable members interjecting.

The SPEAKER — Order! I ask the member for Bass not to interject in that manner.

Mr BRUMBY — It is like the new V/Locity trains going onto the regional network — they increase capacity right across the system. So it is with the new X'trapolis trains: as each of them comes on line from

the end of the year — one train per month for the 38 new trains coming into the system which our government ordered and purchased and which are being delivered — it will significantly improve capacity right across the system.

To put this in perspective, this order is a 24 per cent increase in the metropolitan train fleet. It gives us the ability to carry 40 000 extra passengers in the busiest hours, and it will mean that we can provide more services, more often where they are most needed.

Country Fire Authority: resources

Ms GREEN (Yan Yean) — My question is to the Minister for Police and Emergency Services. Can the minister advise the house of any initiatives which further demonstrate the Brumby government's commitment to providing additional modern, updated facilities to assist our Country Fire Authority volunteers in doing their valuable work?

Mr CAMERON (Minister for Police and Emergency Services) — I thank the member for Yan Yean for the question and for her commitment to emergency services, not only in her area but across the state. I also congratulate the member for Yan Yean and other honourable members who are Country Fire Authority volunteers.

Victoria, this great state, is lucky to have great CFA volunteers, so it is good to be able to inform the house of the Brumby government's commitment to the CFA with a program to fast-track the construction of 60 rural CFA stations over the next two years. This $26 million building works program will see 60 rural fire stations replaced with much better facilities — facilities where there will be more space for vehicles and better facilities for volunteers. We know that in a great many rural areas the CFA station is often the only central meeting place.

Honourable members may be aware that this initiative builds on other initiatives from the state budget to replace 87 CFA appliances over the next year. There is also a $10.3 million program to replace 15 heavy rescue vehicles, 7 four-wheel-drive vehicles, 9 rescue boats and 11 road crash rescue kits at State Emergency Service units across Victoria. In addition honourable members will recall from the budget the $10.3 million program for 42 ultralight tankers for CFA brigades across the state. This community safety emergency support program round also includes a special allocation for the ultralight tankers, also known as slip-ons. They are an important complement nowadays to the firefighting tools.

Local volunteers are the backbone of our emergency services response. As a government we are pleased to be able to support those dedicated men and women. That is part of the Bracks and Brumby governments' record since 1999 of providing record resources to our emergency services. We will see new stations at places like Musk, Napoleons, Mosquito Creek, Berrys Creek, Mitre, Branxholme, Murrayville, Noorat, Joel Joel, Amphitheatre, Yea and Limestone, Yambuk, Waitchie and others. Again, on behalf I am sure of all honourable members of this house, I thank CFA volunteers for their work. This program will be of tremendous benefit in those 60 areas.

International students: education providers

Mr BAILLIEU (Leader of the Opposition) — I draw the Premier's attention to a statement by the opposition in this chamber on 21 November 2007 which warned the Premier about his government's failure to adequately regulate colleges for international students operating in Melbourne and the need to immediately address significant levels of violence and discrimination against international students in Melbourne. Why did the Premier ignore these warnings, and what is the consequence and cost to Victoria of his failure?

Mr Andrews interjected.

The SPEAKER — Order! The Minister for Health is not contributing to the smooth running of question time, and I seek his cooperation.

Mr BRUMBY (Premier) — The fact is that we have had extraordinary growth in the number of overseas students studying in our state because the quality of education the students receive and the state in which they reside, Victoria, give them a benefit and an experience that they believe is amongst the best in the world.

We have seen extraordinary growth in student numbers from China, growth in student numbers from the Middle East and growth in student numbers from India. We have accommodated that growth and put in place all of the appropriate regulations and requirements to ensure we get the best possible outcomes for those students. That is not to say there will not be issues from time to time that need to be addressed. We are working through issues in relation to private providers. In relation to issues more generally concerning our students we have made a number of announcements, and a number of members of Parliament joined me, the Leader of the Opposition and the Leader of The Nationals in the Walk for Harmony on 12 July.

The majority of education and training providers in Victoria operate on the highest possible standards, but there have been reports of rogue operators. The Leader of the Opposition referred to a question asked in November 2007. In fact in July 2007 the government established the Victorian Registration and Qualifications Authority (VRQA) to manage the registration and quality of operators. Under those arrangements audits are undertaken from time to time to monitor the performance of the system. An audit is under way at this point in time, and I understand it is the first to occur across Australia. I am sure the Leader of the Opposition would understand that in this area where foreign students are involved there are regulation requirements that rest with the federal government in addition to the state government. We are taking the appropriate action to ensure that Victoria retains its reputation as a leader in Australia's $15 billion education export industry and that the students who study here get the best possible experience.

Finally, in recent years — it was certainly not the case in the 1990s — Victoria has been a very popular place to be. We are seeing that with migrants who are moving to Australia, we are seeing it with people who are moving interstate and we are seeing it with overseas fee-paying students. Melbourne now has more overseas students per head of population than any other city in the world, apart from London. Victoria is a popular place. We have high-quality educational institutions, and rather than talking down our higher education providers the Leader of the Opposition should be getting behind those providers and supporting them at this time of challenge.

Justice: jury system review

Mrs MADDIGAN (Essendon) — I have a question for the Attorney-General. I refer to the government's commitment to make Victoria the best place to live, the best place to work and the best place to raise a family, and I ask the Attorney-General to update the house on the government's action to improve our jury system.

Mr HULLS (Attorney-General) — I thank the honourable member for her question. As members of this place would know, the jury system is fundamental to our understanding of what constitutes a fair trial. It reflects our belief that the community has not just a role to play but an important civic duty to perform in the administration of justice. Over time, however, this duty has become more and more onerous. A jury's understanding of the law, which it must apply in deciding the guilt or innocence of an accused, rests solely on the directions of the trial judge in any particular trial, and over time these directions have become more complicated and more confusing. This complexity does not add to the fairness of the trial process; in fact it potentially threatens to undermine the fundamental right to a fair trial.

Judges in criminal trials should be able to give clear directions to juries. That is why, as part of a wholesale review of the criminal justice system, the government asked the Law Reform Commission to review the law surrounding jury directions. Today I was very pleased to launch that commission's report. It recommends far-reaching reform. It recommends that the law concerning jury directions be simplified and consolidated in one piece of legislation rather than relying solely on common law. It recommends that directions be brief, comprehensible and tailored to the circumstances of a particular case. In relation to those recommendations, the government could not agree more. We have a sweeping reform program to complete, and improving jury directions will be a key part of it, so we intend to consider each and every one of the recommendations made by the Law Reform Commission.

As we know, the origins of the jury system stem from the belief that the community ought to be reflected in those who decide the fate of the accused. That is why I was also pleased to announce today at the launch of this report that the government will also consider widening the pool from which potential Victorian jurors can be chosen.

Currently there is a whole range of occupations that are excluded from fulfilling this important civic duty, and that includes judges and retired judges; police officers and retired police officers; lawyers, retired lawyers and non-practising lawyers; bail justices and retired bail justices; court reporters and retired court reporters; and members of Parliament as well as retired members of Parliament. The current act specifically excludes this very wide group of people from one of the great privileges and responsibilities of being a Victorian citizen. It excludes them from jury service for a period of 10 years after they leave their job.

There are reasons for some of these exclusions, but nonetheless we want to ensure that Victorians feel confident that the breadth and experience of the population are available to determine the outcome of criminal cases. That is why we will release a discussion paper on this issue to ensure that juries are as broadly representative as possible. I look forward to having a debate and discussion on this very important matter.

I conclude on this note: as with much of what we have done to date, the Brumby government will continue to

undertake vigorous reform aimed at promoting a strong, modern and responsive justice system into the 21st century.

Ambulance services: regional and rural Victoria

Mr INGRAM (Gippsland East) — My question without notice is to the Minister for Health. Rural and regional paramedics are becoming increasingly frustrated and concerned with the management of Ambulance Victoria and its lack of recognition and understanding of the different needs of areas once managed by Rural Ambulance Victoria, and I ask: will the minister intervene to ensure that the needs of rural and regional paramedics and their patients are taken into consideration and not neglected under the new management structure?

Mr ANDREWS (Minister for Health) — I thank the member for Gippsland East for his question and acknowledge his longstanding interest in improved ambulance services for his local community. As the honourable member knows and as all members know, we have just celebrated the first anniversary of the new Ambulance Victoria (AV) into which we have proudly combined the three former ambulance services — the Metropolitan Ambulance Service, Rural Ambulance Victoria and the Alexandra and District Ambulance Service — to build a new, single service for every single Victorian. It is fair to say that, combined with a $186 million boost in terms of recurrent support, the first year of AV has been a very busy year.

It is my expectation that our ambulance services as organised and run through AV will do and are doing all they can to see that no matter what community they serve, large or small, metro or regional, every effort is made to provide the very best services. Engagement with the workforce is a critically important part of that. It is my expectation that Ambulance Victoria's management will have in place systems and processes for regular dialogue to make sure that paramedics have a voice, and I am confident that it has those systems in place.

There are many examples of additional investment not just in the part of regional Victoria that the member for Gippsland East represents in this place but right across rural and regional communities, whether it is additional off-roster station officers through the provision of an extra $8.3 million; whether it is the completion of the initiatives started by Rural Ambulance Victoria from the proceeds of overtime savings to employ an additional 100 paramedics; whether it is the various elements of the $185.6 million package that I announced as part of the budget last year; or whether it is over a longer period of time — our entire time in government — upgrading or putting in 77 new stations, 44 of which are in rural and regional areas.

Again we are proud of our record of investment in ambulance services. I do not for a moment say there is not more to do — there is. It is my expectation that Ambulance Victoria will have appropriate processes in place to have proper dialogue with its staff, and I believe that is what is occurring, but I am happy to seek advice from Ambulance Victoria in relation to the concerns that the member for Gippsland East raises.

Schools: building program

Mr NOONAN (Williamstown) — My question is to the Minister for Education. I refer to the government's commitment to making Victoria the best place to live, work and raise a family, and I ask: could the minister update the house on school building projects being jointly delivered by the Brumby and commonwealth governments?

Ms PIKE (Minister for Education) — I thank the member for Williamstown for his question. I was really pleased to join the member in visiting a number of schools in his electorate recently. The last few months have seen nothing short of a mammoth effort by our school communities as we have been working very closely with them and the Rudd government to roll out the Building the Education Revolution funds, which will see an additional $2.3 billion of commonwealth money, coupled with our own nearly $2 billion of funding, going into rebuilding our schools. Our schools continue to demonstrate to us that they have a huge deal of energy and commitment and lots of innovative ideas when it comes to educating our young people, and I want to put on the record my thanks to our principals and school councils and people right across the education community, because they have been working extremely hard to get these plans under way. It has been a superb effort at a very busy time.

Last week I joined the member for Gippsland East at Lucknow Primary School, which has a long history. We rebuilt that school in a new and emerging community. I went with the member to announce yet another building project. We turned the sod on the new, $3 million multipurpose centre. That school community is absolutely thrilled with the opportunities it has, and the population of the school is growing. It is a vibrant part of that new and emerging community.

As part of round 1 of the Primary Schools for the 21st Century program, 361 Victorian government school

projects have commenced and work is well under way. Looking at the government and non-government sector, that is more than 1500 additional jobs just for the first 20 per cent of these projects. For round 2, 500 Victorian government school projects have been tendered out, and contractors are going to be announced shortly, with the total round 2 government and non-government schools securing an additional 2700 jobs over the next year. We are also eagerly awaiting the outcome of round 3, the last 40 per cent of all these initiatives, which will see the completion of the primary schools program.

More recently we have welcomed the announcement by the Rudd government of 109 science and language centre projects worth $196 million which will be delivered to Victorian secondary schools, securing more than 790 jobs over the next year. We are creating work for Victorians and magnificent facilities for our schools. Make no mistake, we are working with every single school community and with the Rudd government to see that our schools are transformed through this huge school building program. We are seeing building works right around the state: new classrooms, libraries, multipurpose centres, science and language wings — all sorts of new facilities which will really add to the fabric of our school communities.

We are delighted and schools are delighted. They see this as an incredibly positive set of initiatives. There is cooperation between the two levels of government: nearly $2 billion of Victorian state government funds joining with commonwealth funds to do the most important thing that we all do, and that is create fantastic learning environments for our students right across this state.

International students: education providers

Mr RYAN (Leader of The Nationals) — My question is to the Premier. I refer to an email from government press secretary Gemma Buxton to the *Age* newspaper about international students which revealed the government's reportedly dirty trade in providing confidential information about international student colleges under investigation only in exchange for 'positive' news stories, and I ask: is it not a fact that the Premier's media unit is increasingly withholding public information and bullying journalists to prevent scrutiny of government failures whilst simultaneously compromising the integrity of investigations by leaking details only in exchange for good media coverage of the Premier?

Mr BRUMBY (Premier) — I am not familiar with the specific issue that is raised by the Leader of The Nationals, but I can say that the practice of the government has been to make available as much information as possible.

Honourable members interjecting.

Mr BRUMBY — The opposition might not like it, but the fact is that in all of the institutional arrangements we have put in place we have opened up the bodies, the organisations — —

Honourable members interjecting.

Mr BRUMBY — Think of the checks and balances and the openness and transparency that we have put in the system. The government which opened up the Auditor-General's role, gave the Auditor-General additional powers and enshrined his independence in the constitution was our government. We gave the Ombudsman extra resources, lifted the gag on teachers and made the Director of Public Prosecutions an independent officer of the Parliament. All of these things — —

Honourable members interjecting.

The SPEAKER — Order! The Premier will not be shouted down. I ask all members for some cooperation.

Mr BRUMBY — The broadcasting of the parliamentary proceedings, which — —

An honourable member interjected.

Mr BRUMBY — This is the first Liberal Party — —

The SPEAKER — Order! The Premier will not go down that track. I also ask for some cooperation from the opposition.

Mr BRUMBY — In all of these areas, with new information available over the internet via the website, the endeavour of the government has been to provide more valuable information to the public more often. In relation to the specific matter which has been raised — I said I was not aware of the circumstances — I am advised that it is not a practice endorsed by the government. Our view is to provide as much information as possible to — —

Dr Napthine interjected.

The SPEAKER — Order! I warn the member for South-West Coast. Interjections of that type are most disorderly.

Mr BRUMBY — Our endeavour is to provide as much information as we can to the public, and I believe our — —

Mr O'Brien interjected.

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

Mr BRUMBY — I believe our record confirms that.

Ballarat Health Services: funding

Mr HOWARD (Ballarat East) — My question is to the Minister for Health. I refer to the government's commitment to making Victoria the best place to live, work and raise a family, and I ask the minister if he could inform the house on how the government is boosting health services in the Ballarat community.

Mr ANDREWS (Minister for Health) — I thank the honourable member for Ballarat East for his question and for his longstanding and effective advocacy on behalf of his community and the health services that are so important for families in Ballarat. This government has been pleased and proud to give Ballarat Health Services record support.

Honourable members interjecting.

Mr ANDREWS — I will come to the opposition in a moment.

The SPEAKER — Order! The minister will not come to the opposition in a moment. I warn opposition members that I will not allow that degree of interjection.

Mr ANDREWS — This government has shown very strong support for Ballarat Health Services and the doctors, nurses and allied health staff there who do such a fine job supporting patients in that community. Since coming to government we have increased the funding available to Ballarat Health Services by 116 per cent to over $130 million in recurrent acute funding a year, which is a very substantial and unprecedented increase. It is only with that extra support that Ballarat Health Services has been able to treat and provide world-class care to the growing number of patients who present to it each and every day.

I take this opportunity to thank and congratulate the staff at Ballarat Health Services for the outstanding work they do. There are always challenges for health services in a regional community the size of Ballarat. I would say, and I think fair-minded commentators would agree, that Ballarat Health Services is best placed to meet those challenges because of the support provided by this government.

In thanking the doctors, nurses, allied health staff and administrators at Ballarat Health Services, I take this opportunity to repudiate ill-informed criticism of the performance of the health service and the performance of the doctors and nurses who are essential to that hospital. There was media comment recently about Ballarat Health Services having failed on a number of key performance indicators. In the commentary the number of key performance indicators cited as relevant to the Ballarat hospital was wrong — that is the first thing. Moreover, the performance of the health service as cited by this ill-informed commentator was also wrong. Ballarat Health Services achieved six of eight key performance indicators in the last *Your Hospitals* report. That is a credit to the doctors and nurses at the health service, ably assisted by this government with unprecedented levels of funding.

It is only those who trade in cheap health politics and no health policy who would peddle misinformation like this that is nothing more than a slur on the good work of the staff of Ballarat Health Services. The person responsible, the oracle from Caulfield, should be ashamed of herself.

BUSINESS OF THE HOUSE

Orders of the day

Debate resumed.

Mr RYAN (Leader of The Nationals) — What an ignominious day for the government — what an absolutely appalling day for the government. On a day when its members are in this place celebrating through a matter of public importance two years of the Brumby government, the government is having to withdraw a notice of motion that should never have been on the notice paper in the first place. Let it be said very clearly that there never was a disputed bill which ought properly have been the subject of the notice of motion which the government now seeks to withdraw from the notice paper. Accordingly, while the opposition does not oppose the government's motion to remove what should never have been there in the first place, it is relevant to make some observations about this awfully misconceived endeavour on behalf of the government in relation to which it has come to an ignominious end.

The member for Kew tracked the history of events that unfolded initially in the debate in this place on 2 June.

He did so by walking the house through the sequence of facts that gave rise to that series of events. I must say though that I think it could be put in a somewhat more colloquial term than the way in which the member for Kew undertook the very important task of setting out those circumstances. The simple fact is on 2 June the government swaggered into the Parliament and gave notice of a motion in its usual arrogant manner, believing that it could have referred off to the Dispute Resolution Committee a disputed bill. What happened was the government got caught. It got absolutely sprung, because as soon as the member for Kew raised a point of order, which he did on that day, it meant the government suddenly realised it had a problem on its hands. The issue then became how it could skate out of it in a way that would enable it to pull down the flag and apparently be able to scuttle out of the place while it regathered its forces.

That played out in a way which is also important in the context of this overall debate. We saw in play quintessential activity on behalf of the Labor government — namely, it made a deal and then broke it. The government brokered a deal that day with the member for Kew, with me, with the member for Box Hill and with the other members of the opposition who were involved, not only those of us who spoke but others on this side of the house. When it blundered into what it later recognised was an act of folly, it thought it would get out of it by making a deal with us to adjourn the matter overnight and come back the next day to continue the debate once all involved had had an opportunity to reconsider their respective circumstances and without prejudice to the capacity of those involved in that debate to be able to put their point of view.

What happened the next day — this is an issue that is very pertinent, Speaker, to your future consideration of what might otherwise occur this afternoon — was that the government broke the deal. It comprehensively broke the deal. In the course of making judgements where discretionary issues are involved — and I recognise that this is not a judicial forum in the explicit definition of that expression — you are entitled, with respect, to have regard to the conduct of the parties. You are entitled to have regard to the way in which this government has conducted itself in relation to this sorry, sordid, misguided affair, because it broke the deal.

Government members came into this place the next day and brought into the debate the amendments that had been sitting around for months, having not said boo about it the previous day in the course of the debate, and tried to explain themselves by saying, 'We are entitled to bring this on today because this was not the subject of any agreement yesterday'. It was typical of this government's sleight of hand that when the bottom line was reached its members realised to their absolute horror that they had been sprung.

As soon as the member for Kew got to his feet and started to advance his argument the government understood that it was done, so it had to retreat from this act of stupidity and try to regather itself and have another crack at getting out of this. As it has turned out, the legislation ultimately passed, there is no disputed bill, there never was a disputed bill and therefore the opposition is not opposing the motion which has now been moved by the Leader of the House because it should not have been here in the first place.

Mr INGRAM (Gippsland East) — The Leader of the House has moved that the order of the day concerning the Primary Industries Legislation Amendment Bill being referred to the Dispute Resolution Committee be read and discharged. I probably have a slightly different view of the history of this matter from other members because I was the only member in this place who voted against the bill before it was returned to the other place, so in my view it was a disputed bill. It was introduced to this place, there was significant debate on it, and I think all the opposition parties and I voted against the bill because of concerns that were raised by industry and by recreation and fishing sectors and others about aspects of the legislation. The bill was then sent to the other place.

The debate on notices like this going on the notice paper is a legitimate one which probably should be resolved in more detail. I know there is to be further debate on those matters coming before the house. Clearly this motion is no longer necessary because the bill has been passed. Whether members support it in its entirety or not, both this chamber and the other chamber have passed the bill, so this motion no longer requires to be on the notice paper. Therefore there will be unanimous support for it, because it is not a necessary item on the business program.

The process, though, of referring bills to the Dispute Resolution Committee is one that does need further clarification or discussion to ensure that there is consistency with when and how and what is considered a disputed bill. We are dealing with another motion later today to refer legislation to the Dispute Resolution Committee. There is also the Electricity Industry Amendment (Premium Solar Feed-in Tariff) Bill, which has been amended in the other place and will be coming back here. These bills are being dealt with in a number of different ways. With those few words, I support the motion.

Mr CLARK (Box Hill) — I support the remarks of the member for Kew and the Leader of The Nationals on this motion. It is clear that when the government gave notice of this motion initially it was a try-on, an attempt to invoke a deadlock procedure that was clearly not applicable, because the bill in relation to which the motion was moved was not a disputed bill. As the member for Kew pointed out during the course of the point of order that he put on that day, it was not a bill that fell within the requirement of section 65A of the Constitution Act, being a bill with such amendments only as may be agreed to by both the Assembly and the Council. That should have been clear from the start.

The second point that needs to be made is how the government then reneged on the arrangements that were negotiated across the chamber between representatives of the government and representatives of the opposition parties, and it was clearly agreed — and the *Hansard* record shows this beyond any doubt — that there was an understanding initiated by the Acting Speaker at the time, who sought a way to have the issues raised by the member for Kew fully canvassed. Then a series of interchanges occurred between the Leader of the House, the Leader of The Nationals, the Acting Speaker, the Minister for Police and Emergency Services and the member for Kew which arrived at the clear understanding that the positions of all parties would be preserved and that the matter of the point of order would be brought on again the following day at a time when you, Speaker, were in the Chair and were able to hear the arguments that were to be put to you.

It was clear that that arrangement or commitment given on the part of the government by the Minister for Police and Emergency Services was not honoured, and the occasion which had been committed to never arose. As the Leader of The Nationals has observed, that has important implications for the future, because when there are matters that may arise at the discretion of the Chair regarding procedure and the ability to rely on undertakings that have been given by the government, the Chair will unfortunately have to bear in mind the possibility that undertakings that are given and arrangements that are reached in an apparently constructive manner across the table will not necessarily be honoured by the government.

The further conclusion that needs to be drawn on this matter — and I suppose it is the only welcome aspect of this whole sorry saga — is that the government has implicitly accepted that the member for Kew was absolutely right in the point he put to the house on the previous occasion, that this bill did not fit within the definition of a disputed bill for the reasons he put so effectively and powerfully on that day.

Therefore hopefully we have laid to rest, once and for all, this spurious attempt by the government to invoke the dispute resolution procedure in relation to a bill to which it did not apply and have therefore reaffirmed the primacy of the long-established procedures for dealing with legislation such as this. At the very least the government should not be presumptive about what the wishes of the Assembly might be. It must respect the separation of powers and the constitutional structure of the Westminster system, that each house of Parliament is independent and that the government should not presume upon the will of the house.

When the constitutional provisions that are now invoked were debated, the sorts of difficulties now being experienced were warned about by this side of the house, and I fear we will have many more that will need to be confronted in future.

Motion agreed to.

PLANNING LEGISLATION AMENDMENT BILL

Referral to committee

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

> That the Planning Legislation Amendment Bill 2009 be referred to the Dispute Resolution — —

Mr McIntosh — I raise a point of order, Speaker. I do so in a similar vein to the recent discussion in relation to the Primary Industries Legislation Amendment Bill. My principal point is that this motion is not competently before the house. What it is dealing with is the Planning Legislation Amendment Bill 2009, and that bill does not exist. It is not there. It is dead, it is finished, it is fatally flawed, it has gone. It does not appear on the notice paper of this Parliament: it does not appear on the notice paper of the Legislative Assembly and nor does it appear on the notice paper of the Legislative Council. Most importantly, it was debated in both houses and was voted on in both houses. It was passed in this chamber but in the upper house it was defeated. That means it is fatally flawed. It is finished, it has gone, it is dead. It is not a bill.

I turn to my principal arguments in relation to this point. It is a little hard to get a clear definition of a bill in our constitutional matrix, but I turn to the definition in the *Oxford English Dictionary*. I will quote briefly

from that, and I am happy to table the full extract. It sets out precisely that a bill is:

> The draft of an act of Parliament submitted to the legislature for discussion and adoption as an 'act'.

Accordingly, the Planning Legislation Amendment Bill was a draft submitted to the legislature for discussion and adoption. One house of Parliament refused to adopt it, so it is finished.

I am fortified in the view that this is an underhand way of trying to get this matter back onto the notice paper by the fact that on 13 June 2009 the Premier said in relation to this bill, which had just been defeated by the upper house, that the legislation would be reintroduced, unchanged, as soon as possible. In making that comment the Premier was adumbrating his intention to press ahead with this legislation notwithstanding that it was no longer a bill before the Parliament. It had been debated and rejected by one house and was no longer a bill, but the Premier adumbrated his intention on 13 June to reintroduce that bill unchanged and as soon as possible.

The Premier would have attempted to do so in ignorance of the second question rule. I take you to standing order 152 — you may be familiar with that standing order, Speaker — which provides that:

> The following rules relate to motions:
>
> (1) A motion must not be moved if it is substantially the same as one that has been resolved in the same session.

The difficulty we all work under in this Parliament in relation to that standing order is that we really do not have sessions anymore; Parliament is no longer prorogued, and it is arguable that a session of Parliament lasts for the entire four years. Regardless, when dealing with this question the Premier was faced with the prospect that he could not reintroduce this bill unchanged because he would have run foul of the same question rule. As a result he has used this mechanism as a circuitous route to bring the bill back into the house for debate, notwithstanding the fact that as a matter of law it is dead and finished.

I am fortified further in the view that the bill is finished when I compare the provisions of the Victorian Constitution Act relating to the dispute resolution process to those of the federal constitution, which can lead to a double dissolution. I refer to section 57 of the Commonwealth of Australia Constitution Act, which says:

> If the House of Representatives passes any proposed law, and the Senate rejects or fails to pass it, or passes it with amendments to which the House of Representatives will not agree —

and then sets out a process where that proposed law can be resubmitted after three months and then ultimately submitted to the Governor-General for a dissolution of both houses of federal Parliament. What is important there is that the section talks about a 'proposed law' and refers to the Senate rejecting or failing to pass the proposed law, or passing it with amendments to which the House of Representatives will not agree.

When we in Victoria passed the comparable constitutional amendment it would be fair to say there was not a considerable amount of debate on the precise provision that could have illuminated what the legislature meant for the benefit of future parliaments, so we can only look at the words. The opposition opposed the constitutional amendment concerned, because it was concerned about entrenching these sorts of provisions which would require a referendum of all Victorians to change. Nevertheless the government went off on a frolic of its own and entrenched the provision in our constitution. As I said, we can only look at the words of our Constitution Act and the way in which they shed light on what was intended.

Page 74 of the Victorian Constitution Act defines a disputed bill as 'a bill' — not as 'a proposed law' but as 'a bill' — 'which has passed the Assembly and having been transmitted to and received by the Council' has failed to pass. Likewise the act says if it passes with amendments to which the Assembly does not agree, it becomes a disputed bill.

Unless the Planning Legislation Amendment Bill 2009 falls within the clear definition of a disputed bill, this motion is incompetent. What we have to do therefore is explore whether this particular bill to which the Leader of the House has referred — the Planning Legislation Amendment Bill 2009 — is currently a bill. The question is not whether it is a bill that could be reintroduced at some stage when the second question rule does not apply but whether it is a disputed bill. My argument is that it is not a bill. It has been debated and defeated. It does not appear on any notice paper. Having been defeated in the Legislative Council, it is fatally flawed, finished, gone and over.

This motion talks about a bill that is current and alive. While we had issues in relation to the Primary Industries Legislation Amendment Bill, that was clearly a bill before the Parliament — that is, a draft of an act of Parliament for discussion and adoption. But the bill we are talking about has been defeated and is not before the Parliament for discussion and adoption as per the Oxford dictionary definition.

Most importantly, as I have said, I am fortified in my view that Victoria has chosen to use different words from those in the federal constitution. We chose the word 'bill' rather than 'proposed law', and we limited it not to rejection but only to failure to pass or indeed amend in a way that the Assembly does not agree. The most important thing here is the exclusion of the word 'rejection', which also fortifies my argument. Accordingly, Speaker, I ask you to rule that the motion before the chamber is incompetent, because it talks about something that does not exist. There is no such thing as the Planning Legislation Amendment Bill because it is not before either chamber at the moment; therefore it cannot be competent to resurrect it through this process.

Mr Cameron — On the point of order raised by the member for Kew, essentially in section 65A of the Constitution Act there seems to be some emphasis on the term 'bill' and the fact that it has to be a bill which is afoot. I draw members' attention to the wording of the section, which refers to a 'bill which has passed the Assembly'. In other words, we are talking about something that has occurred in the past. We are talking about a bill which has passed the Assembly, and in this case a bill that passed through the Assembly on 7 May. I understand that the honourable member for Kew wants to try to confuse the tense here, but it is very clear from the wording of section 65A that we are talking about a bill in a historical context. If we ask whether this bill passed through the Assembly, in this case it did so on 7 May.

The opposition and the government have a difference around another part of section 65A which relates to the meaning of 'disputed bill', being:

> a Bill which has passed the Assembly and having been transmitted to and received by the Council not less than 2 months before the end of the session has not been passed by the Council within 2 months after the Bill is so transmitted, either without amendment or with such amendments only as may be agreed to by both the Assembly and the Council.

For our purposes I will refer to this as the two-month rule. Speaker, you will have heard some of those issues and the difference in view in the debate we have just had, although they were not fully dealt with because the particular piece of legislation was ultimately dealt with.

Nevertheless, if we look at section 65A, we will see that the proposition is that once a bill has passed the Assembly and been despatched to another place we have to ask ourselves what its status is after a two-month period. That is the test. It is not what happens or whether it has been kicked around or anything else, but what happens after two months. In this particular case, on 7 May it passed the Assembly, so we ask ourselves on 7 July whether there was agreement or a settlement between the houses. Were amendments agreed to or was there a difference? If we ask ourselves what the status was on 7 July, the answer is that there was a disagreement between the houses, because the house had rejected the legislation. As a consequence of that, the bill is a disputed bill.

I also draw your attention, Speaker, to the wording. I appreciate that it is a little bit clumsy because there is a double negative: it says 'has not been passed' and then later on says 'either without amendment', but the intentions of the words are clear — that is, that the test is whether after two months of leaving the Assembly agreement has been reached and a settlement made between the houses. If not, the bill is a disputed bill, and for those reasons I put it to you, Speaker, that the point of order of the member for Kew is out of order.

Mr Ryan — On the point of order, Speaker, one aspect of the argument which has been put thus far in this saga by the Leader of the House with which I agree is the observation that he made on 2 June regarding the initial motion — that is, that this is a seminal moment for this Parliament. We are dealing with the constitution of the state, the statute which embodies the constitutional basis for the way in which this state's democratic system functions. Therefore I state with the very greatest of respect that it is imperative that decisions about the interpretation of the legislation are accorded the extraordinary significance which goes with the interpretation of this act. It is all the more imperative because in circumstances where there may be a difference of view across the house, and more particularly where there is some uncertainty as to what might be the appropriate interpretation, all the more care — again, I say, with the greatest of respect — needs to be taken in any interpretation which would extend or vary the content of the constitution as we now have it before us.

Over the term of this government amendments were made to the constitution. Those amendments were made after a very protracted process of consultation, discussion papers and the like. I have no intention of tracking my way through that history, but the point is that the amendments that were crafted into our constitution and which are reflected primarily in division 9A, commencing with section 65A, were undertaken extraordinarily deliberately and on the basis of the greatest consideration being given by all parties involved in that process.

I frame my comments in support of the member for Kew's point of order around that starting point, because

what is being asked of you here, Speaker, is to provide an interpretation of the constitution which is not contained within its terms. In effect you are being asked to introduce a provision into the constitution which is not there, and you are being asked to do that in a circumstance where, as I have said, what we have before us was done with extraordinary care. I say that because the term, as best I understand it, that applies to legislation which has gone through the process of debate in the chambers of this Parliament and has been defeated is 'a defeated bill'. I cannot ascertain any other term which is used for that outcome, so for the purposes of this discussion 'defeated bill' is the term upon which I rely.

When you go to the constitution you find that the term 'defeated bill' simply does not appear within the pages of the statute. Equally important, there is nothing in the pages of the constitution which even remotely approaches a definition of the term 'defeated bill'. There is not even sought to be any equivalent of it. What you are being asked to do, Speaker, is to add to the definition of 'disputed bill' by incorporating into it reference to a defeated bill. I put it to you, Speaker, that is something about which one would need to be very careful and which I, with respect, do not think is appropriate.

If it were intended that a defeated bill was to be included in the definition of 'disputed bill', it would have been very easy for those crafting the provision to have done so. There would have been no problem in being able to incorporate that term into the definition contained in section 65A, and we would not be having this discussion. Obviously, however, those involved turned their minds to the issue and determined that this should not occur.

As a matter of logic and for reasons that have been explained by the member for Kew, one does not wonder why, because the practical fact is — and this is in response to the point made by the Minister for Police and Emergency Services — there has to be a temporal, contemporary aspect to the definition of a what is a bill. It is nonsense to suggest that a bill has some sort of eternal life — that it can be plucked out of the air and brought back here for debate after it has been debated and dealt with. If you take the argument of the Minister for Police and Emergency Services to its logical conclusion and remove it from the context of this particular debate, which is to do with the definition of a disputed bill, all sorts of bills that have been defeated in this Parliament could be brought back for some sort of debate on an ongoing basis. We could be regenerating all sorts of arguments over all sorts of bills that have failed because they have not passed through both chambers — they have been defeated. We could be talking about this sort of legislation every other day. What a circus that would be. What an absolute mockery it would make of this place.

The fundamental point is that this bill ceased to exist when it was defeated. It is no longer a bill. I am fortified in putting that position because the Premier, with respect to him, also recognised that to be the case when he commented on this on 13 June. I pause to say that given the extraordinary significance of this debate I presume — although 'I presume' is probably the most dangerous of expressions — that the Premier had taken advice and made his comments advisedly on the day. What the Premier said in reference to this legislation and the fact that it had been defeated was that the legislation would be reintroduced, unchanged, as soon as possible. For reasons that have been explained, its being reintroduced unchanged is not provided for in the standing orders, so there is a problem. However, the Premier said the bill would be reintroduced. He said there was a process that the government intended to pursue whereby the legislation would be brought back anew. That was not only the tenor but also the content of what the Premier had to say.

On the other hand, there was absolutely no reference by the Premier to the process that is now before us. The Premier said nothing on that day about the use of these provisions to bring this matter back before the house. Again I say to you, Speaker, the Premier's own contribution on this issue, albeit in the way that he made it, provides additional evidence that the bill has gone — it is dead, it is finished — and simply cannot be the subject of the motion that the Leader of the Government now seeks it to be.

In addition I refer to chapter 9 of the standing orders of this house, the whole of which deals with bills. There is nothing in the standing orders that remotely contemplates the notion of a defeated bill. Again, this is not surprising, because the standing orders deal with the legislation that is actually before Parliament rather than that which has been disposed of in one way or another.

Finally, I endorse the comments of the member for Kew in relation to the import of the federal constitution, the distinctions between the respective mechanisms of drafting and the subsequent content of the respective constitutions. If it were intended that a defeated bill could somehow be resurrected like the phoenix to come back here for additional discussion, there are distinctions to be drawn following an examination of those respective constitutional points which again highlight the fact that the point of order taken by the

member for Kew is right. For those reasons I support the point of order taken by the member for Kew.

Mr Lupton — On the point of order, Speaker, I rise to oppose the point of order taken by the member for Kew, to express my support of the comments made by the Minister for Police and Emergency Services in particular and to deal with the issue that seems to be the basis of the member for Kew's point of order, which is in relation to the definition of a bill. The member for Kew went to general principles about bills and referred to the definition of the word 'bill' in the *Oxford English Dictionary*. However, what this Parliament and the people of Victoria have is something different, something far superior — that is, the Constitution Act. The Constitution Act contains a definition of a disputed bill. It is not the broad, general definition of what might be regarded as a bill in common parlance within the community and it is not the definition of the bill as it might have applied in the British Parliament in 1832 or any other such thing; it is a special definition that was incorporated in the constitution of Victoria as part of the 2003 amendments that introduced a deadlock provision.

The deadlock provision includes a definition of disputed bill in section 65A. It states:

> Disputed Bill means a bill which has passed the Assembly and having been transmitted to and received by the Council not less than 2 months before the end of the session has not been passed by the Council within 2 months after the bill is so transmitted …

And it goes on. It is clear in the circumstances that what that definition is driving at is that where the Legislative Assembly has passed a bill and the Legislative Council has either not passed it, has rejected it or has passed it with amendments to which the Assembly will not agree, it is a disputed bill.

If the Legislative Council does nothing — if it in fact passively rejects the bill, if one can use that expression — for a period of two months simply by not bringing it on for debate, it becomes a disputed bill after at that point because it has not been passed by the Legislative Council after two months. If the Legislative Council debates the bill within the two-month period and rejects it, it is a bill that has not been passed by the Legislative Council.

The whole point of this exercise is to arrive at a process where a piece of legislation that is before the Parliament but has not been agreed to by the houses is capable of being part of a deadlock resolution process. To simply suggest that the way to circumvent the constitutional deadlock-resolving process is for the Legislative Council to reject legislation is completely and utterly at odds with the purpose of the exercise. The point of the Dispute Resolution Committee process is to enable legislation that has not been passed by the Legislative Council to be further debated, further acted upon and ultimately, if necessary, and if the circumstances are arrived at, made the subject of a joint sitting of Parliament. That is the purpose of and reason why the dispute and deadlock process was put into the constitution of this state in 2003.

Frankly there is no deadlock resolution process between two houses of Parliament in any bicameral system in the world that anyone can point to that enables the deadlock provision to be avoided simply by one of the houses rejecting a piece of legislation. The entire point of the exercise is that legislation that is rejected by one of the houses is the subject of the deadlock provision. That is why, regardless of the difference of wording, the deadlock-breaking provision in the federal parliamentary sphere allows legislation that has been twice rejected by the Senate, with the appropriate three-month gap, to be the subject of a double dissolution and a joint sitting. That is its constitutional process.

Ours is a different constitutional process, but the purpose of the exercise is the same. It is to enable legislation which has not been agreed to by the second house to be put through an alternative constitutional process so that regardless of its rejection by the second house of Parliament, it can be put to and passed at the joint sitting under the constitutional processes. The constitution in these circumstances is a superior document to the standing orders of this house. The standing orders of this house go to the appropriate procedures of this chamber. That is appropriate; that is what they are for. But the constitution sets out as a piece of basic legislation the constitutional provisions and processes by which legislation is to be passed in this state.

When the constitution was changed in 2003, it enabled a piece of legislation — a bill — to become law in this state, regardless of the fact that it had not been passed by the Legislative Council. That is the purpose of the deadlock provision. If a piece of legislation goes before the Council and is dealt with in any way that is not acceptable to the Legislative Assembly, it can form the basis of a joint sitting after a general election, and a majority of the joint sitting can pass that legislation and it will be submitted to the Governor for royal assent.

That is the new overarching constitutional framework we now have, so we cannot rely on what the *Oxford English Dictionary* may define as a bill. We cannot rely

on the standing orders to tell us whether or not the same bill can be reintroduced. The point of this exercise is a bill is not being reintroduced; a bill is going through the constitutional dispute and deadlock-breaking provisions that are established by the Constitution Act, which is there for us to follow.

This point of order, which has been moved by the member for Kew, is fatally flawed and would in fact, if it was agreed to, completely and ultimately undermine the constitutional framework for resolution of disputed bills as established by the amendments and reforms of our constitution that were enacted by this Parliament in 2003.

Mr Clark — In supporting the point of order raised by the member for Kew, I reiterate the point made by the Leader of The Nationals, which has just recently been made also by the member for Prahran — that is, that we are dealing here with the constitution of the state of Victoria. We are not simply dealing with the regulation of our own internal procedures. We are dealing with the act of this Parliament which binds us all, which by a decision of the previous Parliament has been entrenched in a way that can only be amended by referendum. It is particularly important that we comply with the constitution, and we should apply every endeavour to ensure we are doing so.

The key point made by the member for Kew and by the Leader of The Nationals goes to the first five words of the definition of a disputed bill. They are 'Disputed Bill means a Bill'. Then the question is: what is a bill? As has been said, there is no bill on the notice paper of this house. There is no bill on the notice paper of the other house. There is no bill to be found in play anywhere before this house. The Leader of the House can look in vain in the official documentation that sets out the business before either house for an item entitled the Planning Legislation Amendment Bill 2009. It is something that is no more.

The Leader of The Nationals referred to the Premier's implicit acceptance of that when he was reported on 13 June as saying the legislation would be reintroduced unchanged as soon as possible. But the point goes a lot further than simply the Premier's own presumptions or assumptions about what the law might be, because he, like all of us, is fallible.

Further, his words reflect long-established procedure, practice and way of looking at matters, because it reflects the reality of how things proceed in this Parliament. When you look at the rulings from the Chair, you do not look at rulings about how bills may be revived once they have been defeated; you look at rulings about the reintroduction of bills and when they may or may not be reintroduced. The whole history of our procedure, our whole current practice, is geared around the fact that when a bill is defeated it is not resurrected. A bill in the same terms, if someone wants to do so, is reintroduced, and that implicitly and inexorably involves the conclusion that what previously was a bill is no more.

The Minister for Police and Emergency Services and, by interjection, the Leader of the House, referred to the words beyond the first five words of the definition of disputed bill when it says 'which has passed the Assembly'. That is fine. There is no argument with the fact that those are words in the past tense. They operate to decide whether or not something that is currently a bill is a bill that is a disputed bill — for example, the Courts Legislation Amendment (Sunset Provisions) Bill is on our notice paper at the moment, but that will not qualify as a disputed bill because it does not fall within the words 'which has passed the Assembly' et cetera. But that does not mean that something which is not a bill is turned into a bill because at some point in the past when it was a bill, it fell within those words. Those words can be past tense, but the requirement that it be a bill has to be in the present tense.

In relation to the reference to the two months timing provisions in the definition, they too point to whether something which is currently a bill has, through events that have already occurred, qualified under the definition. They do not go to the question of whether or not there is currently a bill in existence. For example, this definition of a disputed bill can well apply to a bill that has been amended by the Legislative Council with amendments that do not fall within the reference to such amendments only as may be agreed to by both the Assembly and the Council. The definition could also apply if the bill is just sitting on the notice paper of the Legislative Council. However, if there is no bill in existence in the first place all of that becomes irrelevant.

The member for Prahran put the point that ordinary words do not apply because we have adopted a special definition of 'disputed bill' for the purposes of the constitution. However, that very special definition uses an ordinary word: a bill! That brings us back to where we started: what is a bill and where is this alleged bill which is the subject of the notice of motion that the Leader of the House has given? There is no such bill in existence. This is not just a matter of parliamentary terminology, it is a matter of common terminology. In many respects the minister is like John Cleese with a dead parrot brought into the store. The only difference in this case is that the minister does not realise he has a

dead parrot. But the same language applies: this bill is no more; it has ceased to be; it has expired and gone to meet its maker; its metabolic processes are now history; it is off the twig; it has kicked the bucket; this is an ex-bill! That is perfectly consistent with the ordinary use of language in our society and consistent with the practices of this house and of other houses over many centuries. The bill has been defeated; it is no more; it is an ex-bill; it cannot be the subject of the motion before us, which is therefore invalid.

Mr BATCHELOR — On the point of order, Speaker, I join this debate following a long line of people with legal training, hoping to bring a little bit of clarity; a little bit of common sense; a little bit of vernacular; and perhaps a little bit of a solution to this.

Mrs Fyffe interjected.

The SPEAKER — Order! I ask the member for Evelyn to respect the position that this chamber is in, and in particular that this speaker is in at this moment. Contributions have been given in relative silence and I ask for the same courtesy to be shown to the Leader of the House.

Mr BATCHELOR — We are debating this point of order. I reject the point of order raised by the member for Kew and supported by a number of other people in the opposition, demonstrating the political train of thought that underpins the point of order. The Leader of The Nationals described it as a seminal point; it is an important point, as we have not been here before. Many of the assumptions and arguments used in this debate by the opposition to support the member for Kew do not apply and are not relevant.

The member for Box Hill said you could not find on the Legislative Assembly notice paper the particular bill to which the notice of motion applies. That is correct, because we have already passed it here in the Assembly. The procedure in the constitution envisages that a disputed bill can arise from a circumstance where it is not on the Assembly notice paper. There are circumstances where it is not on our notice paper, and that is because some of the procedural assumptions that have underpinned those arguments apply to a previous age. This is the first time in which this constitutional provision inserted into the constitution in 2003 has been tested. The assumptions that underpinned arguments based on procedures and rules that predate that do not apply. Some of those arguments may have some influence, but the way they have been used today is not appropriate.

In 2003 this Parliament agreed to constitutional changes. The deadlock provisions we are debating today were not the only constitutional change agreed to; they were part of a broader range of reforms that went to how the upper house was elected and what the practical consequences of that change of election method would be in terms of the way the upper house was to function. As a direct consequence of wanting to introduce proportional representation it was also agreed that we needed to have a deadlock-breaking provision. The Parliament agreed for that to occur, and it is now in the Victorian Constitution Act. That is essentially what we are debating today. A deadlock-breaking provision sets out to resolve a dispute that occurs between the two chambers of the Victorian Parliament. It is not a provision that sets out to resolve a deadlock in one chamber alone, but rather a dispute between two chambers, and that is what we are seeking to do here.

Nothing could be plainer or easier to understand than that there is a very stark difference of opinion between the two chambers in relation to the Planning Legislation Amendment Bill. It was passed by this chamber; it was defeated by the upper house. The significant thing that the opposition has forgotten is that this happened under the umbrella of these new constitutional arrangements of 2003. We are not talking about a procedure that happened in 2002 or 1897; it happened post-2003, so these constitutional provisions are appropriate to apply in these circumstances.

We have heard a lot of discussion about what is a disputed bill, what is an ordinary bill and what are the technical definitions of a bill. The definition of a disputed bill is set out clearly in section 65A of the Victorian Constitution Act, and it has a very clear meaning. It covers the circumstance we are talking about today, and it covers probably another three circumstances that we could be talking about when different events come together to produce a disputed bill, just as events have come together to mean that this is a disputed bill.

Within the meaning of the changes that occurred in 2003 and within the meaning of section 65 of the Victorian Constitution Act 1975, it is beyond belief to argue that there is not a dispute currently between the two chambers.

Dr Napthine interjected.

Mr BATCHELOR — I ask the Speaker to ask the member for South-West Coast to resist interjecting. He has come into the debate late in the day, as usual, and he is being unhelpful.

The SPEAKER — Order! I seek the cooperation of all members to allow this point of order to come to its conclusion.

Mr BATCHELOR — In the lead-up to these changes in 2003, in terms of the composition and method of election and the deadlock provisions that were being canvassed widely in the community, it was set out clearly from the point of view of the government of the day that a bill that was defeated in the upper house would be covered by these provisions. I specifically refer the Speaker to a document called *A Stronger, Fairer Democracy for Victoria — The Constitution (Parliamentary Reform) Bill 2003*, which is dated February 2003. This is a document prepared by the Department of Premier and Cabinet (DPC). I believe it is on the internet now, as we speak. This document was used as part of the informational detail provided to not only the Parliament but the public to help them understand the procedures we were going through. It sets out on page 16 the new measures to resolve deadlocks between the houses of Parliament and says that the new process for ordinary bills will have six steps.

The first step is that following the election the Victorian Parliament will establish a Dispute Resolution Committee consisting of seven members of the Legislative Assembly and five members of the Legislative Council, and that occurred after the last election; there is one in existence now. The member for Box Hill is the deputy chair and I am the chair. We followed that constitutional procedure; we took step 1.

The second step is:

> Where a bill is passed by the Legislative Assembly and rejected by the Legislative Council, it will become known as a disputed bill. The Legislative Assembly will refer the disputed bill to the Dispute Resolution Committee.

It then goes on to deal with a number of other steps that have been translated into the constitution, of which there is no doubt.

This occurred in 2003; it has been ventilated in the public domain, but members of the opposition are coming to the chamber today and trying to create the impression by loud and forceful argument that this is a subterfuge dreamt up by the government today in 2009. Nothing could be further from the truth. Before it was established it was always envisaged that this would be the case. We have consistently argued that the process we are talking about for the Planning Legislation Amendment Bill 2009 is just one of the ways that would trigger a bill becoming a disputed bill. There are other circumstances that would similarly do that, and the point of order should be rejected because it fails to take into account the constitutional reality that this is a disputed bill.

Some comment has been made about comments made by the Premier, and they stand by themselves. What we are talking about today is a document which was a precursor to the Victorian constitution, which is very clear and explicit and which provides the opportunity for this matter to go forward. The fundamental question is whether the Planning Legislation Amendment Bill meets the definition of a disputed bill. It does because, firstly, it was passed by the Assembly; secondly, it was transmitted to and received by the Council at least two months before the end of the session; and thirdly, it was not passed by the Council within two months of it being transmitted to that house. In all the discussion we have heard from members of the opposition today they have conveniently left out that part of the definition of a disputed bill which relates to a bill not being passed by the Council within two months.

Some comment was made that if they had wanted to include a defeated bill the constitutional draftspersons would have specifically included that in this definition. I put it that this has been specifically crafted in this way so as to cover all of the circumstances that would bring about a disputed bill. If the definition was to be limited in the way that was suggested by the opposition, it would then exclude the circumstances where a bill becomes disputed by the nature and content of the amendments.

What this provision has explicitly set out to do is to cover the circumstances not only where a bill coming from the Assembly at some stage has amendments made to it that are unacceptable but also a bill coming from the Assembly which is defeated. To adequately cover both those circumstances they have to use a particular phrase and form of language contained in the definition, because without adequately covering both it would have limited how this clause of the constitution could be applied.

I put it to you, Speaker, that the intent has always been clear from the government's point of view. It has been encapsulated in the Victorian constitution. From a layperson's understanding there is clearly a dispute between the two houses, and if that is the case, you go to the constitution to deal with and look at the provisions as to how it might be resolved. But the following sections of the constitution reinforce what I have been saying because they envisage that procedures need to be set out to deal with amendments and bills that have not been passed by the Council within the two-month period.

It is quite clear from the language that it was always intended to have included within the definition of 'disputed bill' a bill that was subjected to amendments that were unacceptable to the Assembly or a bill that was defeated in the upper house. To rely on ancient history in terms of dictionaries, our standing orders and previous rulings misses the point entirely. We are considering this particular procedure in the context of the 2003 amendment which people understood when it was voted upon. We understood it, and the opposition understood it but is trying to back away from it now because we are in 2009. The point of order should be overruled.

Mr O'Brien — I rise to support the member for Kew's point of order. What the Leader of the House and the member for Prahran are trying to do is pull up their argument by its own bootstraps. That does not work because neither the member for Prahran nor the Leader of the House has dealt with the fundamental point that the bill that has been defeated is no longer a bill. Legally it is a nullity. There can be no resurrection of a bill that has been defeated by either house of Parliament. There is no limbo in which a defeated bill can rest only to be resurrected by a dispute resolution committee. A bill that has been defeated by either house of Parliament is finished.

When we turn to the wording of the constitution and look at section 65A and the definition of 'disputed bill', as the member for Box Hill pointed out, we see that:

> 'Disputed Bill' means a Bill …

We can stop there, because the rest of that definition of what a disputed bill is depends on it being a bill, and as the Leader of The Nationals and the members for Kew and Box Hill have pointed out, once a bill has been defeated in either house of this Parliament it ceases to be a bill legally. Neither the member for Prahran nor the Leader of the House has dealt with that fundamental issue. They may be uncomfortable and not wish to deal with it, but the fact that they fail to deal with it indicates that they have no answer to what is a fatal flaw in their argument.

We have heard the Leader of the House refer to a Labor Party policy document about what was intended by deadlock provisions in the constitution. The wording of a Labor Party policy document has absolutely no bearing on what the law of the land is. The law of the land is the wording in the Constitution Act, and that is specific. For the Leader of the House to try to bring in extraneous material like a Labor Party policy document to try to influence the Speaker's interpretation of the constitution is bizarre, to say the least.

We heard from the Leader of the House and the member for Prahran as to what they might wish the deadlock provision to be, how they thought it might work or how they might have wanted it to work, but we have to deal with the wording in the constitution. What do the words of the constitution say? They are absolutely clear-cut. There can be no reference to the Dispute Resolution Committee of something which is not a bill, and if a bill has been rejected in either house, it ceases to be a bill.

When it was introducing these changes to the constitution back in 2003 the government could have adopted the same wording as in the federal constitution. It could have made it quite explicit that a rejection of a bill was an act which could then precipitate further action. It chose not to use that wording; it used different wording. The Parliament can only interpret the wording of the constitution as it finds it, not as members of the government today may wish it to be and not even as members of the government today may have intended it to be. We can only look at what the words of the constitution are in order to interpret what they actually mean.

I reiterate that the government's argument is an attempt to pull itself up by its own bootstraps, because it cannot get over the fundamental and fatal point that a bill which has been rejected by either house of the Parliament ceases to be a bill and therefore it has no legal capacity to be referred to the Dispute Resolution Committee.

The intention of the drafters of the constitution may be relevant, and if the member for Prahran or the Leader of the Government wanted to refer to the second-reading speech of the bill which changed the constitution to introduce the deadlock procedure, they could have done so. Those members could have referred to anything which indicated that a bill which was defeated was supposed to be something capable of being referred to the Dispute Resolution Committee. They chose not to do so. The best they could come up with was essentially a Labor Party policy document and to say, 'This is what we think we meant at the time'. As the member for Prahran well knows from his former profession, that is not an appropriate document to be referred to in interpreting a legal statute. You can look at the second-reading speeches and you can look at the second-reading debates; you cannot look at party-political policy documents to try to say, 'This is what we really meant'.

The constitution is too important a document, too fundamental a document, to be interpreted according to what people think may have been intended. You have

to look at the words as they appear on the printed page. It keeps coming back to what is the definition of 'disputed bill', because that is the absolutely key function in all of this. 'Disputed Bill means a Bill', and you stop there. You must reach the conclusion, I respectfully submit, that this bill is no longer a bill, having been defeated in the Legislative Council.

Dr Napthine — On the point of order, Speaker, this is a very important issue because it goes to the fundamentals of our constitution. It certainly is relevant to the changes that have been made to our constitution in recent times, and they are the very points at issue that have been raised in this point of order.

The spurious argument put forward by the Leader of the House, referring to a Labor Party policy document, I put it to you, Speaker, is completely irrelevant in terms of interpretation of the constitution. What the policy document purports to say and what it says the legislation should say is not relevant to what the constitution actually says in its wording, and we must make our decisions in this house on what the constitution says, the same as a court of law must base its decisions on what the law actually says and not what people think it says. The courts can be guided by the second-reading speech, although there is little in the second-reading speech or even in the second-reading debate on this bill to guide us in the interpretation of this section with respect to disputed bills.

The nub of the issue raised by the member for Kew in his point of order swings on the question: what is a bill? As other speakers have said, the term 'disputed bill' is defined in section 65A of the Constitution Act. The definition begins 'Disputed Bill means a Bill' and goes on to give a description of what sort of bill it must be in order to qualify as a disputed bill. The absolutely fundamental point is that a disputed bill must be a bill. If there is no bill, there cannot be a disputed bill.

Members are trying to resurrect something that is no longer a bill. The motion refers to a bill which no longer exists. It was defeated by the upper house. As the member for Box Hill said, referring to the infamous Monty Python dead parrot sketch, the bill is extinct, died out, vanished, lost and gone for ever, no more, dead and gone, defunct, obsolete, dead as a dodo, finished, over and done with and many other appropriate words. There is no bill.

To reinforce the arguments made by previous speakers, I refer you, Speaker, to section 65F(4), which states:

> There is to be attached to the advice under subsection (3) a copy of the Disputed Bill endorsed with the certificate of the Speaker signed by the Speaker that the Bill is a Bill to which section 65F(3) of the Constitution Act 1975 applies.

Again, those words refer not only to a disputed bill, which is specifically defined in the constitution but refer twice to the word 'bill'. The provision states 'that the Bill is a Bill' which meets certain criteria. When we do not have a bill, how can that apply? That is the very nub of this point of order. There is no bill, therefore we cannot pass the first hurdle with respect to the definition of 'disputed bill'.

Other sections of the constitution continually refer not only to a disputed bill but to 'the bill' and 'a bill' which suggests and makes clear that there must be a live bill. We do not have a live bill. We have no Planning Legislation Amendment Bill 2009 on the Legislative Assembly notice paper. We have no Planning Legislation Amendment Bill 2009 on the Legislative Council notice paper. That is because members of the Legislative Council defeated that bill. When they defeated the bill, it ceased to exist as a legal entity within the constitutional framework and the parliamentary sphere of this house.

In the House of Commons and in the Australian federal Parliament when a bill is defeated it is finished — it is no longer a legal entity as a bill. That is what this point of order is about. The bill does not exist, therefore it fails on the first test of being a disputed bill because it is not a bill. It also fails on a subsequent analysis with regard to other parts of section 65 of the Constitution Act, where there is specific reference to 'the bill' and 'a bill'. I refer specifically to section 65F(4). If you do not have a bill, there is no way that part of the constitution can work. I think that should give clear guidance to you, Speaker, that the point of order is valid, reasonable and the only proper interpretation of the constitution. Therefore I ask you to rule in favour of the point of order.

The SPEAKER — Order! I will hear the Leader of the Opposition, but I will not hear anyone else unless they have a new argument.

Mr Baillieu — On the point of order, Speaker, I join with other members on this side of the house in supporting the member for Kew. I want to add an additional note, and I pick up the point that you have just raised. I refer the house to section 65D of the Constitution Act, which deals with the consideration by the Assembly and Council of the dispute resolution reached by the Dispute Resolution Committee.

Subsection (1) states:

> If either the Assembly or the Council fails to give effect to the Dispute Resolution within the period of 30 days or the period of 10 sitting days … after the tabling of the Dispute Resolution in that House, the Disputed Bill becomes a Deadlocked Bill.

Subsection (2) deals with the nature of any such failure:

> For the purposes of subsection (1), the Assembly or the Council fails to give effect to the Dispute Resolution …

I will quote paragraph (a) by way of example:

> if the Dispute Resolution provided that the Disputed Bill be passed by the Council as transmitted by the Assembly to the Council without amendment, and the Council does not pass the Bill without amendment …

Speaker, I put to you that that in itself is an example that the bill has to exist on the notice paper of either or both houses in order to be affected by the resolution of the Dispute Resolution Committee. That very provision — and paragraphs (b) and (c) deal with the same argument in respect of both houses — reinforces the point that the bill must be before the house to be affected by the resolution of the Dispute Resolution Committee, and the Dispute Resolution Committee can only deal with a bill that exists and is before the house.

I put it to you, Speaker, that that again reinforces the notion that referral to the Dispute Resolution Committee can only be in regard to a bill that is before the house and on the notice paper.

The SPEAKER — Order! I will reserve my ruling on this point of order at this time. The motion will not go forward for debate at this moment.

ELECTRICITY INDUSTRY AMENDMENT (PREMIUM SOLAR FEED-IN TARIFF) BILL

Council's amendments

Message from Council relating to following amendments considered:

1. Clause 4, page 4, lines 5 to 9, omit all words and expressions on these lines and insert —

   "(b) engages in the generation of electricity —

   (i) at a property that the person occupies as their principal place of residence by means of one qualifying solar energy generating facility at the property; or

   (ii) at one or more properties —

   (A) that the person occupies, otherwise than as a place of residence, by means of one qualifying solar energy generating facility at each of those properties; and

   (B) at which the person's annual consumption rate of electricity is 100 megawatt hours or less; and".

2. Clause 4, page 4, line 17, omit "3.2 kilowatts" and insert "5 kilowatts".

3. Clause 5, page 9, lines 32 to 35 and page 10, lines 1 and 2, omit all words and expressions on these lines and insert —

   "(2) The Minister may declare a day under subsection (1) only if —

   (a) the Minister is satisfied that the aggregate of the installed or name-plate generating capacity of qualifying solar energy generating facilities is equal to or greater than 100 megawatts; or

   (b) the Minister has estimated that the average cost per customer of electricity per year arising out of the operation of the premium solar feed-in tariff scheme is $10 or more —

   whichever occurs first.

   (3) In this section ***premium solar feed-in tariff scheme*** means the amendments made to this Division by the **Electricity Industry Amendment (Premium Solar Feed-in Tariff) Act 2009**.".

4. Clause 5, page 13, line 29, omit 'day."' and insert "day.".

5. Clause 5, page 13, after line 29 insert —

   '(3) The Minister must include the information given to the Minister in respect of a year under subsection (1) in the report of operations of the Department of Primary Industries for that year under Part 7 of the **Financial Management Act 1994**.".'.

Mr BATCHELOR (Minister for Energy and Resources) — I move:

> That the amendments be agreed to.

In moving that motion I wish to make some overarching comments. I want to begin my remarks by acknowledging the work done by the Minister for Industry and Trade, Mr Pakula, who was able to get this bill passed in the other chamber with amendments that are acceptable to the government. The amendments came out of some discussions that took place across the chamber and while the bill was between the houses, I suppose is the best way to describe it — and they got very wide support. Of course we will be supporting

them here today, as I suspect other parties will also be doing.

In considering this matter of solar feed-in tariffs the government has at all times considered the economic, the environmental and the social costs and benefits of a solar feed-in tariff for all Victorians, including those who install photovoltaic (PV) cells on their roofs and those who do not. I take this opportunity to remind the house of the objectives that the government set in establishing its policy and assessing amendments and considering the discussions that took place. Our first objective was to provide extra return to Victorian householders who were installing small-scale PV systems. Our second objective was to minimise the cost imposed on all Victorian residential electricity customers. And our third objective was that the design features of the scheme align with national principles, provide legal and constitutional certainty to households and are not too burdensome to the industry in their implementation.

Looking at these objectives it is easy to see why we voted strongly against the amendments proposed by the Greens in the upper house to change our net feed-in tariff into a gross metered one. As I have said from day one of this debate, we were not prepared to support a scheme that allowed people who could afford solar PV cells to make huge profits that the rest of Victoria had to fund. That was unacceptable to us from day one, and from that time through to the debate here today, the last day, that has been the consistent approach taken by this government. We wanted not only an environmentally friendly scheme but also a fair scheme, and the Council amendments to the bill meet both those criteria.

There were a series of amendments moved by the government. They were supported by other parties, and they are now back for the Assembly to consider. These amendments extend the coverage from the principal place of residence only to include businesses, schools and community groups that consume 100 megawatt hours or less of electricity each year — we broadened the base. The second thrust of the amendments was to increase the individual systems cap from 3.2 kilowatts to 5 kilowatts — we increased the size of individual installations in the coverage of the scheme. We also paid particular attention to the cost question — a matter of fairness — whereby we will allow this scheme to finish if the average cost of the premium solar feed-in tariff per customer per year exceeds $10 or more. The fourth thing that the amendments do is require the responsible minister to report on the scheme through the annual report of the Department of Primary Industries.

Again, I think it is important to keep in mind our objectives when we are considering these amendments. Our scheme is designed to provide extra returns to Victorians who put in solar PV systems, but that has to be balanced against the cost for everyone else, particularly low-income earners. The government responded to community feedback in terms of eligibility and devised a way to allow non-residential customers to access the feed-in tariff scheme. This proposal, along with a number of others that were accepted by the government, came from a number of responsible environmental groups through a variety of channels. We thought that they were useful — they added to the scheme.

We thank those responsible environmental groups who made those contributions.

Dr Sykes interjected.

The DEPUTY SPEAKER — Order! The member for Benalla should cease interjecting in that manner.

Mr BATCHELOR — The government scheme is not designed for big business and not only in terms of the cost projections that were embedded in the amendment. Only those with an annual electricity consumption of less than 100 megawatt hours are eligible. The original 2.3 kilowatt cap was estimated by the Department of Primary Industries to cover more than 98 per cent of solar photovoltaic systems in the state, and again the government responded to responsible requests and community feedback and increased the system size from 3.2 kilowatts to 5 kilowatts. That means that rather than covering 98 per cent of the state, the new 5 kilowatt cap will mean that more than 99 per cent of solar photovoltaic systems that are currently installed in the state will be covered by the scheme.

The cost of the scheme to struggling families has been uppermost in our minds throughout the whole of this process. In allowing community groups, schools and small businesses to access the scheme and by increasing the size to 5 kilowatts, we have been able to manage the potential cost that these changes would lead to. We have done that in a particular way. We have set out in the amendments before the house today a cap of $10 for the cost of the scheme to individual Victorians, which means that the cost of the expanded feed-in tariff scheme will not go above $10 per year for all Victorian families. This is good news to those who were already finding power bills difficult to pay or who will find it increasingly difficult as the carbon pollution reduction scheme and the expanded renewable energy target of the federal government come into play.

This cost safeguard has been enshrined in the legislation. The government has been able to accept the changes that I outlined before, which have both widened the eligibility of the scheme and increased the individual participant size to 5 kilowatts, safe in the knowledge that the cost will not get out of hand. In the federal arena we have seen problems with solar schemes that support the installation of photovoltaic panels escalate out of control. The significant feature of the amendments from the upper house with which we are being asked to agree today is that there are significant safeguards in the Victorian scheme.

The government is happy to introduce the final amendment on reporting requirements. These amendments mean that the information the department will be getting from industry on the scheme will be included in the department's annual report. This is good news for those who want to monitor the scheme, because the information is contained in the annual reports which are tabled in Parliament but also published on the internet, allowing easy and widespread public access.

I said earlier that the problem with the small-scale photovoltaic systems is that solar panels are very expensive to buy and are not particularly efficient in generating electricity. The challenge for the photovoltaic industry, as I said in my initial contribution on this debate in the Legislative Assembly, is to find a way to reduce the up-front cost of the panels to make their product more commercially attractive to their customers, so it does not need a subsidy to continue. I am pleased to say that we have already seen some progress on this front since the proposal to adopt a feed-in tariff for the solar industry was first introduced into this Parliament. Earlier on I provided uptake graphs. Both here and in other states in May and June the photovoltaic industry was able to develop more innovative offers to drive down the up-front costs when it took full advantage of the then federal subsidy.

Combined with the federal government rebate, the initiatives from the industry and the acceptance of the challenge that I laid out to it has led to a huge increase in the uptake of photovoltaic systems, not only in Victoria but right around Australia. I commend the solar photovoltaic industry for this and encourage it to do more to further drive down costs now and into the future. This is really an ongoing challenge. The challenge has started to be met, but it has not been concluded. It is an ongoing challenge and we are encouraging the industry to continue its good efforts.

Members will recall that the issue of cash or credits was addressed by many speakers in their contribution on this bill in this chamber. I said at the time that the scheme had been designed to provide certainty to participating households and to avoid legal challenges. I also note that in practice credits will be used by almost all households over a 12-month period. The cash or credit issue will be irrelevant for the vast majority of Victorians.

I also point out to members that with the competitive energy market we have in Victoria commitments have been made by two of the largest energy retailers, AGL and Origin Energy, that once the scheme is in place both companies will pay up their credits in cash upon the request of a customer. The Minister for Industry and Trade, Mr Pakula, had incorporated in the *Hansard* report of the upper house debate a copy of those documents for all people to access. The two Victorian retailers account for well over 50 per cent of the Victorian energy market, so it is likely that other retailers will follow suit. I encourage every Victorian household with a photovoltaic panel to shop around so they get the best deal for their power bills and the best conditions and circumstances in relation to cash or credit.

Our proposal has struck the right balance. It provides a good deal for Victorians, and it provides the right balance between households, community groups, schools and small businesses who want to install solar panels and those who will have to pay the cost of the subsidy that will be provided to them. I encourage Victorians to put more panels on their roofs. While it will keep the overall cost down for all the other Victorian energy groups, it will also be a key target of this legislation.

I thank those members of this and the other house who have contributed to the debate. I thank the shadow Attorney-General, the member for Box Hill, for the constructive role he has played, and I thank the responsible environmental groups who provided information through that period of debate and have helped shape the better outcome that we are debating today. I commend the amendments to the house.

Mr CLARK (Box Hill) — The Liberal-National party coalition is pleased to support these amendments of the Legislative Council. They give effect to significant improvements to the solar feed-in tariff scheme that the Liberal Party and The Nationals in coalition have been able to secure. The minister, in his remarks, initially tried to give the impression that the government had of its own volition seen the light and decided to make these amendments, but it has to be said that these amendments are a result of detailed and protracted negotiations between the coalition parties

and the government, taking place on the government's part in the knowledge that if amendments were not negotiated with the coalition parties, then amendments may well have been made in the Council. Those negotiations also, from our point of view, took place in the face of repeated government threats that it would abandon the feed-in tariff scheme altogether if it were amended in a way that the government deemed unacceptable.

As honourable members and members of the public will know, this legislation went through a protracted period of public debate and a very extensive criticism of many aspects of the design of the scheme. It was only late in the piece that the government was prepared to enter into negotiations that resulted in a successful outcome in terms of some worthwhile improvements that have been achieved.

I must say that late in the piece, when we sat down to negotiate, the Minister for Energy and Resources engaged in constructive and frank dialogue. His staff provided very able assistance, and were able to secure worthwhile information and facilitate the process. I certainly acknowledge that role of the minister and his staff. However, I remain of the view that were it not for the stand that was taken by the Liberal-Nationals coalition, this legislation would have been passed with the very serious deficiencies that it previously had.

I acknowledge the role played by the coalition upper house spokesman in this debate, Peter Hall, and I also place on record the very valuable input provided by many other members of the coalition parties, and at the risk of singling out one member, I particularly acknowledge the enormously able technical input and expertise provided by the member for Mildura, who has a scientific background which is head and shoulders above that of most other members in this house. His contribution was invaluable.

I also acknowledge the constructive and positive discussions that the coalition parties had with Environment Victoria, particularly through Mrs Victoria McKenzie-McHarg, and with the Moreland Energy Foundation through its representative Mr Brad Shone, and also the input we had from many responsible and constructive environmental groups across the state. I particularly acknowledge the detailed submissions and representations from the Mount Alexander Sustainability Group and the strong support from other environmental groups around the state such as the Lighter Footprints group, which is based in my own part of the world.

As a result of the improvements we were able to negotiate with the government the scheme has been amended, as the minister outlined. One of the particular improvements that we have been able to secure is that businesses, farms, schools, community facilities and other non-residential customers will be able to have access to the scheme so long as the customers' annual net electricity consumption at the premises concerned is less than 100 megawatt hours, which in rough terms is equivalent to an annual electricity bill of around $15 000. This contrasts with the scheme as put forward by the government, under which only homes that were principal places of residence would have had access to the premium tariff of 60 cents per kilowatt hour.

In addition, as the minister said, the government agreed to increase the size of the solar panel facility that will qualify for the tariff from 3.2 kilowatts to 5 kilowatts. Based on information provided by the government this means that around 99 per cent of systems installed in Victoria will be covered by the scheme. In other words, most small to medium-sized businesses, schools, kindergartens and community groups around the state and many local government premises will now be able to take part in the feed-in scheme, which is a significant step forward in promoting the take-up of solar electricity throughout Victoria and a substantial improvement on the highly restrictive scheme that the government originally announced. It will provide encouragement for community organisations across the state to get involved with installing solar panels.

The coalition parties are disappointed that the government has insisted on continuing to exclude residential premises other than principal places of residence from the scheme, and we are also disappointed that the government has only increased the maximum solar facility size to 5 kilowatts rather than 10 kilowatts, as many environmental groups had proposed. In addition we attempted to negotiate to change the scheme from a net scheme to a gross scheme at a tariff that would not require an unreasonable cross-subsidy from other customers, but unfortunately we were not able to obtain agreement to such a change.

The scheme has also been amended, as the minister outlined, to guarantee that the cost of the scheme to other electricity customers would not exceed an average of $10 a year per customer. I pay particular tribute to the Democratic Labor Party member of the Legislative Council, Mr Peter Kavanagh, who originally put forward the concept as a way of guaranteeing that there would not be an adverse unexpected impact on other electricity customers as a result of the scheme. We thought that was an excellent idea, one which we were

happy to take up and which we were pleased to see the government accept and incorporate into its amendments.

As the minister has also indicated, the government has incorporated into *Hansard* written commitments from two major Victorian retailers that they will on request pay cash to customers for any net credits that customers may earn under the feed-in scheme. This was a compromise measure to achieve a practical way forward from the impasse that had been reached over the government's position that it had received legal advice that indicated it could not require retailers to pay in cash because that raised constitutional issues.

As I have said in previous debates, I find that legal conclusion and the legal reasoning that underlies it not very persuasive. It is clearly not something that is entirely beyond doubt. There have been issues — about which the minister will know more than I — which resulted in the current government abandoning the regime that previously existed for the recouping of some of the aluminium smelter costs and replacing them with a land tax on energy easements because of the Smorgon challenge.

The public has not been privy to the legal advice the government obtained at that time. But that advice, if any, is not what the government relied upon in asserting that it was unable to require the payment of cash because of the risk that would create for this whole scheme as an excise under the constitution. I would have thought if there was a risk of this scheme being deemed an excise, there are other aspects that create a far higher risk than the payment of cash to customers. Certainly in practical terms the likelihood of that aspect of the scheme being challenged seemed very low. Nonetheless the government's view was, having received legal advice, it could not go against the legal advice it had received.

However, as I indicated, the resolution was a practical way forward, because we now have in the public arena commitments from two major retailers that they will pay cash to customers under the feed-in tariff scheme. Given that those two major retailers are willing to pay cash — and assuming they keep their undertakings, which are not legally binding but have been made on the public record, and there would be considerable loss of face if they reneged on them — one assumes the competitive market, which the government now supports, will ensure that other participants will have to match those two leading retailers. As I said, I believe that achieves a practical resolution of the issue, even though the conceptual and theoretical problem remains.

As I indicated earlier, however, the scheme remains a net rather than a gross scheme despite the fact that a gross scheme was sought by many environmental groups. This means that the solar electricity generated from panels is used first to meet the customer's own use and the scheme's tariff is only paid on the excess the customer feeds into the power grid. By contrast, under a gross scheme all the power from the solar panels would be fed into the grid and paid for at the scheme's tariff, and the customer would then separately purchase electricity from the retailer for the customer's own use. As I indicated earlier, the coalition parties attempted to negotiate a change so that the scheme would be not a net but a gross scheme, but one with a tariff rate that would not require an unreasonable cross-subsidy from other customers.

Throughout the debate on this legislation the coalition parties have sought outcomes that would be both constructive and responsible — that is, constructive in removing artificial and unnecessary restrictions from the scheme and responsible in not imposing unreasonable costs on other electricity customers. Although we believe the scheme could have been improved even more if the government had been willing to do so, what we have been able to achieve will make the scheme better and fairer than it would have been otherwise. For that reason we are pleased to support these amendments.

Mr STENSHOLT (Burwood) — I begin my remarks by acknowledging, as have the two previous speakers, the work done by all people concerned in having this bill passed in the other place and brought back to this house. I thank the Minister for Energy and Resources for the work he has done on this; I know personally how much effort he has put in on it, along with others. I note the bill was passed in the other place by 36 votes to 4, and I am happy on this occasion to be on the same side as the members for Box Hill, Mildura, Benalla and even the member for Scoresby.

As both the minister and the member for Box Hill have outlined, the bill has come back to the house with significant amendments. I will focus particularly on an amendment to have a gross and not a feed-in net tariff. That amendment was proposed in the upper house by the Greens. I reiterate what I said when the bill was previously debated: that we were happy to give a helping hand with this bill in terms of solar power but that we are not in the business of supporting a scheme which would give people who could afford to pay for solar photovoltaic panels huge profits or a huge boost that the rest of Victoria would have to fund. That is why the bill remains one that features a net feed-in tariff. It balances the objectives of the bill to provide some extra

returns to Victorians who install small-scale solar photovoltaic systems as well as contain the costs imposed on electricity customers, and I notice a number of amendments in that regard.

I am particularly pleased that through this process community groups will be able to have small-scale solar photovoltaic systems on their roofs. A couple of schemes have promoted their use, including a federal scheme, but there is now only a state scheme which promotes the use of solar energy in schools. I hope that the offer will be taken up by many in our community.

As the member for Box Hill said, a number of local community groups in our area, including Lighter Footprints and Families Facing Climate Change in Ashburton, have raised these issues with me. I am particularly pleased about this development, because I have long been a supporter of alternative energy and this sensible arrangement.

As has been said, a McLennan Magasanik Associates report found that the cost of abatement for a gross feed-in tariff would have been $679 per tonne of carbon dioxide, whereas the forward prices for carbon pollution reduction scheme certificates are trading at around $20 a tonne. We all know that the price of solar panels is four times that of wind power. There are also questions about efficiency. Solar panels run at about 13 per cent efficiency. This bill and the amendments achieve a good balance. Now we have something on which we can go forward and something everyone can support. This measure will increase take-up of this technology and provide a helping hand to our community.

I make the point that this scheme is not Robin Hood in reverse — that is, taking from the poor in order to give to the rich. I do not use that term very often, although I have used it to describe the activities of Liberal councillors in the City of Boroondara in taking money away from community facilities in the areas which are disadvantaged — Cr Phillip Healey and Liberals like him. In the case of this legislation I can say that we are not into Robin-Hood-in-reverse schemes. This bill is very sensible in terms of its compromise and its amendments, and I am delighted to support it.

Mr CRISP (Mildura) — I rise to make a contribution to the debate on the Electricity Industry Amendment (Premium Solar Feed-in Tariff) Bill. The Nationals in coalition are supporting the amendments.

Firstly, I would like to thank the member for Box Hill for his generous comments, and I acknowledge his work in changing what I thought was originally a dog of a bill into one that has earnt its name at long last as a premium piece of legislation. It has been a long and difficult process, which has ended satisfactorily. I believe the bill is a better and fairer piece of legislation for the work that has been done.

It was an absolute lay-down misère that the cap increase from 2.3 to 5 kilowatts had to happen; it was an absolute necessity, along with all the other amendments. We received a lot of advice from a number of groups, particularly Environment Victoria and the Mount Alexander Sustainability Group — two groups that came to see me and talked at some length about the issues involved.

The real gain made through these amendments is that they expand the use of solar photovoltaic systems beyond residential homes to schools, businesses and community groups. This is very important, particularly for schools. As we move forward in an energy-constrained future it is important that we get the right messages through to the minds of the future, being our children. It is important that they understand the options they have for an energy-constrained future. Putting panels on top of schools is an excellent teaching aid, so this legislation enables a big step forward to be taken.

My mother often said that she did not recall my brother and I being born in a tent but that it appeared that way. She also noted that we never turned the lights off. Perhaps the next generation will be wiser and will learn to use energy — something that our generation has taken for granted — far more carefully. The positioning of solar panels on roofs will do that for schools. It is not just the panels but also the technology that sits on the wall and monitors the consumption and use of power that bring a great understanding to those young minds about what will have to be done and what they can do.

Perhaps in the not-too-distant future the Parliament might see fit to install some photovoltaic cells on top of the offices of parliamentarians, which would make a contribution to the power supply. Perhaps I will have to talk to the Speaker about how we go about that into the future. One wonders whether the new commonwealth scheme will apply to parliamentary offices. It is another example of how we could enhance our solar industry.

I take on board what the minister has said about the costs, so now I would like to talk about the way costs can be driven. With demand driving costs, there are improvements being made with solar panels. I have looked at some cube technology, so I can see that we are moving ahead slowly but surely, inch by inch. The

big gain will come from the work that is being done on large-scale solar power.

A company called Solar Systems, which has a laboratory and assembly works at Abbotsford, a test facility at Bridgewater and plans to build a solar power station in Mildura, is working at getting that leading-edge technology out there and running, which I think will also help drive that efficiency on rooftops as that technology becomes more affordable. The commercial technology is much more efficient than the rooftop technology. The rooftop technology will grind out its efficiency inch by inch; however, the large-scale solar system style offers an opportunity to take a leap.

We need to continue to support large-scale commercial development, so I was extremely pleased this week to see that one more step has been taken for a large-scale solar development. The planning approvals have been completed under the Minister for Planning, so the site is through one of the hurdles, and I hope that Solar Systems can, step by step, move towards the end goal, which is to establish a large power station. That should bring other players to the market with various technologies that can move us forward.

For the information of the Acting Speaker, it appears that there are two technologies in solar energy, being solar voltaic and solar thermal, and the two have been leapfrogging each other over time. My current assessment is that solar thermal now has its nose in front.

Dr Sykes interjected.

Mr CRISP — Last time I tried to explain this in the party room it did not end well for me, so I will decline the offer to explain it in detail.

This legislation will help maintain competition at that leading edge between those two technologies in order to drive the improvement we need so that we can look to a sustainable solar future. The whole process is to be commended for getting it right when I believe it started wrongly. I have to admit that when this legislation first arrived I was incredibly disappointed, to use parliamentary language; however, the process has worked, but it has been very hard work for the Parliament. I have noticed and again acknowledge the effort that has had to be put in by the shadow Minister for Energy and Resources, the member for Box Hill, to get this legislation into a form in which it can work. I acknowledge that the minister has been receptive and that we have made it work, but it has been a long and difficult task. Victorians are now taking another small step towards having solar power as part of our future.

Mr CARLI (Brunswick) — I, too, am pleased to rise in support of the Electricity Industry Amendment (Premium Solar Feed-in Tariff) Bill, which is an important bill. Recently, before the bill was passed in the upper house, a number of people contacted my office to complain and ask about when the feed-in tariff bill was going to be passed and when they would get their incentives. These were people who had taken advantage of the federal government's $8000 rebate system as an incentive. They had already installed photovoltaic solar panels and were impatient with the deadlock that had occurred in the upper house, so it is very pleasing that the principal parties have been able to get together and support this bill and, importantly, support the amendments that now come back to us with the original bill.

The key to this is that there ought to be incentives for the use of small-scale photovoltaic (PV) systems in people's homes and in businesses, schools and community centres. That is exactly what we have here. The incentives are significant.

I will reflect on that point a little bit. Six years ago my family did a considerable amount of work on our home, applying energy efficiency principles to the construction of a second storey at the back of the house. We incorporated a lot of principles — solar hot water, passive heating and cooling, ventilation and insulation — seeking to reduce energy costs and demonstrate what you can do simply through smart building. When it came to the issue of photovoltaic systems, we looked at a 1-kilowatt hour system. It cost something like $15 000 plus — this was 16 years ago. It was very expensive. We had spent a lot of money on the house and were not in a position to find another $16 000.

I have recently reinvestigated the possibility of a 1.5-kilowatt hour system. This would involve the solar credit system that the federal government has introduced as a replacement of the previous rebate system. Using that, we could have a 1.5-kilowatt hour system installed in our house — and obviously installation costs differ from house to house — for around $5000. On my back-of-an-envelope reckoning I think we could save at least $500 from both savings to electricity bills and what we could get from a net feed-in tariff — essentially a return of 10 per cent — and that is being fairly conservative. It is not a bad return. It is certainly an incentive for me, my neighbours and others in my very environmentally aware community or similar communities to make such investments.

I know there has been a lot of debate around gross versus net tariffs, and certainly organisations in my electorate such as the Moreland Energy Fund and others, as well as individuals, have come to me and we have had arguments about this. At the end of the day we have come up with a system that provides a really attractive incentive when you see it as it complements the commonwealth government scheme. There is now the ability to see a massive uptake in solar energy systems. Look at South Australia, which has had a feed-in tariff. It has had considerably more uptake than Victoria has had. It has a bit more sun too, but it has certainly had a considerable uptake.

It is pleasing to have this house's support on all these amendments. They look at increasing the coverage of the feed-in tariff to small businesses, community groups and others, and also at increasing the individual system cap to 5 kilowatt hours. That is an important issue to reflect on, and obviously one that was called for by a number of environmental groups. It was previously going to be 3.2 kilowatt hours; it has now gone up to 5. It is an important step forward.

If you look at the systems that have been installed in my electorate in the last 12 months you see they are mostly 1-kilowatt hour systems, because that is what the commonwealth rebate was worth. The limit of the new solar credit is 1.5 kilowatt hours. Previously we were covering 98 per cent of solar photovoltaic systems in the state; increasing it to 5 kilowatt hours will mean that 99 per cent of systems will be covered. Certainly that cap will cover the vast bulk of small domestic systems. It is the incentive that the industry needs.

That is what we are really on about with the feed-in tariffs: it is an incentive. We want the industry to grow, but we also want the incentives to decline over time. We want the industry to be self-sustaining. As the minister said in his speech, we want an industry that can lower costs for individuals, be innovative and provide for change. That is the kind of industry that we want. I believe these changes are an important incentive, but we should not see the industry as one that will have to be subsidised forever. We want it to develop, lower its costs and become more accessible to all.

I wish these amendments a swift passage.

Dr SYKES (Benalla) — I wish to make a couple of brief comments on the Electricity Industry Amendment (Premium Solar Feed-in Tariff) Bill 2009. I indicate my support for the bill and the amendments to it. The amendments to the original bill are an example of democracy at work — the achievement of a good outcome through the democratic process and the goodwill of all parties involved.

The initial bill was criticised by many Victorians with an interest in encouraging the uptake of renewable energy, especially solar energy, and while the bill passed through the lower house without change, in the upper house the Liberal-Nationals coalition, the Greens and the Democratic Labor Party all argued strongly for change. The outcome that has been achieved reflects that, and also reflects, as I said, the goodwill of the government in working to take on board the changes.

I acknowledge the input of a number of my constituents who provided me with information in order to argue on their behalf — in particular, Piers Hartley from Mount Beauty, Ian Herbert from Lima, and many other constituents throughout my electorate, in particular from places such as Violet Town, Avenel and Mansfield. From Parliament I acknowledge the efforts of Peter Hall, a member for Gippsland in the upper house — —

An honourable member — Eastern Victoria.

Dr SYKES — Eastern Victoria, thank you. Peter Hall is an astute thinker. I also acknowledge the contribution of Peter Crisp, whose technical knowledge never ceases to amaze me. It challenges me at times to try to take on board what he is talking about, but his technical knowledge on this subject and many others is a resource that we should take on board as a Parliament as a whole. The member for Box Hill, in usual form, was very thorough, paid attention to detail and worked towards achieving a good outcome. The representative of the Democratic Labor Party in the upper house, Peter Kavanagh, should be acknowledged for his suggestion about putting a cap on the level of cost that other consumers may pay. I acknowledge the contribution of the Minister for Energy and Resources for being prepared to take on board these amendments and being involved in the negotiating process. With those few words, I wish the bill a speedy passage.

Ms RICHARDSON (Northcote) — It is my pleasure to rise to speak on the amendments before the house and about the commitment that Labor has to tackling climate change. At times we have ignored the climate sceptics amongst our Liberal and Nationals opponents and have pressed ahead with what is a very important part of the challenge before us in respect of dealing with the need to reduce carbon emissions.

The installation of solar panels is an important part of the solution in tackling climate change, but it is not the only solution. We must remember that solar panels are

the most expensive way to achieve carbon abatement compared with other carbon-free energy sources. Nonetheless Labor is keen to encourage the uptake of the use of solar panels among households, businesses and community groups, but will do it in a way that does not shift the burden of climate change onto those who are least able to afford it.

As a consequence of the amendments before the house, in my view this legislation will result in the most generous and fairest feed-in tariff scheme applying in any state in Australia. The amendments will improve the scheme as well as take into consideration the social costs of such a scheme. The first amendment extends coverage to community groups, small businesses and schools. This is an important amendment. It was drafted in response to community feedback following community consultation we undertook. It will ensure that non-residential customers will be able to access our premium feed-in tariff scheme and, as I said, community groups, small businesses, schools and the like will be able to now participate.

However, the feed-in tariff is absolutely not designed for big businesses, so we have put in a threshold that only businesses with an annual consumption of less than 100 megawatt hours and with one system per property can access the feed-in tariff scheme. This 100-megawatt-hour-per-annum threshold will allow around 95 per cent of business customers in Victoria to participate and will mean that close to 99 per cent of Victorian electricity customers will have access to the scheme. We think this is the right way to go to allow broader access to the scheme while keeping costs down. In a nutshell, it provides the right balance between what we need to do in respect of climate change and in keeping down overall costs for working families.

The second amendment deals with increasing the individual system cap to 5 kilowatts from 3.2 kilowatts. Again, I want to emphasise that the premium feed-in tariff scheme is designed to allow extra returns to Victorian households that install small-scale solar photovoltaic (PV) systems while keeping the costs down for everybody else across the state. The original 2-kilowatt cap that was announced in the original legislation would have covered over 90 per cent of the solar installations in the state; 3.2 kilowatts will cover more than 98 per cent of solar PV systems in this state. However, as a consequence of community consultation and subsequent feedback, we have resolved to increase the system size limit from 3.2 to 5 kilowatts and, as I said earlier, this will cover more than 99 per cent of solar PV systems in this state, which makes it a very good amendment indeed.

The last two amendments deal with setting a cap on the cost of the scheme at $10 per customer per year. This is a significant amendment as it addresses the social burden that arises from any feed-in tariffs, and I believe it is an important amendment to ensure that, as I said earlier, the social burden of climate change is not paid for by those who are least able to afford it.

The final amendment deals with reporting on this scheme in the Department of Primary Industries annual report. As I said, the feed-in tariff scheme that Labor is proceeding with will be the most generous and the fairest scheme applying in any state in Australia. I commend it to the house and wish the amendments a speedy passage.

Mr INGRAM (Gippsland East) — I rise to speak on the Legislative Council's amendments to the Electricity Industry Amendment (Premium Solar Feed-in Tariff) Bill 2009. I probably do so with a slightly different view than most of the members who have spoken previously. I quote the honourable member for Mildura, who when he was briefing his party room apparently said, 'This is a dog of a bill'. I think that was the comment that was made in the Parliament in the debate on the original legislation.

The interesting thing about this piece of legislation and the process it has gone through, including the amendments that were made in the other place, is that in my view it still will not provide the incentive and the future direction needed to really encourage investment in solar panels that I believe we need if we are to move from a carbon coal electricity industry to one based on renewables. I am a member of the Environment and Natural Resources Committee, which is currently looking at the issue of red tape in response to a reference to inquire into red tape barriers to renewable generation. We have taken some evidence on this type of thing. However, in relation to the legislation I was pretty well the only one who spoke in the debate in this chamber on the real differences between the net feed-in tariff and the gross feed-in tariff. In my view the amendments should go much further and should support the gross feed-in tariff, which in my view places us outside the accepted practices right around the world.

With respect to the process we have gone through here, a bit of a campaign was run in an attempt to amend the legislation. I congratulate those involved in that, because they did raise the profile of the issue to a very high level, and a number of constituents contacted me about it. That debate was really happening when this bill was between houses. It had already passed through this house, and I was able to inform my constituents of

my position on it when the bill was debated in this chamber. The member for Box Hill was invited to speak at the rally that was held on the front steps of Parliament on this particular issue. The issue was really about changing from a net tariff to a gross feed-in tariff. The member spoke at the rally. I think he was in a difficult position because I do not think his party had made a decision at that time. It appears it has supported the government's position on the net feed-in tariff. I think that is wrong. This bill would have been much better if the gross feed-in tariff had been insisted upon.

I encourage members to look at the research brief that was provided by the parliamentary library. The library staff do a great job with the research briefs. I will quote a couple of comments which I think are very pertinent to this discussion. The research brief states:

> Garnaut argues that because a net feed-in tariff only pays for the energy exported to the electricity grid, a gross feed-in tariff is the more appropriate approach for addressing market failure, because 'the two externalities from embedded generation are present for every unit of electricity produced, not just the amount sold'. In this instance, the market failure he refers to is the failure of the market to reward embedded generators for a deferral in network augmentation and a reduction in network losses.

The research brief also says that net metering is out of step with prevailing practice. It states:

> A net feed-in tariff is out of step with prevailing international practice: 'Of the 45+ international examples of feed-in tariff, Australia appears to be unique in adopting this form of metering for feed-tariffs'.

There has also been a large amount of discussion about the German model, and I point out that a number of people have spoken about its success. The research brief contains a lot of comment about overseas jurisdictions and the success of the gross feed-in tariff, comparing that to Australia and looking particularly at that German experience. It is a clear argument that the gross feed-in tariff has been the driver for the major increase in solar photovoltaic cell systems around the world.

In my view the amendments do not go far enough. Whilst I acknowledge those amendments improve the bill, they do not improve the legislation to the level that we need to go to encourage householders and others to invest in renewable generators for. I note the comments made about the need for schools and small businesses to invest in renewables and so provide an offset for the electricity they use and to make our country much greener in the way it supplies electricity.

There are enormous opportunities out there for solar rooftop panels to be installed. The international experience shows that they provide great opportunities for householders and others to increase electricity production. In my view this bill does not go far enough. We would get a much better outcome if we had moved to the international standards, which is that gross feed-in tariff. The government has missed an amazing opportunity. It should have gone down that path. I am very disappointed to be voting against the amendments.

Mr HOWARD (Ballarat East) — I am pleased to speak briefly on the amended feed-in tariff bill that is now before the house. I am pleased to see that it has come back to the house so that we can pass this piece of legislation and see feed-in tariffs become a reality for people considering putting photovoltaic cells on their roofs. As we know, this government is very supportive of the generation of renewable energy in the state. Through the Victorian renewable energy target scheme and other direct actions this government has taken, we have seen a range of renewable energy projects established around the state.

I live near Waubra. Over the last year and a half I have seen the establishment of the largest — to this stage — wind farm in the Southern Hemisphere going ahead just near my place and have seen the wind turbines in operation. Wind power is a useful form of renewable energy and a fairly efficient means of producing it. We know that large-scale solar energy is perhaps the next most efficient form of renewable energy production, and we know that this government has supported, to the tune of $100 million, the construction of a large-scale solar power station in this state.

In terms of photovoltaic cell installation on houses and buildings — they might be school buildings or buildings owned by small business — this government is prepared to support people who are looking at that opportunity. It is great to see that many people have put photovoltaic cells on their roofs. They recognise that they are making their own contribution to addressing global warming and reducing our carbon footprint.

We want to work together with the federal government. It has established a solar credit system which is acting as an incentive for people to put in photovoltaic cells. But we know that people in this state have been calling for the feed-in tariff system. Some time ago we introduced legislation which proposed a very generous net feed-in tariff system, and it is unfortunate that the bill has been tied up in the upper house for some time.

However, it is pleasing to see that discussions have taken place between the major opposition parties and this government which have resulted in the bill now being agreed to with amendments and coming back to

this house. In the very near future we should see the changes agreed to and the net feed-in tariff system operating in this state.

Four changes have been proposed. Other members have spoken about them. They include extending the coverage to small businesses, schools and other community groups; agreeing to systems which go from a maximum of 3.2 kilowatt capacity to 5 kilowatt capacity; and setting in place a cap. We did not think a cap was necessary, because one of the things we have been concerned about with this system is that it should not result in customers paying more than necessary for their electricity bills. It will not cost more than $10 per customer per year, and we have agreed to include that in the legislation. We have also agreed to have a report of the operations included in the Department of Primary Industries annual report. We think these are sensible amendments.

Another issue raised by some of my constituents, which was also raised in the upper house, was a gross feed-in tariff. This was not accepted by the government and the other major parties. We believed it would be unnecessarily costly for electricity customers across the state to be paying gross feed-in tariffs, which would see those people who have put photovoltaic units on their roofs not only being generously paid for the electricity that they put into the grid, but also being generously paid by other electricity customers for the electricity that they were themselves using in their homes. We thought that was an unnecessary significant additional cost, and I am pleased to see that upper house members were of the same view.

As the member for Brunswick has stated, in South Australia there has been a significant take-up of photovoltaic cells. Following the establishment of a net feed-in tariff scheme, we believe this will also be the case in Victoria. The member for Brunswick also pointed out that with the federal incentives on top of this scheme, photovoltaic cells will be much more cost effective and many people will see that converting to solar power is appropriate and it will be something they want to do.

I certainly support this legislation, and I am pleased to see it finally moving through this house. I know that many people in my electorate who would love to install photovoltaic cells but were waiting on this initiative will now feel keen to go ahead and we will see a significant increase in the production of clean energy by way of photovoltaic cells once this bill has passed.

Mr THOMPSON (Sandringham) — I wish to pay tribute to the fine work undertaken by the members for Box Hill and Mildura in securing some reforms that were part of the work of the upper house in sending this bill back to this chamber. Under the agreement reached with the coalition the Brumby government has now amended the scheme initially introduced into this place so that businesses, farms, schools, community facilities and other non-residential customers can qualify for the 60 cents per kilowatt hour feed-in tariff if their annual electricity consumption is less than 100 megawatt hours. This will make the scheme available for around 95 per cent of Victorian non-residential electricity customers, and customers will also be able to install a solar facility of up to 5 kilowatts at their property rather than the present 3.2-kilowatt maximum.

The opposition is disappointed that the government has insisted on excluding from the scheme residences other than the principal place of residence and limiting the maximum solar facility size to 5 kilowatts.

Another comment I wish to make relates to Terry McCrann's column in yesterday's *Herald Sun* in which he quoted the federal Minister for Resources and Energy, Martin Ferguson, as saying:

> Every four months, from now until 2020, China will build new coal-fired power stations possessing the same capacity as … Australia's entire coal-fired power sector.

There is a salutary lesson here for Australia as we look at ways of developing alternative forms of energy, be they solar, thermal or wind power. I note also that a project totalling $600 million in investments will be built in Mildura, with the site to be selected shortly. Last week developers were looking around the Red Cliffs region for the site of a new solar-powered generation plant. While Australia is taking a cutting-edge role in the use of solar energy in a number of respects, we still need to understand how baseload power is being generated around the world and the realities of that as we deal with other important issues.

Mr BATCHELOR (Minister for Energy and Resources) — I thank members who contributed to the debate on this bill today. This is a significant piece of legislation. It means that in Victoria we will have the best piece of legislation in any Australian state in terms of feed-in tariffs. This legislation will produce the highest feed-in tariff rate in any Australian state and at the same time deliver the fairest scheme. This has been done with very strong support from both chambers — a vote of, I think, 36 to 4 in the upper house. This will put an end to gross schemes not only here in Victoria but in all the other Australian states. No Australian state will go down the path of introducing a gross tariff. The one jurisdiction that has a gross tariff, the ACT (Australian Capital Territory), where the above-average income

from all those commonwealth public servants is distorting the outcome, in all likely circumstances will move away from its gross scheme because it is currently sending it broke.

I thank all members who have contributed to the debate on this bill today and when it was first before the chamber.

The DEPUTY SPEAKER — Order! I will put the question.

Mr Ingram — I understand I am the only voice for the noes. Instead of calling for a division, I would like to have my dissent recorded.

The DEPUTY SPEAKER — Order! I shall put the question, and if I am satisfied that the honourable member for Gippsland East is the only vote for the noes, I will act accordingly. The question is:

That the motion be agreed to.

All those in favour say aye.

Honourable members — Aye.

The DEPUTY SPEAKER — Order! All those against say no.

Mr Ingram — No.

The DEPUTY SPEAKER — Order! I am satisfied that the member for Gippsland East is the only no vote on this question and therefore his dissent will be recorded.

Motion agreed to.

CEMETERIES AND CREMATORIA AMENDMENT BILL

Statement of compatibility

Mr ANDREWS (Minister for Health) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:

In accordance with section 28 of the Charter of Human Rights and Responsibilities ('the charter'), I make this statement of compatibility with respect to the Cemeteries and Crematoria Amendment Bill 2009.

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

Overview of bill

The bill amends the Cemeteries and Crematoria Act 2003 to provide for the further management and constitution of cemetery trusts and to make other miscellaneous amendments to that act.

Human rights issues

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

The bill engages two human rights protected by the charter:

taking part in public life: section 18 of the charter protects the right, and the opportunity, to participate, without discrimination, in the conduct of public affairs, and to have access to public office;

privacy: section 13 of the charter provides that 'a person has the right not to have his or her privacy … unlawfully or arbitrarily interfered with'.

Clause 21 — insertion of new part 2A: additional requirements for 'class A' cemetery trusts

New section 18D contained in clause 21 of the bill requires each new class A cemetery trust to establish at least one community advisory committee (CAC) which consists of members being appointed by a class A cemetery trust. The establishment of a CAC will be for the purpose of liaising with communities to which the class A cemetery trust provides cemetery or crematoria services. New section 18F makes provision for the membership and procedure of such committees, with paragraph (2) requiring a class A trust, in appointing persons to a CAC, to give preference to a person who is not a funeral director or a stonemason or the holder of a similar position.

Section 18: taking part in public life

Requiring a class A trust to give preference to one particular group over another in making appointments to a CAC may limit the participation in the conduct of public affairs of the members of those groups which are not given preferred status. Participating in public life is considered to include participation in public debate and in the development of policies affecting the community. While section 18F does not of itself prevent funeral directors or stonemasons or holders of similar positions from being appointed, there may be cases where this may occur in practice if there are sufficient appropriate and interested community members other than funeral directors or stonemasons who are considered by the cemetery trust, in accordance with the community advisory guidelines, to be appropriate for appointment to a CAC.

Section 18 does not prescribe the ways in which the opportunity to participate in public affairs may be expressed. The opportunity to participate in public life is not completely removed in the circumstances described above, as funeral directors, stonemasons and holders of similar positions already form part of the cemeteries and crematoria sector and liaise with cemetery trusts on various issues on a regular basis. Therefore, should these persons not be appointed because other persons are appointed instead, they will still have the opportunity to participate through their natural course of business or by becoming a member of other community organisations such as historical groups and 'friends' of the various cemeteries who are responsible for

supporting the cemeteries and providing community input into their operation.

However, participation in CACs is one significant way in which interested people may participate in public affairs in relation to the management of cemeteries and crematoria, and restriction of access to this arena of participation as a result of the provisions of section 18F does limit the rights of funeral directors or stonemasons under section 18 of the charter.

Consideration of reasonable limitations — section 7(2)

Section 7(2) of the charter, however, permits rights to be subject to 'such reasonable limits as can be demonstrably justified in a free and democratic society.' The limits to section 18 by virtue of clause 18F of the bill are considered reasonable and justifiable in a free and democratic society for the purposes of section 7(2) of the charter having regard to the following factors:

(a) the nature of the right being limited

The right to have the opportunity to participate in the conduct of public affairs and to have access to public office without discrimination is fundamental to a free and democratic society. However, the right is not considered absolute at international law and can be subject to reasonable limitations under section 7(2) of the charter.

(b) the importance of the purpose of the limitation

The purpose of the limitation is to ensure that CACs reflect as fully as possible the community in which the relevant class A cemetery trust operates and is not captured or dominated by those who derive their income from work that involves frequent association with cemetery trusts, or whose income might be affected by decisions made by those trusts. This is to ensure that advice given by the CACs to the trusts is unbiased and reflects community interests. This is of considerable importance in light of the fact that the proposed changes to cemetery governance have been developed in response to the concerns raised by the Auditor-General and the State Services Authority about the governance and operations of cemetery trusts. The proposed bill includes a clearer governance and regulatory structure for cemetery trusts and is designed to provide a more effective structure through which members of the community may enjoy their section 18 rights.

(c) the nature and extent of the limitation

The limitation is made as narrowly as possible. Funeral directors, stonemasons and holders of similar positions are not prevented from being appointed to CACs; cemetery trusts must only give preference to other community members when making appointments, and only where preference is able to be given. As noted above, should this result in some such individuals not being appointed to a CAC, this would not limit their engagement with the relevant trust and their participation in public affairs associated with cemeteries through other avenues.

(d) the relationship between the limitation and its purposes

There is a direct relationship between the limitation and its purpose because it seeks to prevent the dominance of a CAC by those with a financial interest in the businesses associated with cemeteries and crematoria and so enable the CACs to be grounded in the broader community and so better able to advise the trusts appropriately.

(e) any less restrictive means reasonably available to achieve its purpose

There are no less restrictive means to achieve this purpose because trusts have only to give preference to those other than funeral directors, stonemasons and holders of other similar positions in appointments to CACs.

It is therefore considered that clause 21 is compatible with section 18 of the charter.

Clause 25 — insertion of new schedule 4: creation of new 'class A' cemetery trusts

Clause 25 of the bill inserts a new schedule 4 in the Cemeteries and Crematoria Act 2003. Schedule 4 provides for the abolition of the 10 metropolitan cemetery trusts which currently report to Parliament under the Financial Management Act 1994 and the creation of two new 'class A' cemetery trusts. These new trusts will take over responsibility for the public cemeteries which are currently the responsibility of those 10 metropolitan cemetery trusts. A new governance and regulatory framework for the new trusts is also set out in the bill.

Section 13: privacy

When the 10 cemetery trusts amalgamate to form two new 'class A' cemetery trusts, there will be potential privacy implications: all client, employee and contract records will be transferred to the newly created trust resulting from amalgamation.

In addition, the legal personality of the cemeteries service provider will change and staff will be employed by a different employer, which will be the newly created trust. The same transfer of responsibilities will occur in relation to any contractual or other arrangements with third parties. Any personal information of these staff, contractors and others will, as a consequence, be held by the new entities.

It is considered that any such impacts will not limit the right to privacy as any such aspects of privacy would not be unlawfully interfered with. Any changes in the handling of cemetery information or personal information, and any other related privacy impacts that flow from the change to a new entity as employer or contractor, will be the natural consequence of the creation of the new amalgamated entities. The new trusts will be subject to the same laws regarding privacy and use of personal information as the old trusts, with the exception of any changes imposed by the bill itself.

There will be no arbitrary interference with privacy. The amalgamation process will be developed as part of a structured and considered process arising out of the government's review of cemetery governance arrangements.

Furthermore, the transfer of all responsibilities to the amalgamated entity ensures continuity of cemetery services. It facilitates the ability of staff to work for the new organisation, and for clients to continue to receive cemetery-related services without any loss of continuity. The transfer of all such information and relationships is to achieve the purpose of the amalgamations, which is to better manage the provision of cemetery services. As such, there will not be an arbitrary interference with privacy.

It is therefore considered that clause 25 of the bill does not limit section 13 of the charter.

Clauses 36 and 37: audit powers

Clauses 36 and 37 of the bill amend the powers of the Secretary to the Department of Human Services (the secretary) in relation to audits of cemetery trusts by enabling the secretary to commission a performance audit of a cemetery trust. This proposed power is in addition to the secretary's existing power to commission a financial audit.

Section 13: privacy

An auditor appointed to undertake an audit will have the right to enter trust premises and inspect trust records, copy any relevant records and interview trust employees and members upon request. This will mean that the auditor may have access to personal information relating to holders of rights of interment in public cemeteries managed by the trusts. In addition, in smaller rural cemetery trusts, which are almost entirely run by volunteers, it is possible that some trust records may be kept at a trust member's home.

Privacy rights under the charter include protection from unlawful and arbitrary interference with a person's home and a person's privacy. The bill permits an auditor to 'enter any premises of the cemetery trust' in order to carry out the audit and exercise the auditor's powers. 'Premises of the cemetery trust' would not extend to the home of a trust member, as the bill excludes residential premises from the term 'premises of the cemetery trust'. Therefore, the bill does not authorise an auditor to enter a trust member's home even if trust records were located at the person's home. In such a case, the auditor may request the trust member to produce the trust records to the auditor.

An auditor will only be able to access personal information during an audit in circumstances where the audit has been lawfully commissioned by the secretary under the Cemeteries and Crematoria Act 2003, and the auditor would only access and examine those records which were relevant to the scope of the audit. Therefore, an auditor's access to personal information in the conduct of an audit will neither be unlawful nor arbitrary. The bill will impose confidentiality requirements on auditors, so that they may only use information gathered in the course of an audit for the purposes of the audit and may not disclose confidential information regarding the trust, other than to report to the secretary.

It is therefore considered that clauses 36 and 37 of the bill do not limit section 13 of the charter.

Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities because to the extent that some provisions do raise human rights issues:

(a) these provisions do not limit human rights; or

(b) to the extent that some provisions may limit human rights, those limitations are reasonable and demonstrably justified in a free and democratic society.

Hon. Daniel Andrews, MP
Minister for Health

Second reading

Mr ANDREWS (Minister for Health) — I move:

That this bill be now read a second time.

In the past year, the government has overseen major amendments to existing health legislation such as the Public Health and Wellbeing Act, and the passage of new legislation including the Cancer Amendment Act, and the Human Services (Complex Needs) Act. This legislation continues this government's commitment to ensuring that our public institutions continue to reflect the changing needs of the Victorian community.

This bill seeks to make amendments to the Cemeteries and Crematoria Act 2003. This legislation will enable a series of changes to Victoria's cemetery sector which will ensure that this sector meets the expectations of the Victorian community into the future.

Burial and memorial grounds are all regarded as special places by our community. These sites are monuments to our collective history, and provide an important role in helping us to respond to loss individually.

Victoria's religious and secular burial and memorial sites are public cemeteries which are managed by over 500 cemetery trusts under the Cemeteries and Crematoria Act 2003.

There has been a proud tradition of volunteerism in the cemeteries sector for over 150 years.

Today, Victoria's cemetery trusts range from small rural trusts that may perform one or two burials a year to large multimillion-dollar enterprises which manage substantial investment funds.

Currently all Victorian cemetery trusts are governed by volunteers. All trusts have the same statutory governance framework, regardless of the size and scale of their operations.

While volunteer trust members have served our community very well, this 'one-size-fits-all' model of cemetery trust governance is no longer appropriate.

This bill is designed to ensure that cemetery and crematoria services are well placed to meet the needs of our community and future generations of Victorians. Its purpose is to improve the governance and accountability of cemetery trusts, focusing especially on the large entities that report to Parliament under the Financial Management Act 1994, and to make some housekeeping changes to improve the administration of the Cemeteries and Crematoria Act 2003.

The bill creates two classes of cemetery trusts. These are described as class A trusts and class B trusts.

Class A trusts will have the enhanced statutory functions and accountabilities set out in the bill.

The overwhelming majority of trusts will be class B trusts. These trusts will continue to be governed by volunteers and the statutory framework applicable to them will be essentially unchanged. However, the bill provides enhanced powers for the Secretary of the Department of Human Services to commission audits of cemetery trusts. These powers will apply to class A and class B trusts alike.

Class A trusts will comprise between six and nine members (including the chairperson), selected for their skills and expertise and appointed by the Governor in Council. These members will receive payment in accordance with government guidelines for the remuneration of members of public bodies.

These trusts will have a statutory role of providing assistance and guidance on request to class B trusts in their designated 'catchments'. This will formalise the role that is currently played by the larger trusts in relation to the smaller trusts in their areas.

The bill requires class A trusts to establish community advisory committees. The bill gives the secretary of the department the capacity to make guidelines about the membership, composition and procedure of these committees.

The intent is that community advisory committees will reflect the perspectives of the diverse communities and consumers served by cemetery trusts (for example, local area knowledge, religious, cultural and heritage perspectives) rather than the views of service providers in the funeral industry. Accordingly the bill requires the trusts, in making appointments to these committees, to give preference to individuals who are not stonemasons or funeral directors.

Class A trusts must prepare and submit annual plans and strategic plans to the secretary of the department. These provisions are designed to ensure that the planning undertaken by class A trusts is broadly aligned to the planning proposed to be undertaken by the government for the provision of cemetery and crematoria services.

Mechanisms for the establishment of class A trusts

The bill will establish three new class A trusts. These new entities will be the successors in law of certain existing cemetery trusts which are being reorganised.

Secondly, the bill will convert the existing Bendigo, Ballarat and Geelong cemetery trusts into class A trusts, without making changes to the structure or composition of those legal entities. These trusts will continue to be the same bodies, despite their conversion into class A trusts under the bill. However, these trusts will have the enhanced duties and accountabilities that are applicable to members of class A trusts generally. The members of these trusts who hold office immediately before the conversion will continue to hold that office for a three-year period. Subsequent appointments will be made under the provisions of the bill applicable to all class A trusts.

The bill also enables the establishment of further class A trusts and the conversion of class B trusts into class A trusts (and vice versa), in the future. Conversion can occur where, in the opinion of the responsible minister, it is in the public interest, having regard to matters such as the size or scale of the operations of a cemetery trust and the communities served by the trust.

This recognises that, over time, changes within the sector may make it desirable for further cemetery trusts to be subject to the enhanced duties and accountabilities applicable to class A trusts under the bill.

Reorganisation of certain cemetery trusts

The bill will facilitate efficient organisational change to 10 cemetery trusts in the metropolitan area that currently report to Parliament under the Financial Management Act 1994.

It will also facilitate the efficient transfer of responsibility for the Mildura and Murray Pines public cemeteries from the Mildura regional shire council to a newly created Mildura Cemetery Trust.

The bill provides for the creation of two new metropolitan class A trusts and the transfer of the property, rights and liabilities and staff of the 10 cemetery trusts to these new entities.

The Greater Metropolitan Cemetery Trust will be the successor in law of the following cemetery trusts, responsible for the public cemeteries that are currently managed by them:

the Trustees of the Altona Memorial Park;

the Trustees of the Fawkner Crematorium and Memorial Park;

the Keilor Cemetery Trust;

the Preston Cemetery Trust;

Wyndham Cemeteries Trust;

the Anderson's Creek Cemetery Trust;

the Lilydale Cemeteries Trust; and

the Templestowe Cemetery Trust.

The Southern Metropolitan Cemetery Trust will be the successor in law of the Cheltenham and Regional Cemeteries Trust and the Trustees of the Necropolis Springvale.

The result will be two large metropolitan cemetery trusts that are comparatively equal in economic size and scale. The remaining class B (volunteer-governed) metropolitan cemetery trusts will continue to operate alongside these new major trusts.

Some of the metropolitan public cemeteries that are subject to change are currently managed by municipal councils. Separate cemetery trusts exist to govern these council-managed public cemeteries. For example, the Keilor Cemetery Trust is a separate legal entity established under the Cemeteries (Incorporation of Trusts) Regulations 1995, for which the Brimbank City Council constitutes the trust members.

However, despite the existence of separate cemetery trusts to govern council-managed cemeteries, there may be cases where, in practice, staff or equipment are shared between the cemetery and the council. Accordingly, the bill provides a mechanism to facilitate the transfer of specifically identified property, rights, liabilities and staff of councils to the new successor trusts by agreement. In these circumstances the new trusts will become the successors in law in respect of the property, rights and liabilities that are transferred to them under the bill.

Levy

The bill also provides for an annual levy to be payable by class A trusts of 3 per cent of their gross annual earnings for the previous financial year. The bill enables the levy rate to be varied if required in the future, up to a maximum of 5 per cent of gross annual earnings.

The levy is an essential measure to provide a sustainable source of funds to enable improvements in cemeteries governance and administration, and support for cemetery trusts. The Auditor-General and the State Services Authority have identified the need for improvements in their recent reports regarding cemeteries governance.

More than 500 cemetery trusts in Victoria will remain governed by volunteers. The government recognises that these trusts will only be able to meet today's expectations of governance and accountability if they receive appropriate assistance and support. The levy is intended to enable practical assistance to be provided to cemetery trusts on an ongoing basis for matters such as governance training, improvements in records management and data systems, development of standard documentation and guidance on trust rule-making in consultation with local communities.

The levy is also intended to provide a sustainable source of funds to assist small trusts, especially those in rural Victoria, to maintain their cemeteries. These funds will assist small trusts to purchase equipment, construct storage sheds and facilities for cemetery visitors, and to undertake other improvements or works required for safety purposes.

Administrative changes

The bill also makes some administrative changes to the Cemeteries and Crematoria Act 2003 to improve its functionality. For example, it enables the reopening of cemeteries or parts of cemeteries that have been closed under this act or its predecessor legislation. This power was in the Cemeteries Act 1958 but did not transmit to the current act.

Finally, I would like to pay tribute to the tremendous efforts of all of the volunteers in the cemeteries sector throughout Victoria who give their time and effort to govern these entities and support their local communities.

I would particularly like to thank the members of the 10 metropolitan trusts that are subject to change, and the Mildura Cemetery Trust, for the valuable service they have given to their communities over many years in their capacity as trust members.

I commend the bill to the house.

Debate adjourned on motion of Mrs SHARDEY (Caulfield).

Mr ANDREWS (Minister for Health) — I move:

That the debate be adjourned for two weeks.

Mrs SHARDEY (Caulfield) — I do not wish to have an argument about this in the house, but on the question of time I suggest to the minister that consideration be given to not bringing this important piece of legislation back on at the next sitting date, which is 11 August, because that only gives us next

week to consult widely across Victoria in relation to what is very important legislation. Without wanting to divide on this issue, I am asking that consideration be given to allowing a reasonable period of time for consultation, given the importance of this legislation, which I do not underestimate. That is my request to the minister.

Motion agreed to and debate adjourned until Wednesday, 12 August.

RACING LEGISLATION AMENDMENT (RACING INTEGRITY ASSURANCE) BILL

Statement of compatibility

Mr HULLS (Minister for Racing) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:

In accordance with section 28 of the Charter of Human Rights and Responsibilities (the charter), I make this statement of compatibility with respect to the Racing Legislation Amendment (Racing Integrity Assurance) Bill 2009.

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

Overview of bill

The main objectives of the Racing Legislation Amendment (Racing Integrity Assurance) Bill 2009 are:

(a) to amend the Racing Act 1958 (Racing Act) —

i. to establish the position of racing integrity commissioner (RIC) to oversee integrity procedures and act in a quasi ombudsman role for the Victorian racing industry

ii. to establish new racing appeals and disciplinary boards for Greyhound Racing Victoria (GRV) and Harness Racing Victoria (HRV) based on the current model in place for thoroughbred racing

(b) to amend the Gambling Regulation Act 2003 to repeal the ban on the transmission of betting odds from racecourses.

The bill will also amend the Racing Act to abolish the Racing Appeals Tribunal and confer its jurisdiction for hearing appeals against decisions of the racing appeals and disciplinary boards on the Victorian Civil and Administrative Tribunal.

Context

Early last year the government appointed Judge Gordon Lewis AM to review integrity assurance in the Victorian racing industry. In August 2008 Judge Lewis released the report of his review, containing 63 recommendations to strengthen integrity assurance in the industry. This bill provides for the implementation of specific recommendations in the report.

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

Privacy

Section 13 — Privacy and reputation

A person has the right —

(1) not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with; and

(2) not to have his or her reputation unlawfully attacked

Power of the racing integrity commissioner to disclose information

Section 37E of this bill will give the RIC the power to disclose integrity related information to a number of bodies and persons as listed in the section. This power will involve the disclosure of information that may include personal information.

This provision engages but does not limit section 13 of the charter.

Judge Lewis, AM, in his report cited 'the difficulty in dealing with unlicensed persons, and particularly … matters drawn to [Judge Lewis's] attention by Victoria Police' as highlighting the need for this provision. The power of the RIC to disclose information to Victoria Police and other law enforcement agencies and persons is an integral part of this bill and the government's strategic approach to bolstering integrity assurance in the Victorian racing industry.

While this provision engages the right to privacy, it does so in a manner that is neither arbitrary nor unlawful. The interference is not arbitrary because in performing his or her functions to disclose information the RIC will be subject to the Victorian Information Privacy Act 2000. Furthermore, in accordance with Judge Lewis's report, the RIC will decide in each particular case what information should be disclosed and to whom. The RIC will be able to disclose only integrity related information — for example, the relevant rules of racing or laws the information relates to, the nature of the alleged breach of these rules or laws, and, as appropriate, the identities of the persons alleged to be in breach of these rules or laws — and to a limited number of bodies and persons as listed in section 37E.

This function of the RIC is necessary in instances where information is forthcoming that relates to alleged breaches of the rules of racing, the potential committal of criminal offences, or other general matters concerning possible breaches of integrity in the racing industry. It is essential to any subsequent investigation that 'integrity related information' is disclosed to enable a full and proper investigation by the appropriate agency.

The meaning of 'integrity related information' is broad and not limited to the matters enumerated in section 37E(2). An overly prescriptive definition may exclude the type of

circumstances which led to the review by Judge Lewis, that is, an incident that did not technically involve a breach of the rules but rather a breach of integrity principles. The broader meaning of 'integrity related information' would take in such information and allow the RIC to act on it where appropriate. It is not practicable to provide an exhaustive definition of the wide range of circumstances which may be considered to involve integrity related information, without potentially impeding the effective functioning of the RIC.

The RIC will only disclose information 'as appropriate'. In addition, the RIC will be accountable for the manner in which he or she exercises the functions of office, including the disclosure of information. Pursuant to section 37F the RIC will deliver to the minister an annual report on the performance of his or her functions or the exercise of his or her powers, and integrity related issues he or she determines are in the public interest, which will be tabled in Parliament.

The exercise of this function will serve to strengthen the public perception that the utmost is being done to ensure the integrity of the industry is upheld and to protect all its participants.

Fair hearing

Section 24 — Fair hearing

> *(1) A person charged with a criminal offence or a party to a civil proceeding has the right to have the charge or proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing.*

This bill contains a number of provisions which engage section 24 of the charter.

Racing appeals and disciplinary boards

> Part IIA of the bill establishes a new Racing Appeals and Disciplinary Board (RADB) which will hear and determine appeals and disciplinary matters in relation to HRV
>
> Part IIIA of the bill establishes a new RADB which will hear and determine appeals and disciplinary matters in relation to GRV.

Both RADBs will be established and operate in a manner that is compatible with the requirements of section 24 of the charter, namely they will be established in a manner that ensures they are independent, impartial and competent; and they will conduct hearings fairly and in public.

Competent, independent and impartial

In accordance with the recommendations of the Lewis report the RADBs will be constituted in a way that guarantees their competence, independence and impartiality.

Sections 50E–50F and 83E–83F prescribe that for a person to be appointed to the position of chairperson and deputy chairperson of the HRV and the GRV RADB respectively he or she must be an Australian lawyer of no less than seven years standing. In addition, pursuant to sections 50H and 83H the Minister for Racing will be able to remove from office any member of the HRV and the GRV RADB respectively, who is not acting in his or her office responsibly or is not capable of satisfactorily performing the functions of the office.

Sections 50E–50F and 83E–83F impose strict qualification and conflict of interest requirements in relation to the chairperson and deputy chairperson of the HRV and the GRV RADB respectively. In addition, sections 50H and 83H will give the Minister for Racing the power to remove any member of the HRV and the GRV RADB respectively for a failure to avoid any conflict of interest.

Fair and public hearing

Sections 50N(1)(k) and 83(1)(k) provide that the HRV and the GRV RADB respectively will be bound by the rules of natural justice.

Sections 50N(1)(g) and 83N(1)(g) provide that the HRV and GRV RADBs respectively will conduct their hearings in public, unless it is in the public interest or in the interests of justice to hold proceedings in private.

Sections 50N(1)(j) and 83(1)(j) stipulate that the HRV and the GRV RADB respectively must give reasons for decisions. Sections 50P(3) and 83P(3) impose an obligation on the HRV and the GRV RADB respectively to provide written reasons for their decisions upon request by a party to the proceeding.

Penalties under $250

Sections 50J(1) and 83J(1) provide that where a person is fined an amount under $250 he or she does not have an automatic right of appeal against the decision.

These provisions do not engage the right to fair trial for the following reasons.

Section 24(1) of the charter guarantees the right to a fair and public hearing in relation to "civil proceedings". In the case of *Kracke v. Mental Health Review Board* [2009] VCAT 646 (Kracke) Justice Bell held that the expression "civil proceeding" covers some administrative as well as judicial proceedings.

However, Justice Bell recognised in Kracke that not all administrative decision making processes are afforded the full protection of the right to fair trial. His Honour held that '[w]hether a person or body exercising an administrative jurisdiction is doing so in a civil proceeding must be assessed on a case by case basis.' This conclusion was based on the case law in relation to the right to a fair trial in other jurisdictions.

In Communication No.83/1998 (*Kolanowski v. Poland*) the United Nations Human Rights Committee (the committee) concluded that not every administrative decision is subject to the full rights guaranteed by the right to a fair trial, article 14 of the International Covenant on Civil and Political Rights. In general comment 32 on article 14 (23 August 2007), the committee expressed the view that the right would not apply where domestic law does not grant any entitlement to the person concerned. In the context of the present bill participants in the racing industry engage voluntarily in strictly regulated activities and thus agree to be subject to the imposition of penalties, some of which cannot be automatically appealed.

The European Court of Human Rights has said that the right to a fair trial, article 6 of the European Convention on Human

Rights, only applies where there is a 'genuine and serious dispute' (*Benthem v. the Netherlands* judgement of 23 October 1985, series A no. 97, p. 14, para 32). The imposition of a fine of a small amount, that is, under $250, cannot be described as being sufficiently serious where the legislation allows for the imposition of fines of up to $75 000.

The imposition of a threshold of $250 is necessary in the interest of the economic and efficient operation of the racing industry. Applied consistently across the racing codes, the new provisions will ensure that appeals are not lodged for all minor financial penalties, which could present an unreasonable burden on the appeals and disciplinary bodies. It is worth noting that in the case of greyhound racing, this bill will provide for a reduction in the threshold, that is, an amount that is half the $500 threshold that currently exists.

This legislation addresses inconsistencies in the present system and provides an avenue for appeal where no such right exists. Currently, HRV does not allow an appeal for monetary penalties of not more than $250, while GRV provides those fined not more than $500 with the option to apply in writing to the chief executive officer to be granted the right to appeal to the GRV domestic appeals board. This bill provides an independent arbiter, the RIC, who has the power under sections 50K and 83K to consider appeal requests from licensed persons across the codes who have been fined not more than $250. At the RIC's discretion, he or she may direct a RADB to hear the appeal if the RIC believes it is in the public interest.

Where the RIC determines there are insufficient grounds to allow an appeal, the aggrieved person will still have the right of appeal against the RIC's decision on points of law to the Supreme Court of Victoria.

Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities because, to the extent that any provisions of the bill engage human rights, those provisions do not limit any human rights.

Hon. Rob Hulls, MP
Minister for Racing

Second reading

Mr HULLS (Minister for Racing) — I move:

That this bill be now read a second time.

The main objective of this bill is to provide for the implementation of a number of key measures aimed at strengthening the provision of integrity assurance in the Victorian racing industry.

Early last year the government appointed Judge Gordon Lewis, AM, to lead discussions with racing industry stakeholders and report to the government on the most appropriate structure for Victorian racing integrity services. In August 2008 Judge Lewis released the report of his review, containing 63 recommendations to strengthen integrity assurance in the industry.

The report indicated that while the Victorian racing industry does things very well, in some areas it can do better.

Following the report's release the government established a joint government-industry implementation working party, chaired by the Department of Justice and involving representatives from Victoria Police and the three racing codes, to consider the recommendations and report on their implementation.

I was delighted that these 63 recommendations have been strongly supported, with the vast majority to be implemented in full and alternative solutions agreed in some other areas, in consultation with Judge Lewis. The balance of the report's recommendations do not require legislative change and have already been implemented, or are in the process of being implemented.

This bill provides the necessary legislation to implement three of Judge Lewis's key recommendations.

First, the bill contains key amendments to the Racing Act 1958 to —

establish the position of racing integrity commissioner; and

establish new appeals and disciplinary structures for GRV and HRV.

Secondly, the bill amends the Gambling Regulation Act 2003 to repeal the ban on the transmission of betting odds from racecourses.

Implementing these measures will enhance integrity assurance provisions in Victorian racing. This will have the effect of bolstering the perception of integrity among all industry participants, and will increase the value of the Victorian racing product.

It will also demonstrate to any potential bidders for the post-2012 wagering licence that integrity assurance is top of the list for both the racing industry and the government.

I now turn to the provisions of this bill.

Racing integrity commissioner

During his investigations Judge Lewis expressed his concern that there was insufficient cooperation by the codes to deal with common integrity issues and no formal system to provide for the discussion and sharing of integrity procedures and information.

Judge Lewis recommended that in order to protect the integrity of the racing industry as a whole, and so the public, there needed to be independent oversight of integrity issues across the codes. To this end Judge Lewis recommended the establishment of a racing integrity commissioner to facilitate the exchange of integrity-related information between the relevant bodies and agencies.

The racing integrity commissioner will be located within the Department of Justice.

The role of the racing integrity commissioner will be crucial to strengthening integrity assurance in the Victorian racing industry as it will involve:

the provision of advice on integrity across the three codes and the industry;

liaising with the racing industry concerning policies and practices relating to integrity; and

facilitating the exchange of strategic information between the controlling bodies, Victoria Police, Victorian Commission for Gambling Regulation and other agencies as appropriate.

The racing integrity commissioner will also:

receive quarterly reports detailing hearings before the racing appeals and disciplinary boards of the controlling bodies;

provide an annual report on his or her activities to the Minister for Racing, to be tabled in Parliament; and

have power to direct a racing appeals and disciplinary board to hear an appeal by a licensed person who has received a penalty below the appeal threshold amount if the racing integrity commissioner determines it is in the public interest that it be heard.

The racing integrity commissioner will work closely with the racing industry and Victoria Police to strengthen relations between all parties and improve the intelligence sharing between the relevant enforcement agencies on integrity-related matters.

New appeals and disciplinary structure for the racing industry

In his review, Judge Lewis identified discrepancies between the disciplinary and appeal processes across the three codes. To address this situation, Judge Lewis recommended simplification and greater consistency of these processes.

Judge Lewis recommended the establishment of a single appeals and disciplinary board for all three codes, modelled on the current RVL model.

The racing industry controlling bodies were unanimous in their view that this proposal would inappropriately distance the disciplinary process from their respective governance responsibilities. After further discussions taking into account the views of all parties it was agreed to adopt an alternative model for racing appeals and disciplinary matters that would improve the consistency of the appeals and disciplinary structure while addressing the key areas of concern identified by Judge Lewis.

This bill will therefore establish separate appeals and disciplinary boards for Greyhound Racing Victoria (GRV) and Harness Racing Victoria (HRV).

These new boards will be based on the Racing Appeals and Disciplinary Board of Racing Victoria Ltd, which will be retained and which Judge Lewis cited as an ideal model for adoption across the codes.

All three boards will be administered by a common registrar to ensure consistency in the operation and processes of the three boards.

This structure will be the subject of review by the racing integrity commissioner after 12 months to assess the efficacy of this structure and, based on the outcome, determine whether a single appeals and disciplinary body should be progressed.

The bill also provides for the abolition of the Racing Appeals Tribunal, which currently hears appeals of decisions from the existing disciplinary bodies. Its jurisdiction will be transferred to the Victorian Civil and Administrative Tribunal, which has provided confirmation of its willingness to accept this responsibility.

The Racing Appeals Tribunal has served the industry well since its inception in 1994. However, Judge Lewis expressed his concern that the constant demands on the resources of the County Court have, on occasion, been detrimental to both the operation of the courts and the efficiency of the Racing Appeals Tribunal.

Repealing the ban on the transmission of betting odds from racecourses

This ban was put in place as part of the measures to combat illegal ‘starting price’ bookmakers. Modern technology, which allows up-to-date odds and betting information to be accessed via laptop computers,

mobile telephones and pay TV, has rendered the ban obsolete.

The ban on the transmission of betting odds from racecourses is therefore being repealed from the Gambling Regulation Act 2003.

Conclusion

I am confident that the industry's response to Judge Lewis's recommendations, and integrity assurance provisions in general, will ensure that Victorian racing continues to lead the field not just in integrity assurance but in all areas of racing. Judge Lewis has written to me expressing his satisfaction with the support given to his recommendations.

Should this bill not be supported, a valuable opportunity to bolster integrity assurance provisions in Victorian racing will be lost. This in turn has the potential to affect the confidence of industry participants and the public that Victorian racing continues to maintain the highest possible standards of integrity.

The Brumby government is once again taking decisive action to improve Victoria's world-class racing industry. This government should be congratulated for introducing such important legislation that will ensure we can make Australia's best racing industry even better.

I commend the bill to the house.

Debate adjourned on motion of Dr NAPTHINE (South-West Coast).

Mr HULLS (Minister for Racing) — I move:

That the debate be adjourned for two weeks.

Dr NAPTHINE (South-West Coast) — I do not propose to call a division opposing the two-week adjournment, but I seek an assurance from the minister that, if it is required, further time will be provided for adequate consultation with all stakeholders in the racing industry. Given that the bill covers the three racing codes — the thoroughbreds, the greyhounds and harness racing — it therefore involves a significant number of stakeholders who need to be consulted both in metropolitan areas and across regional and rural areas, plus owners, trainers, veterinarians and people who are involved in the industry, which will involve a significant amount of consultation.

While the minister refers to basing a number of these changes on the recommendations of His Honour Judge Lewis, the most fundamental recommendation regarding a new appeals and disciplinary restructure of the racing industry, as outlined in the second-reading speech, is a significant departure from what was recommended in the judge's report. Therefore I think it is appropriate that there be adequate time for all the stakeholders to examine the legislation as proposed so that we can collectively and individually as members of Parliament gather information and advice from the stakeholders and bring it to Parliament to ensure that there is a fully informed parliamentary debate involving the community, the stakeholders in the racing industry and others involved in the industry.

I seek an assurance from the minister that he will cooperate if the opposition requires that this bill not be debated strictly within 14 days when Parliament resumes but that it lays over until September. The opposition is not looking for a prolonged delay — this is an important issue — but it wants some assurance that there will be adequate time for consultation with all industry stakeholders.

Motion agreed to and debate adjourned until Wednesday, 12 August.

LOCAL GOVERNMENT AMENDMENT (CONFLICTING DUTIES) BILL

Statement of compatibility

Mr WYNNE (Minister for Local Government) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Local Government Amendment (Conflicting Duties) Bill 2009.

In my opinion, the Local Government Amendment (Conflicting Duties) Bill 2009, as introduced to the Legislative Assembly, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of bill

The purpose of the Local Government Amendment (Conflicting Duties) Bill 2009 ('the bill') is to amend the Local Government Act 1989 ('the act') in response to a recommendation of the Victorian Ombudsman in his report following his investigation into the alleged improper conduct of councillors at Brimbank City Council, which was tabled in Parliament on 7 May 2009.

Specifically, the Ombudsman in his report recommended that: 'The Local Government Act be amended to disqualify persons employed as electorate officers, ministerial advisers and parliamentary advisers, or employed by federal or state members of Parliament, from becoming or continuing to be a councillor or nominating as a candidate.'

The bill also disqualifies members of Parliament and councillors from another council in Victoria or other state or territory, from becoming or continuing to be a councillor.

Human rights issues

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

The bill engages one of the human rights provided for in the Charter of Human Rights and Responsibilities ('the charter').

Section 18: taking part in public life

Section 18 establishes a right for an individual to, without discrimination, participate in the conduct of public affairs, to vote and be elected at state and municipal elections, and to have access to the Victorian public service and public office.

Clause 3 engages and purports to restrict the right under section 8 of the charter. However, in my view the limitation is reasonable and demonstrably justified in a free and democratic society under section 7(2) of the charter, which is discussed below:

(a) the nature of the right being limited

Section 18 protects rights in relation to political participation in Victoria. The conduct of public affairs is a broad concept, which embraces the exercise of governmental power by state and municipal government. The right to be elected ensures that eligible voters have a free choice of candidates in an election, and as with the right to vote and the right to occupy public office, the right to be elected is not conferred on all Victorians; it is limited to 'eligible persons' as determined by legislation, based on objective and reasonable criteria.

(b) the importance of the purpose of the limitation

While the act currently requires a councillor to abstain from voting on a matter where they have a conflicting duty to a person or body that has a direct interest in the matter, it does not deal with conflicts of a general or policy nature that arise between governments.

Thus, the bill provides that certain eligibility requirements apply to persons elected to council. The requirements will apply to current, as well as future, councillors. In particular, to ensure that councillors have a clear and primary duty to their constituency and their council, rather than to another political or jurisdictional sphere, it is desirable that a person does not occupy office with a council and another publicly elected body simultaneously.

It is important that councillors elected in the November 2008 general elections are subject to these eligibility requirements, as they can equally have conflicting duties during their term as councillor. In order to allow current councillors the opportunity to make decisions about any specified office or position they concurrently hold, a seven day grace period has been provided. This is important as it gives councillors an opportunity to resolve a conflict in positions while minimising disruption to councils' operations. All councils will be informed of the proposed amendments before the bill is passed, and all affected councillors will be immediately informed after the bill is passed. It should be noted that this amendment does not have a retrospective application since it does not affect their previous service as a councillor.

The Ombudsman in his report following his investigation, identified this risk as serious, identified instances where actual conflicts had arisen, and expressly recommended amendments to the act to restrict a person from becoming or continuing to be a councillor while being employed as an electorate officer, ministerial adviser or parliamentary adviser, or employed by the federal or state members of Parliament.

Similar restrictions are provided under section 49 of the Constitution Act 1975 (Victoria) which prevents a person from being a member of the Victorian Parliament, if they also hold any office or place of profit under the Crown or are in any manner employed in the public service of Victoria or the commonwealth.

Similarly, the bill provides that eligibility requirements apply to persons who stand for council election. Whilst the requirements in this case are less restrictive in that a person can still nominate to stand as a councillor if he or she takes leave from their specified office or position, they are equally necessary.

There are good reasons to ensure a clear separation between a person's role as a candidate for election and their position working for a member of Parliament. Significant potential exists for conflicts between a person's obligations to the member they work for and their ability to freely represent themselves and their policies to the local community as a candidate for the office of councillor.

In addition, people working for members of Parliament can have access to public resources and information not available to other candidates that may be used to benefit an election campaign. This was highlighted in the Ombudsman's report, which identified instances where resources provided to members of Parliament were used to support council election campaigns and an instance where state electoral rolls appear to have been misused by a councillor. Public resources and information should not be able to be used in a way that undermines key democratic principles or create a perception that municipal elections are not conducted in a fair manner.

(c) the nature and extent of the limitation

Clause 3 purports to limit section 18 of the charter by preventing a person from nominating as a candidate at a council election, or becoming or continuing to be a councillor of a council constituted under the act, where that person is:

(i) A member of the Parliament of Victoria or of the Parliament of the Commonwealth of Australia or of another state or territory; or

(ii) Employed as a ministerial officer or parliamentary adviser for the purposes of the Public Administration Act 2004 or an electorate officer for the purposes of the Parliamentary Administration Act 2005 by or for a member of the Parliament of the Commonwealth of Australia or of another state or a territory of the commonwealth; or

(iii) A councillor of another council constituted under the act or another act of any other state or territory of the Commonwealth of Australia.

A person who is employed as a ministerial officer, parliamentary adviser or electorate officer (as set out above at point (ii)) is not, however, prevented from nominating as a

candidate at a council election or from being declared elected if that person has taken leave from that office or position and does not perform any duties of that office or position for the duration of the council election period. That person cannot however subsequently take the oath of office as a councillor if he or she continues to hold that specified office or position.

Further, a councillor who immediately before the commencement of the bill holds one of the specified offices or positions and continues to do so at the expiry of seven days after the bill's commencement, automatically goes out of office as a councillor on the expiry of that period.

(d) the relationship between the limitation and its purpose

There is a direct relationship between the limitation and the purpose of preventing conflicts of interest, and ensuring impartiality, transparency and accountability in local government.

(e) any less restrictive means reasonably available to achieve its purpose

There are no less restrictive means reasonably available to achieve the intended purposes.

(f) any other relevant factors

There are no other relevant factors to be considered.

Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities because, although it does limit one human right, the limitation is reasonable and proportionate. The limitations strike the correct balance by providing persons the right to take part in public life and preventing conflicts of interests in local government.

Richard Wynne, MP
Minister for Local Government

Second reading

Mr WYNNE (Minister for Local Government) — I move:

That this bill be now read a second time.

This bill addresses an issue raised by the Victorian Ombudsman and also continues the government's process of reforms to enhance democracy and accountability in local government.

This bill specifically deals with the eligibility of a person to be a councillor if they are a member of another publicly elected body or they work directly for a member of such a body. Some may argue that the scope of the bill should apply more broadly to other classes of people in public employment, but the government does not agree with that view.

In his May 2009 report into alleged improper conduct by councillors of the Brimbank City Council, the Ombudsman expressed concerns about the influence exerted on the council by some members of Parliament and some electorate staff of members of Parliament.

The Ombudsman recommended that the Local Government Act be amended to disqualify persons employed as electorate officers, ministerial advisers and parliamentary advisers, or employed by federal or state members of Parliament, from becoming or continuing to be a councillor or nominating as a candidate.

The government agreed to implement the Ombudsman's recommendation, and this bill gives effect to that commitment. It also addresses the underlying principle that a person should not hold the office of councillor if they have a direct competing duty to another democratically and publicly elected body.

For local councils to operate effectively and in accordance with the intent of the state constitution, their institutional integrity needs to be maintained. People who are elected as local government councillors should not have obligations to other governments, at any level, which may limit their impartiality or their ability to act in the best interests of their local communities.

The bill therefore prohibits a person from being or becoming a councillor if they occupy any of three types of positions.

Firstly, people who are members of Parliament, including federal, state and territory members, will be ineligible to be councillors in this state. While the government is not aware of any current councillors who are members of a Parliament, there have been cases in the past. In terms of good governance, it is untenable for a person to hold elected office simultaneously at two levels of government. Similar provisions to this already exist in the local government legislation of some other states.

Secondly, and responding to the specific concern of the Ombudsman, a person who is employed as a ministerial officer, parliamentary adviser or electorate officer by or for a member of any Australian Parliament may no longer be a councillor.

Finally, the bill will prohibit a person from being a councillor if they are a councillor of another local government in any state or territory of Australia. At present, one councillor in a Victorian council is also a councillor in a neighbouring council in New South Wales and this has given rise to some concerns about potential conflicts. Section 70 of the Local Government Act 1989 currently prevents a person being a councillor on two Victorian councils but does not affect a person who is a councillor in another state.

The bill will also prevent a person from nominating for a council election if they hold a conflicting position. In addition to any conflicts inherent in holding such a position while campaigning for election as a councillor, the situation engenders risks that council elections may not be perceived to be fair if some candidates have access to resources and information that is not available to other candidates.

However, as it would be unreasonable to prevent a person from being a candidate unless they left their employment, a specific exemption is provided for people working for members of Parliament. The bill allows a person who is employed as a ministerial officer, Parliamentary adviser or electorate officer to be a candidate in a council election if they have taken leave from their conflicting position for the election period. This does not alter the primary prohibition and a person may not take the oath of office or act as a councillor while continuing to hold their conflicting position.

The amendments will have the effect of disqualifying some people from continuing to be councillors if they currently hold a position of the prescribed type. Therefore, the bill includes a transitional period of seven days after commencement during which any councillor, who is affected by the proposed provision and wishes to continue as councillor, may vacate the position which would otherwise prevent them continuing as a councillor.

As stated, this bill continues the government's process of democratic reform of local government. The Local Government Amendment (Councillor Conduct and Other Matters) Act 2008 introduced a number of reforms that included defining a conflict of interest to exist where a person had a conflict of duty arising from a position held in another organisation.

This bill goes beyond the previous reforms to now preclude a person from being a councillor in Victoria, at all, when they hold a position that involves a specified type of duty to another publicly elected body.

It should be noted that the provisions in this bill relate specifically to the qualification of a person to be a councillor in the state of Victoria and that this is an express power of the Parliament under section 74B(1)(e) of the Constitution Act 1975.

The changes proposed in this bill will serve to better protect the institutional integrity of local government as a distinct and essential tier of government and support the impartiality of decision making by elected councils.

I commend the bill to the house.

Debate adjourned on motion of Mrs POWELL (Shepparton).

Mr WYNNE (Minister for Local Government) — I move:

That the debate be adjourned for two weeks.

Mrs POWELL (Shepparton) — On the issue of time, this is a fairly complex issue. It has caused a lot of angst out there in the community. It deals with about 40 people who are councillors and may be affected, and some of them may be looking for legal advice. I would urge the government to allow more time so that those councillors can make informed decisions and the peak bodies can also have a look at this. This legislation would have a fairly big impact; it is the first time such legislation has been introduced in Victoria, and I urge the minister to provide increased time to allow people to properly look at what their career opportunities are.

Motion agreed to and debate adjourned until Wednesday, 12 August.

WATER AMENDMENT (NON WATER USER LIMIT) BILL

Statement of compatibility

Mr HOLDING (Minister for Water) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Water Amendment (Non Water User Limit) Bill 2009.

In my opinion, the Water Amendment (Non Water User Limit) Bill 2009, as introduced to the Legislative Assembly is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of bill

The bill will remove the non-water user limit from the Water Act 1989, giving irrigators and other water share owners greater freedom to deal with their water shares and more flexibility to respond to ongoing drought.

The Water Act 1989 contains a non-water user limit which restricts the amount of water shares in each water system that can be owned without being associated with land. The non-water user limit is currently 10 per cent of the sum of the maximum volumes of entitlement for water shares of a class and of a particular reliability in a water system.

The non-water user limit was introduced to allay concerns expressed by some people that, following the 'unbundling' of water entitlements to improve water trading, non-irrigators, or so called 'water barons', would enter the market and drive up the water price.

The government reviewed the non-water user limit in February 2009 in line with its national water initiative obligation to ensure that the limit did not become a barrier to trade. Key findings of the review were that the non-water user limit, once reached, would constitute a barrier to trade and that fears of 'water barons' significantly entering the market had not eventuated in jurisdictions without a non-water user limit.

Human rights issues

Section 20 of the charter provides that a person must not be deprived of his or her property other than in accordance with law.

Although the term 'property' is not defined in the charter it extends to statutory rights where they have the characteristics of traditional property rights. To the extent that a water share is property the bill engages the right in section 20.

As the bill removes restrictions on the transfer of ownership of water shares the right is positively promoted and not limited in any way.

Conclusion

I consider that the bill is compatible with the charter because to the extent that some provisions engage human rights, those human rights are not limited.

Tim Holding, MP
Minister for Water

Second reading

Mr HOLDING (Minister for Water) — I move:

That this bill be now read a second time.

This bill delivers on the government's commitment to remove the non-water user limit from the Water Act 1989, and in doing so will assist irrigators and rural communities to respond to the challenges of ongoing drought.

The Water (Resource Management) Act 2005 introduced the non-water user limit as part of a package of reforms to Victoria's water entitlement and allocation framework, outlined in the *Our Water Our Future* white paper. These reforms included the 'unbundling' of water entitlements to improve the water trading system and encourage the best use to be made of available water. 'Unbundling' separated traditional water rights into water shares, delivery shares and water use licences or registrations. Compared with traditional water rights, water shares are easier to trade and can be mortgaged separately, leased and held without land.

The non-water user limit restricts the total volume of water shares in each water system that can be owned without being associated with land to 10 per cent. It was introduced to address fears held by some people that, following unbundling, non-irrigator investors — so called 'water barons' — would buy up large volumes of water and drive up the trading price, with adverse effects on irrigators and their communities.

In February this year, a review of the non-water user limit was initiated, in line with Victoria's National Water Initiative obligation, to ensure that it does not become a barrier to trade. That review, which also took into account community feedback received as part of the Northern Region Sustainable Water Strategy consultation process, found that:

there is no evidence of 'water barons' entering markets in a big way in jurisdictions that do not have a non-water user limit;

the non-water user limit, once reached, would be a significant barrier to trade;

where investors have bought water shares, they have been trading seasonal allocations to users, so the water remains in the market; and

the recent increase in the number of water shares that are not associated with land has been influenced by irrigators who still own the water shares but are looking for flexibility in where and when they use their water.

This bill will remove the non-water user limit from the Water Act 1989 in light of these findings and recognising that the limit will be reached during the current irrigation season in key systems.

In doing so, the bill will offer benefits to:

irrigators and rural communities, by providing greater flexibility to trade water, thereby expanding options to respond to the challenges of ongoing drought; and

the environment, by enabling the commonwealth government to buy water from willing sellers as part of its buyback scheme to return water to the Murray River.

Importantly, the 4 per cent annual cap on permanent trade-out of irrigation districts remains in place to help communities adjust to the impact of large volumes of irrigation water leaving their areas. The government recently announced that the 4 per cent cap will be phased out from 2011, and that some exemptions will apply in the meantime. The phasing out and exemptions will allow the commonwealth government water buyback program to be coordinated with Victoria's $2 billion Northern Victoria Irrigation Renewal Project

(NVIRP), which is upgrading ailing irrigation infrastructure.

Put simply, this bill will improve Victoria's water resource framework, ensuring that the best use is made of available water, and delivering benefits to irrigators, rural communities and the environment.

I commend the bill to the house.

Debate adjourned on motion of Mrs POWELL (Shepparton).

Debate adjourned until Wednesday, 12 August.

COURTS LEGISLATION AMENDMENT (SUNSET PROVISIONS) BILL

Second reading

Debate resumed from 25 June; motion of Mr HULLS (Attorney-General).

Mr CLARK (Box Hill) — The Courts Legislation Amendment (Sunset Provisions) Bill removes the sunset provision on the Family Violence Court intervention project and extends the sunset provision on the Neighbourhood Justice Centre. It repeals part 15 of the Family Violence Protection Act to make the Family Violence Court intervention project ongoing. If part 15 is not repealed or amended, it will come into force on 1 October this year, and repeal part 5 and other provisions of the Family Violence Protection Act 2008, which provide for the counselling orders that are at the core of the Family Violence Court intervention project.

That project was originally established by the Magistrates' Court (Family Violence) Act 2004, which inserted a new part 2A into the Crimes (Family Violence) Act 1987 with a sunset date of 30 October 2007. That sunset was then extended to 30 October 2009 by the Magistrates' Court and Coroners Acts Amendment Act 2007. The legislation governing the intervention project was then re-enacted in the Family Violence Protection Act 2008, with the sunset provisions incorporated into part 15. The Family Violence Protection Act 2008 has a default commencement date of 1 October 2009, which has thus brought forward the sunset date from 30 October to 1 October. The bill also proposes to extend the sunset date of 31 December 2009 in the Courts Legislation (Neighbourhood Justice Centre) Act 2006 to allow the Neighbourhood Justice Centre to continue its operations for a further four years until 31 December 2013.

The fact that we have this bill before us today in the manner in which it has come is yet another demonstration of the arrogance, laziness and incompetence of the Attorney-General. It follows from previous chronic delays we have seen on the part of the Attorney-General in introducing measures to tackle family violence and to provide better protection for women and children, who are its predominant victims. For example, more than five years passed between the time the Liberal Party proposed measures to provide on-the-spot protection through telephone-authorised intervention orders in 2003 and the time when the Attorney-General finally brought legislation for interim intervention orders into operation in late 2008, and even then that was only for a two year period. It took almost three years from the time the Attorney-General received the Victorian Law Reform Commission's report on family violence law until the resulting legislation reached the Parliament, this while family violence continues to occur at a rate estimated by the government to be 150 000 occurrences a year.

As I have said previously, it is all very well for the Attorney-General to talk long and loud about his commitment to human rights, but he is inordinately tardy in translating that professed commitment into practical action to provide effective protection to those whose human rights are being violated. Both the intervention project and the Neighbourhood Justice Centre were intentionally set up by the Attorney-General as trial or pilot projects with a publicly declared intention that during the pilot period the projects would be thoroughly evaluated and the evaluations made public to enable an informed decision about whether to continue with the projects. Yet here we have the Attorney-General bringing legislation before the Parliament asking the Parliament to make the intervention project permanent and to extend the Neighbourhood Justice Project for a further four years, in both cases without the promised evaluation. Where on earth are the evaluations? All the Attorney-General would tell us is that they are under way. In the case of the Neighbourhood Justice Centre it is to be completed by the end of the year, and in the case of the intervention project no completion date has been stated.

Since he started the processes of legislating for these two projects — in 2004 and 2006 respectively — the Attorney-General has had to get the evaluation processes organised and the evaluation reports completed and made public in good time before the end of the sunset periods. Yet here we are with this further legislation but no evaluation reports. The Attorney-General cannot blame the sunset dates and say they were too short, because he set the sunset dates himself. He has already had one extension on the trial

period for the intervention project, but still he cannot get his act together.

Despite this, he has the gall to come into this Parliament and ask us on behalf of the community to make the intervention project permanent and to extend the Neighbourhood Justice Centre for a further four years with no evaluation reports. We are simply being expected to take him on trust. If any further demonstration is needed of the Attorney-General's failure to yet again get his act together in a timely manner, that demonstration is provided by his own words. In introducing the Family Violence Court intervention project legislation in 2004 he said:

> This pilot will run for approximately two years in Heidelberg and Ballarat. It will be carefully evaluated to assess its ability to be transferred to other courts and regions. The provisions relating to the counselling program are due to sunset on 30 October 2007.

In 2007 when the Attorney-General came back to the Parliament for a two-year extension, which we on this side of the house were happy to agree to, he said:

> The repeal provisions make it clear that the availability of the counselling orders is still a pilot program. An independent evaluation of this project is currently under way. Early indications show that the program is working well and the evaluation will be completed by the proposed new sunset date.
>
> A complete evaluation will enable a fully informed decision to be made about the future of the pilot.

The Attorney-General stands condemned out of his own mouth. In 2007 he told this house the evaluation project was under way at that time, and yet it still has not been completed. He also rightly said to the house in 2007 that the complete evaluation would enable a fully informed decision to be made, and yet the Attorney-General now wants not merely to further extend the sunset on the intervention project but to remove it altogether without the complete evaluation which he himself admits is necessary for a fully informed decision to be made.

In 2007 he rightly said there would be a complete evaluation; in 2009 he is telling the Parliament and the people of Victoria that he has been too incompetent to get the evaluation finished on time and that he cares so little about informing the public that he wants to make the project permanent without bothering to wait for the evaluation.

In relation to the Neighbourhood Justice Centre legislation the Attorney-General said in 2006:

> The NJC is a three-year pilot project which will be independently evaluated over the life of the pilot. The bill contains a sunset clause to recognise its pilot nature. This approach was adopted in the legislation establishing the Drug Court and the Koori Court pilots. In both these cases their sunset clauses were only revoked on the basis of successful independent evaluations.

These remarks are yet another demonstration of the fact that in asking the Parliament to make the intervention project permanent without an evaluation report the Attorney-General is departing from the practice that he himself has followed or advocated in relation to the Neighbourhood Justice Centre, the Drug Court and the Koori Court. These remarks also make clear in relation to the NJC that from the start of that project the Attorney-General was intending that there would be an evaluation over the life of the pilot so that at the end of the pilot period an informed decision could be made about whether or not to continue with the NJC.

Yet here he is three years later before the Parliament again, with no evaluation report, saying the evaluation is due by the end of the year and asking for a four-year extension on the pilot's duration. However, he gives no reason for asking for a four-year extension, given that the evaluation is due to be completed by the end of the year, and indeed gives no explanation of why he is pressing for a permanent continuation of the Family Violence Court intervention project but just a four-year extension to the operation of the Neighbourhood Justice Centre. It is the height of not only incompetence but arrogance for the Attorney-General to come back to the Parliament seeking to continue these programs, not only with no evaluation reports but with only the most cursory accounts of what he says the evaluation processes have found so far. That is treating both the Parliament and the public of Victoria with contempt.

The coalition parties believe the community is entitled to be treated better than this. Accordingly I will move a reasoned amendment to the motion for the second reading. I move:

> That all the words after 'That' be omitted with the view of inserting in their place the words 'this house refuses to read this bill a second time until full details of the preliminary results of the evaluations of the Family Violence Court intervention project and the Neighbourhood Justice Centre have been made public.'

In other words, this reasoned amendment asks the Attorney-General to make public what is now available from the evaluations, both the material in his possession on which he based the references in his second-reading speech and whatever other details of the preliminary results of the evaluations are available. Even this is far less than ideal. The Parliament should not have to be relying on whatever might be available from partially completed evaluation studies. If the Attorney-General

had been doing his job, the properly completed evaluation studies would have been published and available for public examination for an adequate time prior to the legislation being introduced to the Parliament.

However, I am not moving that the second reading be refused until the full evaluation studies are released, because the Attorney-General's failure to fulfil his responsibilities has placed the Parliament and the community in a difficult position. If the legislation is not passed by 1 October, the Family Violence Court intervention project will cease on that date. We on this side of the house are not prepared to risk allowing that to occur, because the Attorney-General has not made public when the evaluation of that project is expected to be completed. That is why I am moving that the bill be not read a second time until full details of the preliminary results referred to in the Attorney-General's second-reading speech, and which are therefore already available, are made public. If that information is made available prior to the Parliament's next sitting week on 11 August — and the sooner before then, the better — then the debate on the legislation can take place, hopefully on a much better informed basis in that next sitting week or as soon thereafter as the government wishes to bring the issue back before the house.

In case the house does not agree to my reasoned amendment, let me say a few words about the Family Violence Court intervention project and the Neighbourhood Justice Centre themselves, based on the limited information that is publicly available.

The Family Violence Court intervention project commenced in 2005. It allows the Magistrates Court at Heidelberg or at Ballarat to order an assessment of a person against whom an intervention order is made and, if appropriate, to then order that the person take part in counselling. There is a very good description on the Magistrates Court website which points out that the legislation does not specify either that counselling is only able to be ordered for men or only where the affected family member is female. However, the only counselling that has been approved by the Secretary of the Department of Justice to which respondents can be directed is designed to promote cessation of violence by men against their female spouse or partner.

The website goes on to set out that counselling can be ordered for persons living in particular postcode areas where the violence occurred, being postcode areas chosen by the Attorney-General and published in the *Government Gazette*. There is a presumption that the magistrate must direct males living in those postcodes against whom a relevant intervention order is made to attend an eligibility assessment interview. The counselling order involved is a civil order but disobeying a counselling order is a criminal offence.

The objective of the order is to increase accountability for violence and encourage those who have used violence to change their behaviour. A person can be required to attend up to 50 hours of counselling, including intake assessment interviews and behaviour change group counselling. This counselling may also include what is described as an 'intensive response program of individual or group counselling' and/or a participant assistance program of individual counselling.

It hardly needs repeating that family violence is a major problem in our community. Over recent years it has been increasingly recognised that family violence requires a concerted policy response in terms of prevention, protection and enforcement. If the counselling program under the Family Violence Court intervention project can achieve effective results in terms of reducing violence and improving the safety and wellbeing of those who have been victims, then it deserves support. Seeking to modify the behaviour of those who engage in violence has been an element of the response to family violence for many years.

One of the pioneering courses in men's behavioural management in Victoria has been run at the Whitehorse Community Health Service in my electorate. From my discussions with the person who originally set up and ran that program, it seemed both impressive in its design and successful in the outcomes it was able to achieve. However, the effectiveness of behavioural change programs has been contentious, both in general and in relation to the Family Violence Court intervention project.

Issues about the merits and effectiveness of behavioural change programs were considered at some length by the Sentencing Advisory Council in its final report on sentencing practices for breach of intervention orders. That report was directed primarily, as its title suggests, at sentencing practices for breach of intervention orders — in other words, where there had been a breach which constituted an offence and what sentence was to be applied for that breach. It was not directed specifically at the intervention project counselling, because, as I indicated earlier, that is not applied as a sanction for a criminal breach of the law; it is applied as a civil matter in consequence of the making of an intervention order. Nonetheless there is some very useful discussion of a range of views and provision of background information in the Sentence Advisory

Council report, and I would commend it to interested members and others.

At page 269 of the report, in the part on rehabilitative conditions — at paragraph 4.4 — the Sentencing Advisory Council states:

> The existing programs in Victoria reflect a particular theoretical approach to violence against women. Programs such as the LifeWorks Men's Behaviour Change Program and Plenty Valley Men's Behavioural Change Program view violence against women as a product of gendered social structures.

The report goes on to provide further detail about that approach. It then canvasses a range of views about the effectiveness of the programs that are provided. I should say that the programs described in the Sentencing Advisory Council's report primarily appear to be programs other than those provided through the Family Violence Court intervention project.

When the Sentencing Advisory Council comes to conclude and set out its views on this subject it makes some worthwhile observations. It concludes understandably, at paragraph 4.47:

> There is little evidence at present as to whether the men's behavioural change programs currently used in Victoria are effective in preventing recidivism. The current view seems to be that such programs are 'better than nothing' in addressing family violence.

Later on, at paragraph 4.48, it states:

> It will be easier to assess the potential effectiveness of men's behavioural change programs as sanctions once the results of the FVIP evaluation are released.

We can all endorse that remark. It goes on to say:

> Men's behavioural change programs are currently being attached to sentencing orders; however, it is clear that the services cannot cope with demand. Further, the men's behavioural change program attached to the family violence division was established to be used alongside civil intervention orders. The program was not designed to be used as a condition attached to a criminal sanction, and the lack of communication channels between courts, Corrections Victoria and the providers means that monitoring offenders' participation is difficult.

The council then goes on to make a number of other observations.

It is clear that there are issues with the provision of services linked to this project. The coalition parties also received representations and constructive observations from community-based bodies involved in this area. I particularly acknowledge a joint letter we have received from the Domestic Violence Resource Centre, Victorian Women's Trust, Federation of Community Legal Centres and Domestic Violence Victoria. The letter states:

> Anecdotal evidence from women's domestic violence services suggests that there are a number of shortcomings in this program model in terms of holding perpetrators accountable. These include failure to adequately monitor perpetrator compliance; language barriers for perpetrators from non-English-speaking backgrounds who have been directed to attend programs and who then cannot participate; and failure to impose penalties on offenders who breach these counselling orders. There have also been reports of failure to work effectively with the funded provider of the women's contact service.
>
> Without evidence to the contrary around men's accountability, women's and children's safety and a reduction in recidivism rates, confirmed via public release of the evaluation report, we believe it would be premature to repeal the sunset provision at this stage. We do however support the continuation of the programs at Heidelberg and Ballarat until the report is released followed by broad community consultation to look at the implications for future work in this area.

This seems a sensible proposal by those organisations.

The opposition has also received a letter from the Public Interest Law Clearing House (PILCH), which makes similar observations. I quote:

> As indicated in the bill's second-reading speech, an evaluation of the counselling initiative is still in progress — as such, there is no conclusive, publicly available evidence which demonstrates the effectiveness of this intervention. Until the intervention is assessed as effective, it seems imprudent to endorse counselling orders indefinitely when another approach may be more effective.
>
> PILCH is concerned that to endorse counselling orders now may have the undesired effect of precluding the consideration of other alternative interventions in the future.

PILCH goes on to advocate that the counselling order provisions should be extended temporarily to allow the formal evaluation to be completed and the results to be publicly analysed.

The opposition certainly appreciates the constructive remarks of all the bodies that have contacted it. Their concerns reinforce our view that the bill should not be read a second time until all the information available to hand at this stage is made public so that a much better informed consideration of the government's proposals can be conducted.

Let me also say a few words about the Neighbourhood Justice Centre. If one strips away the rhetoric with which the Attorney-General introduced the legislation for the Neighbourhood Justice Centre in the first place, in essence the centre is a combined court and tribunal with a single appointee who has the capacity to hear and decide a range of civil and criminal cases. That

person operates in a facility with a wide range of support services available to them. The Neighbourhood Justice Centre operates in relation to cases arising in the city of Yarra. It includes the Magistrates Court, which in turn includes the Victims of Crime Assistance Tribunal and the crimes family violence list. It includes the Children's Court, criminal division, and some Victorian Civil and Administrative Tribunal matters such as civil claims, guardianship and administrative and residential tenancies.

The operation of the Neighbourhood Justice Centre is supported by various social programs, including what is referred to on the relevant website as a 'screening, assessment and referral team within client services' and described as 'a multidisciplinary team of staff who are experienced in mental health, drug and alcohol issues, counselling and therapeutic areas'. The website also says the team's 'work focuses on meeting the identified needs of those who attend the centre including defendants, victims, witnesses and local residents'. It goes on to point out that:

> Referrals to client services may come from a range of sources including court and centre staff, statutory agencies such as the Office of the Public Advocate, the NJC judicial officer or from family, self or community. The team provide a range of functions, including:
>
> > pre and post-hearing and post-sentence screening, assessment and monitoring work …
> >
> > facilitating targeted intervention on the basis of risk and need;
> >
> > case monitoring;
> >
> > generic case management and counselling;
> >
> > generic assessment and intervention work related to civil matters;
> >
> > brokerage activities …
> >
> > referral to existing services within —

the city of Yarra.

The magistrate who has been assigned to the Neighbourhood Justice Centre, David Fanning, is a person with whom I have had the opportunity to meet in the course of hearings of the parliamentary Law Reform Committee. I must say I was impressed by a number of the observations Magistrate Fanning made in the course of giving evidence to the committee. I was particularly struck by these remarks he made, and I quote from the relevant transcript of evidence:

> Part of what I do now is possibly a little different from what is done in other courts, and that is if people say they are going to give restitution, then I will adjourn it to enable that to happen. Otherwise you make the restitution order and it might be paid or might not be paid or it is said that it is going to be paid, but as I say, how do I know that is actually going to happen? If you want the benefit of having paid the restitution, then I will adjourn the matter, you come back to court, show me the receipt and then I will take it into account.

Sitting suspended 6.30 p.m. until 8.03 p.m.

Mr CLARK — Before the dinner break I was commending magistrate David Fanning of the Neighbourhood Justice Centre for the very sound attitude he displayed in evidence to the Law Reform Committee on ensuring that restitution promises were complied with before sentences were passed finally on offenders.

There are many other aspects to an assessment of the operation of the Neighbourhood Justice Centre; that is why I and, I am sure, many others are looking forward to seeing the results of what I would hope will be a thorough and independent evaluation of the performance of the Neighbourhood Justice Centre — one that looks at issues such as case loads and the costs involved, the efficiency and the effectiveness of the various components of the centre and the value for money that it is achieving. There are many other tribunal members and judges who would quite rightly say, 'If we were given the level of resourcing that has been given to the Neighbourhood Justice Centre, there is a lot more good work we also could do with that level of resourcing', but the Attorney-General has a justice system that just cannot cope with the growing and ever-lengthening waiting lists, which he is not prepared to support to the level of the Neighbourhood Justice Centre. He can talk about the Neighbourhood Justice Centre and the work that it achieves while ignoring the chaos and the ever-growing waiting lists in the rest of the justice system.

If one goes to the Neighbourhood Justice Centre and then goes, for example, to the Broadmeadows Magistrates Court, one can see that it is a tale of two cities. I invite the Attorney-General to go back to the Broadmeadows Magistrates Court again at some time to have another look at it and to see how people are herded into the cramped spaces there, the lack of meeting rooms — —

Mr Hulls interjected.

Mr CLARK — I have been to the Koori Court, to respond to the interjection of the Attorney-General, and I have seen how the Koori Court operates. I have seen how the rest of the Broadmeadows court operates — the enormous effort that Bob Kumar and the other magistrates put in there in extraordinarily difficult circumstances. One sees yet again that western and

northern suburbs residents are being treated with contempt by Labor.

You might ask yourself: why was it that Collingwood was chosen for the Neighbourhood Justice Centre rather than Broadmeadows? The Attorney-General claims it was because it was a 'vibrant and progressive community'. A cynic might say it was because the seat of Richmond was in danger of falling to the Greens, whereas Labor believes it can continue to take Broadmeadows for granted.

This bears out the concerns expressed by this side of the house back in 2006 about discriminatory justice — that the justice services one obtains depend on what postcode district one lives in. This may be justified on the basis of a pilot project, but if it works, it needs to be made more widely available. Why is it that the Attorney-General wants a four-year extension to the Neighbourhood Justice Centre when the evaluation project results are due soon? If it is working as well as the Attorney-General claims, why is he not making the evaluation report public so the rest of the world can see what he is on about?

For all of these reasons we believe it is inappropriate for this house to be asked to remove the sunset on the intervention project and extend the sunset for the four years on the Neighbourhood Justice Centre without having been given full details of at least the preliminary results that are available so far from the evaluation studies that are under way.

The Attorney-General has to face up to what he is going to do. Why is he only extending the sunset for four years? Why is he not making it permanent?

We believe that this bill should not be read a second time until the Attorney-General has made public all of the relevant information and then there can be properly informed decisions made, and we can resume debate on a properly informed basis.

Ms BEATTIE (Yuroke) — It gives me great pleasure to speak on the Courts Legislation Amendment (Sunset Provisions) Bill 2009. For half an hour or so before the dinner break we saw a mild-mannered presentation about why the bill should not be second read, but when the Attorney-General came into the house it was like the wolf jumped out of the sheep's clothing and the member for Box Hill revealed his true self and what he wants to do to the Neighbourhood Justice Centre — that is, close it down. He had the cheek to stand here and refer to Bob Kumar at the Broadmeadows Magistrates Court, who does a fine job in that court, but then the opposition could not care less about anything that happens on the northern side of town.

I too have been to the Neighbourhood Justice Centre, and there is one thing I can tell the member for Box Hill: the Neighbourhood Justice Centre works, and that is why he dislikes it, because it gives justice to those who could not otherwise afford it. It gives them justice, and it gives them a way forward.

We have seen the Liberals jump right out of their box and talk about what they dislike about justice for the people who cannot afford private solicitors. We know why that is: because half the people on the other side of the house have come from the legal profession, and they want to prop it up all the time. They love private legal systems.

This bill is about the Family Violence Court intervention project. It allows it to become an ongoing project, and the bill will allow the Neighbourhood Justice Centre to continue operations for a further four years. I hope it goes beyond four years because it is justice that works, and indeed it is justice with its sleeves rolled up.

He should go out to Broadmeadows. I will loan him the *Melway*, or I will even loan him my global positioning system that can get him out to Broadmeadows, because I reckon the only time he goes to Broadmeadows is when he is driving on the Tullamarine Freeway to catch a plane to go overseas.

Ms Asher — It's the wrong way.

Ms BEATTIE — I know it is disorderly to take up interjections, but obviously the member for Brighton knows a shorter way to the airport, so the member for Brighton does not need my GPS. She is quite capable of getting to the international terminal by herself, and I am pleased to hear that.

The bill seeks to repeal part 15 of the Family Violence Protection Act 2008 to make the Family Violence Court intervention project ongoing and extend the sunset provision in the courts legislation to allow for the Neighbourhood Justice Centre to continue operations for a further four years. Part 5 of the Family Violence Protection Act permits the Magistrates Court to order a defendant to attend counselling designed to change violent behaviour.

Members of the house know that individuals with a pattern of violent behaviour often need ongoing and frequent counselling. In accordance with part 15 of the Family Violence Protection Act the counselling order provisions order in part 5 will be repealed before

commencement on 1 October 2009. As honourable members will know, the Family Violence Court intervention project was established as a pilot project at the Heidelberg and Ballarat Family Violence Court divisions. It enables magistrates to direct men — and I refer to men against whom an intervention order has been made — to attend an eligibility assessment interview, and if assessed as eligible, to attend specialist behaviour change counselling programs. I think that is a good thing. A total of 816 men have been ordered to attend counselling since the project commenced in 2005.

The Family Violence Court intervention project forms an important component of the government's integrated court response to family violence in Victoria. Family violence is an insidious form of violence and ongoing counselling often helps. Family violence is sometimes a behaviour pattern found in different groupings throughout our communities. If counselling can change defendants, then that is a good thing. The Family Violence Court intervention project may also direct defendants to undertake group behaviour change programs in order to promote accountability and increase the safety of women and children who are affected by family violence. Without that component the success of the Family Violence Court will be significantly weakened, as will the benefits of the statewide service system response to family violence. It is a important aspect.

I want to talk a little bit about the neighbourhood justice division of the Magistrates Court. The neighbourhood justice divisions of the Magistrates and Children's courts were established under the Court Legislation Act 2006. I have been to the Neighbourhood Justice Centre in the city of Yarra and spent some time there. I have to say to this house that the concept is terrific and was working very well. I hope to see more neighbourhood justice centres. Like the member for Box Hill, I would like to see one in Broadmeadows, but these pilot projects have to start somewhere. Members will know there was an existing building in the city of Yarra. At the moment there is not a building in Broadmeadows. That is one of the reasons the centre is located in the city of Yarra.

Early indications based on interim reports prepared by the University of Melbourne's Centre for Criminological Research and Evaluation show there are clear and emerging benefits from the Neighbourhood Justice Centre, including the following trends: the breach rates for family violence intervention orders appear to be at a lower rate than the statewide average; the rate of successful completion for community corrections orders appears to be higher than the statewide average; and the proportion of guilty pleas at first hearing appears to be higher than the statewide average, leading to court efficiency and allowing early intervention as well.

If we confirm the Neighbourhood Justice Centre for a further four years, some of the benefits will be to allow the centre to continue to offer the innovative and integrated range of services to a large number of clients. It will drive innovation in the way justice is delivered in Victoria and will continue Victoria's reputation for excellence and leadership in community justice — and Victoria is recognised as a leader in community justice. It will allow an opportunity to develop further initiatives based on the Neighbourhood Justice Centre model that will be informed by a solid evidence base, and it will give the Department of Justice continuing representation in significant community strengthening partnerships. It will also provide an opportunity to create benchmarks in participatory justice that can be applied to future programs, and it will provide the opportunity to build on the already significant investment in service delivery in the city of Yarra. The Chief Magistrate and other magistrates support this proposal.

In conclusion, this is a good bill. Victoria continues to lead the way in justice. I will be supporting the bill, but I will not be supporting the amendment moved by the member for Box Hill, which is there solely to nobble justice in Victoria. The Brumby Labor government wants to move forward and do all it can to eradicate or minimise domestic violence, and you cannot do that by nobbling the court system as has been put forward by the member for Box Hill. He shouts and screams, but he is not going to — —

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

Mr JASPER (Murray Valley) — I am pleased to join the debate on the Courts Legislation Amendment (Sunset Provisions) Bill 2009 and indicate my concern with the progress of the debate in the last few minutes and since we resumed at 8.00 p.m. The member for Box Hill in his contribution prior to the dinner break presented an overall assessment of the legislation which I thought everybody should have listened to very carefully. Surely in this Parliament this is what we are interested in: people of all political persuasions adequately putting before the house their views and being able to expand on those views. I thought the member for Box Hill did extremely well.

I am disappointed by the comments of and the interjections made by the Attorney-General. He was

using bully-boy tactics to attack the member for Box Hill and not allow him to put forward his views in relation to this legislation.

I heard the member for Yuroke also attacking the member for Box Hill. It would have been better if she had debated the provisions of the legislation, which she did in part, instead of making that attack and indicating that we were not trying to get justice operating in an effective manner in the state of Victoria. That is a key issue we need to remember.

I heard the member for Yuroke commenting on the provisions of the legislation, and I want to comment on that and talk about particular aspects of the legislation — not about the courts that have been operating quite effectively apparently but about how the government is implementing some of the provisions of this legislation and the operation of the system.

The key purposes of the bill are to repeal part 15 of the Family Violence Protection Act 2008 to make the Family Violence Court intervention project ongoing and to extend the sunset provisions in the Courts Legislation (Neighbourhood Justice Centre) Act 2006 to allow the Neighbourhood Justice Centre to continue operations for a further four years. I note that the Neighbourhood Justice Centre commenced operations in February 2007 and was the first community justice centre in Australia. I applaud the fact that that centre has been set up in Collingwood and is apparently operating quite effectively.

An evaluation of the Neighbourhood Justice Centre will be completed in late 2009, and there are clear trends emerging which indicate its benefits to the justice system. These trends indicate that breach rates for family violence intervention orders appear to be lower at the Neighbourhood Justice Centre than the statewide average. I accept the comments that have been made about the neighbourhood justice centre system being very effective and about further implementation of the system in particular areas.

I note again that the bill extends the sunset provisions for four years. A response to the legislation has been received from the Public Interest Law Clearing House. In a letter signed by the co-manager of its public interest scheme, PILCH indicated that it has concerns about extending the operation of the provisions of the legislation indefinitely.

The letter states:

> As indicated in the bill's second reading speech, an evaluation of the counselling initiative is still in progress — as such, there is no conclusive, publicly available evidence which demonstrates the effectiveness of this intervention. Until the intervention is assessed as effective, it seems imprudent to endorse counselling orders indefinitely when another approach may be more effective.

It is interesting to read the comments in the letter from this organisation as they relate to the Family Violence Court intervention project. I moved on to that subject before I had completed my comments on the Neighbourhood Justice Centre, but they certainly apply to the Family Violence Court intervention projects operating at Heidelberg and Ballarat.

I want to raise some concerns from my point of view as a member of the Scrutiny of Acts and Regulations Committee (SARC) which investigates legislation that comes before the Parliament. Members of the committee have been very effective in looking at legislation and assessing it to see that it operates effectively. One of the issues that is of great concern to me relates to sunset clauses. We are now seeing bills with sunset clauses of 10 years, but regulations are coming before the committee where these sunset clauses are extended for 12 months and indeed beyond 12 months before the regulations can be reviewed and remade. We are now seeing the same sort of treatment being applied to bills coming before the house where an extension is sought beyond the 10-year period.

The legislation before us proposes to extend for four years the sunset provisions relating to the Neighbourhood Justice Centre, and it proposes to repeal the sunset provisions relating to the Family Violence Court intervention project to enable it to continue indefinitely, one might say.

I refer to *Alert Digest* No. 8 of 2009 as it relates to this bill, and in particular as it relates to part 15 of the Family Violence Protection Act 2008 which, as I have indicated, is being repealed in its entirety. SARC's report, tabled yesterday in Parliament, refers particularly to the statement of compatibility and states that it incorrectly describes the effect of clause 5. I quote from the report, which states:

> The statement of compatibility incorrectly describes the effect of clause 5 as to 'require male offenders to attend compulsory counselling'. However, part 5 of the act is applicable to all 'adult' respondents (of any gender) to applications for a family violence intervention order for whom final orders have been made (subject to further eligibility requirements that do not refer to gender or criminal history). A final order can be made against a respondent to a family violence intervention order, whether or not that person has committed or has been found to have committed a criminal offence.

We decided at a committee meeting that we should write to the Attorney-General and bring to his attention that what he was referring to in clause 5 related to 'male

offenders', when in fact it is just 'offenders'. The Attorney-General needs to address that issue and respond to the Parliament as to whether he sees that there is a difficulty and whether a mistake has been made in the statement of compatibility in relation to that issue.

Again I indicate to the house that the concern I have as a member of the committee is that we are regularly receiving regulations which are going beyond the 10-year period for sunsetting and we are getting requests for extensions of 12 months and beyond for regulations. Here we have a situation with this legislation where one part is extending the sunset provisions for a further four years but another part removes entirely the provisions relating to the Family Violence Court intervention program.

Surely there has to be some conflict there as far as the government is concerned, particularly when it has not received a full report in relation to that area of the program. I have no concerns as to the program being implemented. Apparently there are many benefits from the programs which are currently in place in the justice system. The concern I have is the legislation before the Parliament. We need to be responsive to provisions in legislation.

I am extremely disappointed that the Attorney-General came into the house after the dinner break and attacked the member for Box Hill, who was prepared to put forward his and the opposition's point of view on this legislation. He is entitled to do so and for it to be heard, and for the Attorney-General to assess it and say, 'Yes, I accept that there are difficulties', regarding in particular the issues that I have raised about the *Alert Digest* produced by the Scrutiny of Acts and Regulations Committee.

I believe there are concerns with this. The Parliament should be supporting the reasoned amendment moved by the member for Box Hill proposing that we refuse to read the legislation until the full results of the evaluation of the Family Violence Court intervention project have been presented to the Parliament so we can assess it and see whether it should continue with the current program.

Ms CAMPBELL (Pascoe Vale) — It is with pleasure that I speak on the Courts Legislation Amendment (Sunset Provisions) Bill. The area to which I specifically wish to address my comments is in relation to the Neighbourhood Justice Centre (NJC) This wonderful centre has a division in the Magistrates Court and the Children's Court and was established under the Courts Legislation (Neighbourhood Justice Centre) Act 2006. Part 6 of that act repeals the provisions establishing the NJC and comes into operation on 31 December 2009 unless amended. Those in the Victorian community who have become aware of the Neighbourhood Justice Centre have been very impressed. People who have attended the centre in whatever capacity have applauded and spoken in support of its operations.

One of the reasons the centre has been so applauded by the general community is the fact that it is a multijurisdictional court that applies therapeutic and restorative justice approaches. This is in contrast to so many of the other courts in this state which do not have that dual responsibility. Mainstream courts do not provide what the NJC provides with regard to immediate assistance to victims, defendants, civil litigants and the local community through a range of integrated multidisciplinary services. These multidisciplinary services focus on the underlying causes of offending. If courts bothered to look at the underlying causes, there would be less chance of recidivism, and from the victim's perspective there is a greater sense of justice being delivered. They are personally affirmed, and the offender is being brought to justice not just by handing out penalties but by recognising the impact on the person who has been offended against.

The NJC's comprehensive screening and assessment tools and intensive case management have resulted in greater compliance with community-based orders. We as a community want not only justice to be served but also increased compliance and to have the victims feel a sense of strength as a result of a court case. A key difference between the NJC and the mainstream court model is the recognition that the community is a stakeholder. We are collectively part of a community that engages in violence. We see it in its various forms, and through the NJC we become part of the solution.

I will mention why the NJC was established in the city of Yarra. That municipality was chosen as the site because it comprises the suburbs with some of the highest crime rates in the state. The communities in those suburbs also face significant disadvantage and the area contains three of Victoria's largest public housing estates. There is no intention for NJCs to minimise the impact of offending behaviour, but they also maximise community involvement and positive results not only from a victim perspective but also that of the wider community.

One of the very positive results of MPs going overseas to learn from international experience is highlighted in various reports on overseas trips that have been put in

the parliamentary library. We in Victoria learnt very much about NJCs based upon international experience, and we want to continue to build on that. It is interesting that we now have people coming to Victoria from interstate and overseas learning about how we do things well here and how they can either replicate that in their own jurisdictions or slightly modify it to their own culture.

That is the philosophical underpinning of NJCs. I also want to tackle briefly the issue of those who might claim that offenders are getting lighter sentences in NJCs and any residual opinion that may remain that these centres allow the community to go soft on crime. That is not true. The NJC magistrate has the same sentencing power as other magistrates. The Sentencing Act 1991 requires magistrates to decide on appropriate sentences after taking into account factors such as deterrents, punishment, rehabilitation, protection of the community and concerns of the victim. This remains the case at the NJC. In addition the NJC magistrate has the ability to defer sentences and refer suitable cases to undergo a restorative justice group conference. All of that goes to the heart of addressing crime and giving victims a sense of justice and the community a sense of order.

I want to speak briefly in relation to whether the NJC has reduced crime. The types of offences that were targeted during the planning of the centre were drug offences, property damage, motor vehicle theft, other theft such as shop stealing, burglary and harassment. They have fallen since the NJC opened in 2007. Any reduction in crime is the result of a combination of factors, and we have to factor in that one of those is the NJC, along with Victoria Police, local government, local community and other services.

In summary this legislation allows people to get better justice and to bring offenders to the court system in a way that reduces recidivism and gives the wider community a sense of protection. That is achieved by this legislation. It is good legislation, and I wish it a speedy passage.

Ms ASHER (Brighton) — The coalition does not oppose the Courts Legislation Amendment (Sunset Provisions) Bill 2009, but we have moved a reasoned amendment. It is important to note what the member for Box Hill said in explaining the coalition's position on this bill. We are saying that we want to see the details of the evaluation of the Family Violence Court intervention project and the Neighbourhood Justice Centre project.

This bill is about sunset provisions for two pilot projects. We have no dispute with the two pilot projects, but if there is going to be a cessation of the sunset provision in one case and an extension of the sunset provision in the other case, then we wish to see the evaluations that drive that logic.

I noted with interest the barrage of true-to-form abuse from the Attorney-General when he was in this chamber after the dinner break. When the member for Box Hill was putting this point extremely well, all the Attorney-General could do was huff and puff and make comments that we oppose the substance of these two pilot projects, whereas in fact we are arguing that we would like to see the evaluations before modification of the sunset provisions occurs.

I was further interested to hear the comments of the member for Pascoe Vale. She stood and read out commentary from a folder, as she so often does, and she clearly indicated some data from an evaluation. I make the point that when members of Parliament on the coalition side asked for data about the evaluation, we were told we could not have it; yet we saw the member for Pascoe Vale stand up in the chamber tonight and read from a briefing paper — she was probably not meant to do that but let us assume that she wanted to provide in good faith some information to the Parliament. She has access to evaluations of these two projects which has been specifically denied to members of the opposition and the public. That is the point of the reasoned amendment before the house.

The first change to the sunset provisions relates to a repeal of part 15 of the Family Violence Protection Act to extend the Family Violence Court's intervention project. This project is due to sunset on 1 October, and what the government wishes to do is remove that sunsetting provision.

This is a pilot project which has taken place at Family Violence courts in Heidelberg and Ballarat. It is a project where men in certain circumstances who are on intervention orders after domestic violence episodes are directed, if it is deemed appropriate, into counselling programs. This type of project was supported under the previous government, and I think these sorts of projects can, under certain circumstances, lead to good outcomes. However, just because I have an impression that is the case does not necessarily mean that that is so. The point of difference under this program is that previously this was a program that was optional. At the moment there is a possibility of making attendance compulsory under certain circumstances if the men involved are deemed suitable for this program.

As I said, however, on the face of it this is an excellent style of program for family violence. It is one the coalition also supported when it was in government in terms of it being available in certain circumstances. Our point is that there needs to be an evaluation of this program in order to look at the sunset provisions.

I note that in the second-reading speech the Attorney-General says:

> Preliminary results of the evaluation that is in progress indicate that the Family Violence Court intervention project unequivocally promotes defendant accountability and increases the safety of women and children who have been affected by family violence.

I have to say I am heartened by those results and I hope it is working, but I am at a loss to understand why the complete data is not made available, and more substantially, why we need an adjustment to the sunsetting provisions now, in advance of the evaluation being available even to the Attorney-General.

The other part of this bill before the house extends the sunset provisions in the Courts Legislation (Neighbourhood Justice Centre) Act 2006. The bill proposes to extend those provisions to 31 December 2013, which would be a four-year extension from the current sunset date of 31 December 2009. An evaluation is happening now. One has to ask the question: why are we altering the sunset provisions which were brought in for good regulatory reasons when the evaluation is not complete? The second-reading speech refers to the fact that an evaluation of the Neighbourhood Justice Centre will be completed in late 2009. I hope the evaluation will be available publicly in 2009, yet we are making an adjustment to the sunset provision now. The Attorney-General, in his second-reading speech, made the following observation:

> … there are clear emerging trends which indicate its —

'its' meaning the Neighbourhood Justice Centre —

> benefits to the justice system.

He then went on to talk about breach rates and successful completions for community corrections orders, and stated:

> … the proportion of guilty pleas at first hearings appears to be higher at the Neighbourhood Justice Centre than the statewide average, thereby leading to greater court efficiencies.

We on this side of politics are interested in these evaluations. I hope the preliminary results that the Attorney-General flagged are true but hope they are not an adequate judgement of public policy. We need to have proper evaluations in order to see whether these pilot projects should proceed and should receive ongoing public funding.

I make the point that we have heard a barrage of commentary from the other side of the house questioning the coalition's interest in getting better outcomes for victims of family violence; I refute and reject those. The behaviour of the Attorney-General in the Parliament three-quarters of an hour ago was absolutely unacceptable. We are simply saying we would like the results of these evaluations so that we and the public can properly assess whether there should be an alteration to the sunset provisions.

I make the observation that the member for Pascoe Vale appeared to be in possession of information which was not made available to the coalition and therefore was not made available to the public. I would have thought on very delicate issues such as these that it would be in the government's interests to justify what it is doing to the public and to garner public support for these sorts of pilot projects.

I also make the comment that the Attorney-General knew of the need for this evaluation. It is his legislation; he put in the sunset provisions in the first instance. He has not done the work of the evaluation but has simply come back into Parliament and sought to achieve changes to the sunset provisions of a couple of projects for which there is significant goodwill on both sides of the house.

We are saying nothing about the particular pilot projects; there is no judgement on them. We are simply saying that we think the government should do its work in an evaluation of a pilot. For goodness sake, that is why you run pilots! You run pilot projects so you can assess whether they work, and then you can make an assessment about whether you wish to expand the program.

We are simply indicating that the government has not done its work. The Attorney-General has not done his work. We are used to that on this side of the house. We want to see a proper evaluation of these projects, and we call on the government not only to evaluate the projects but to make the evaluations public.

Mr STENSHOLT (Burwood) — I rise to support the Courts Legislation Amendment (Sunset Provisions) Bill 2009. As other members have mentioned, the bill has two purposes, which are set out in the explanatory memorandum clause notes to clause 1. They are:

to amend the Courts Legislation (Neighbourhood Justice Centre) Act 2006 to provide for the continued operation of the Neighbourhood Justice Centre for a further four years; and

to repeal provisions of the Family Violence Protection Act 2008 to enable the continued operation of the Family Violence intervention program.

I should note that this is part of the integrated response to family violence here in Victoria under the Brumby government. Certainly in my local area I am very much aware of action in this regard, particularly action by the police in terms of giving far more emphasis to issues of family violence with the new protocols that the police have. This is possible because there are far more police here in Victoria. There are an extra 1400 police positions, which have been funded by the Bracks and Brumby governments, with a further 350 police to come. Certainly we have provided the additional resources, which means that the police can actually provide a focus in their work on family violence. They receive far more money now than they ever received in the past; I think it is about twice as much. The police have far better resources available to them, including better police stations. Many police stations have been rebuilt or modernised, and the equipment police have is far better than what they had before.

I would like to particularly talk about the Neighbourhood Justice Centre, because this is something that is unique in Australia. The first neighbourhood justice centre in Australia is at 241 Wellington Street, Collingwood. It is something which we have adopted from the United States. As others have said, this is a one-stop shop for community justice. Not only do you have the magistrate there — and David Fanning has done a wonderful job there as the magistrate — but you also have a range of other services. Indeed according to the *Melbourne Times*, you can probably get lunch there as well.

The centre provides a focus for justice within the community. You have a court which has a wide variety of case loads. Indeed up until earlier this year some 11 000 community members have actually contacted the Neighbourhood Justice Centre and, from memory, they have also had a community liaison group working there with the community. It is in the city of Yarra. It is also in a neighbourhood renewal area; I have one in my electorate. This is where the community can pull itself up by its own bootstraps. The community feels empowered and far more self-confident about itself, with people engaging with each other and making sure they can help each other.

The courts at the Neighbourhood Justice Centre cover the jurisdiction in terms of adult summary offences, the criminal division of the Children's Court, intervention orders, the Victorian Civil and Administrative Tribunal (VCAT) and the Victims of Crime Assistance Tribunal (VOCAT). There is a wide range of things there. As of March this year, for example, 1354 adult criminal cases that had been brought to the courts had been finalised and 1156 cases had been initiated. Similarly with the criminal division of the Children's Court, 37 cases had been finalised and 70 had been initiated. Intervention orders: 496 had been initiated and 429 had been finalised.

VCAT covers a wide range of issues, including, for example, dealing with some people who have been on drugs or who are homeless — people on the edge and the disadvantaged. As somebody said in the *Melbourne Times* of 28 May 2008, 'We've … saved a number of people'. They were people who actually needed that help and who would have fallen through the cracks without it. They may not just have fallen through the cracks; they may well have died. The social workers there, the other people there and the magistrates are saying, 'We have actually saved people'.

VCAT there deals with a whole range of cases, including tenancy issues; 1633 issues have been through VCAT there. VOCAT is where you have people who need counselling. Magistrates play a particular role there in making sure that people get a course of counselling when they have been injured or are the victims of crime, which is a particular issue. When you are dealing with the courts you get a lot of victims of crime. It is not just a matter of putting the offender up in front of the magistrates; you also have to deal with the whole community. There are people who are affected by crimes; they are the victims, so VOCAT is operating there. I think it is an excellent thing to have these things operating together.

That is the whole idea of the Neighbourhood Justice Centre. I note that in June this year, after the budget, the Attorney-General said the centre had been extended to deliver grassroots access to justice for a further four years, with $26.2 million being made available until 2013. It is an example of an efficient and modern way to deliver justice more effectively.

The centre also becomes, as I have mentioned, a focus for the community in the city of Yarra. The idea is to address the root problems of crime. It is not just a matter of putting people away and thinking, 'Okay, Johnny is off in jail', or, 'Mary is over there in the Dame Phyllis Frost Centre'.

Ms Wooldridge interjected.

Mr STENSHOLT — I did not mean that, Mary — my apologies. I was just using a generic term rather than a specific one. The member for South-West Coast is not actually here tonight.

It is a multijurisdictional court. There are other people on the ground there, so you deal with people who are providing drug and alcohol counselling or advice on mental health. There are many people in our community who have mental health problems. Many of them end up in the justice system because they cannot cope with their lives. They lash out or all too often they are victimised. They often do not have anywhere to live. They only get something like 23 days in hospital and they come out and they cannot find anywhere to live. They sort of drift and get into drugs. There are housing problems. They cannot get employment and they become victims. A whole range of things are offered at the Neighbourhood Justice Centre.

I am delighted to make sure this program is extended for four years. I am probably happy for it to keep being extended forever. We have to see these things. These are community-based actions. We need to make sure that they are done well, that they really embed themselves in the community as worthwhile ways of delivering justice. I am delighted to support the bill. As a member of Parliament, I think we all should be supporting this. I hope the opposition can support it too.

Ms WOOLDRIDGE (Doncaster) — I am very pleased to rise today and be here rather than somewhere else to debate the Courts Legislation Amendment (Sunset Provisions) Bill 2009, which seeks to remove the sunset provision on the Family Violence Court intervention project and also to extend the sunset provision in relation to the Neighbourhood Justice Centre for a further four years. I will be focusing my comments in relation to the Family Violence Court intervention project and family violence generally in my capacity as the shadow Minister for Women's Affairs.

I have to say at the outset that I will be supporting the member for Box Hill's reasoned amendment, because we feel very strongly that the evaluation is a critical part of the decision making in relation to whether this sunset provision should be removed. We will be supporting the motion that this house refuses to read this bill a second time until full details of the preliminary results of the evaluations of the Family Violence Court intervention project and the Neighbourhood Justice Centre have been made public.

I will start off by just talking a little bit about family violence generally and its impact on the community, particularly for women. Incredibly it is the leading cause of death and disability for Victorian women aged between 15 and 44. Eighty per cent of violence against women is estimated to not be reported to the police. Ninety-eight per cent of the perpetrators of domestic violence are male, and 80 per cent of the victims are female. Seventeen per cent of all adult Australian women have experienced partner violence — that is an incredible statistic. A quarter of all Australian children have witnessed acts of violence against their mother or stepmother. The statistics are incredibly concerning. The government and the opposition have been very strong in their support for making positive steps towards reducing family violence across the board.

The Family Violence Court intervention program has been one initiative to try to reduce family violence, in particular through the men's behavioural change programs. This program was set up in 2005 and has been running since then in Heidelberg and in Ballarat. It provides approximately 20 weeks of counselling to men to address their violent behaviour, and also counselling services to the family of the defendant.

There are mechanisms to follow up on people who do not attend the counselling to try to make sure they have the benefit of that experience. Back in 2007, when the first sunset clause was about to come into play, the Attorney-General sought to extend it. At that point the logic for extending it was that the evaluation was not yet complete. It was said that the evaluation was needed to fully inform decision making for future activities. At the time, the Attorney-General said:

> The repeal provisions make it clear that the availability of the counselling orders is still a pilot program. An independent evaluation of this project is currently under way. Early indications show that the program is working well and the evaluation will be completed by the proposed new sunset date.

Incredibly we are more than two years on and that evaluation is still not complete. In the second-reading debate on this bill we still have only preliminary findings from the early evaluation. It is incredible that two years on that information has still not been made available.

I want to refer briefly to what I thought was the most amazing bill briefing process. This was referred to by the member for Box Hill as well. We had an incredibly obstructive process — in stark contrast to my experiences with many other bills, where the government has been generally keen to enter into the spirit of the debate by ensuring that the opposition could understand all aspects of the bill so that when we come to a position on it, that position would be

informed by the facts. It was incredibly disappointing that the Attorney-General allowed this process to be so unconstructive in terms of informing the opposition about the program and particularly about the evaluation.

Again and again we see a failure by this government to evaluate programs to understand the real impact of the initiatives that have been funded. This means that while we have a lot of crowing from members of the government in relation to the expenditure of funds, we are unable to say whether that expenditure is actually having an impact on families and individuals across the state. This is another example of a project that is under way where, without the evaluation four years on, we still do not have any proof in terms of its outcomes. In the second-reading speech the Attorney-General said once again that:

> Preliminary results … indicate that the Family Violence Court intervention project unequivocally promotes defendant accountability and increases the safety of women and children who have been affected by family violence.

However, this conflicts with the recent report from the Sentencing Advisory Council entitled *Sentencing Practices for Breach of Family Violence Intervention Order — Final Report*. The evidence presented there as to whether men's behaviour change programs are actually effective in reducing recidivism is inconclusive. We have an assertion in the second-reading speech that is not backed up by proof in terms of the evaluation and is in conflict with the Sentencing Advisory Council's report.

In our consultation process we were very pleased by the time and thought put in by a number of women's groups representatives who wrote to us. I have a joint letter from the Domestic Violence Resource Centre Victoria, the Victorian Women's Trust, the Federation of Community Legal Centres and Domestic Violence Victoria, which were all very strong in their position in relation to this bill, and I would like to quote from their letter:

> We'd like to advise that we are concerned about this provision in the bill, given that the Department of Justice is currently undertaking an evaluation of this program, the findings of which remain to date unavailable to key stakeholders in the family violence service system, including women's domestic violence services that work to ensure women's and children's safety.
>
> Until we see the evaluation report, we cannot support the claim that the Family Violence Court intervention project 'unequivocally promotes defendant accountability' and increases the safety of women and children affected by family violence.
>
> Anecdotal evidence from women's domestic violence services suggests that there are a number of shortcomings in this program model in terms of holding perpetrators accountable. These include failure to adequately monitor perpetrator compliance; language barriers for perpetrators from non-English-speaking backgrounds who have been directed to attend programs and who then cannot participate; and failure to impose penalties on offenders who breach these counselling orders. There have also been reports of failure to work effectively with the funded provider of the women's contact service.
>
> Without evidence to the contrary around men's accountability, women's and children's safety, and a reduction in recidivism rates, confirmed via public release of the evaluation report, we believe it would be premature to repeal the sunset provision at this stage.

That is a very definitive statement from an important group whose members have collectively spent the time to think about their recommendations on this bill.

I would like to take a little time at the end to relate this to my own electorate of Doncaster. In 2006–07, which are the latest statistics that I have, 324 incidents of domestic violence were reported. Manningham had a men's change behaviour program but unfortunately that was closed in 2006. It was run by Relationships Australia (Victoria) and funded by the Department of Human Services, but incredibly and unfortunately, due to a lack of funding, it was unable to continue, despite having met its targets. It was found that the funding was appropriate in its establishment but the ongoing funding was absolutely abysmal and had to be subsidised by Relationships Australia in order to be maintained.

It was another case where not having the community sector infrastructure in Manningham meant that new programs could not be introduced, because it was expected that there would be infrastructure in place for new programs to be tacked onto. Opposition members believe strongly — and I have heard particularly from Doncare, which runs incredible programs for women who have been victims of domestic violence — that we need local programs that men can access without having to travel to other municipalities.

Interestingly, the Heidelberg court includes postcodes that cover Bulleen and Lower Templestowe, so just through the nature of a postcode number, people in Doncaster, Doncaster East and Donvale are unable to access programs such as the Family Violence Court intervention program. We feel very strongly that we need to see the evaluation. It is a critical component of the decision making and this bill should not proceed until we have done so.

Debate adjourned on motion of Mr FOLEY (Albert Park).

Debate adjourned until later this day.

CHILDREN LEGISLATION AMENDMENT BILL

Second reading

Debate resumed from 2 April; motion of Ms NEVILLE (Minister for Community Services).

Government amendments circulated by Ms NEVILLE (Minister for Community Services) pursuant to standing orders.

Ms WOOLDRIDGE (Doncaster) — It gives me pleasure to rise to speak on the Children Legislation Amendment Bill 2009. I am pleased to say that the opposition will be supporting this bill. In fact, opposition members believe it is long overdue. We also support the amendments that have just been circulated. We are pleased that, as a result of coalition, community sector and media pressure, the government has relented on a long-held position opposing extending the time frame for the review of deaths of children.

This government unfortunately presides over a child protection system that is stretched to breaking point. Members of the workforce are burnt out and are leaving in droves, and children are at risk of falling through the cracks. Two weeks ago the Premier finally admitted that Victoria's child protection system had failed. In the same week, Victoria's child safety commissioner also declared that our struggling child protection system had failed. Last week the Minister for Community Services conceded that it was all so terrible and difficult. In a radio interview she said to the community that we should 'acknowledge that there is child abuse'.

Not only has the community acknowledged the issue of child abuse but it has been pleading with the government for years to do something about it. It is no good simply acknowledging the abuse of children. The government has a responsibility to ensure that our child protection system is sufficiently resourced to look after and do all we can to protect children. The minister also said it 'was a terrible thing to think that children are at risk from their own families'. Yes, it is terrible to think that children are at risk from their own families, but it is equally terrible when the government knows of the abuse but fails to act appropriately.

I would like to run through the provisions of the bill. There are five main objectives of the bill as it stands and a sixth in terms of the amendment the house has before it. Firstly, the bill extends the scope of cases reviewable by the child safety commissioner and the Victorian Child Death Review Committee. This will ensure that a child death inquiry is carried out concerning all children known to child protection at the time of or within 12 months of their death. This will rectify the error made by this government and seek to re-establish the approach that existed before the implementation of the new act in 2007.

Secondly, the bill enables the Minister for Community Services to recommend individual cases involving child protection to the child safety commissioner for review. This is not limited to cases where the child has died. The bill also allows for the appointment of an administrator to part of a community service organisation providing child and family services. At present an administrator can only be appointed over the entire community service organisation, which may impact on other non-relevant divisions within the organisation. There have been no relevant cases since the commencement of the act, but this was an area of concern for a number of large community sector organisations who are pleased this bill will narrow the scope of the administrator's role.

The bill deals with access to client information. There rightly exists extensive protection for children in terms of privacy and confidentiality. However, enabling administrative staff to access child protection files will provide for greater efficiency and productivity in carrying out duties relating to the operation of child protection.

Finally, the bill enables an expansion of the number of members on the suitability panel from five to not less than five. The suitability panel assesses allegations of unacceptable risk of harm to children in out-of-home care and considers the disqualification of carers who pose this risk. The increase in the number of panel members will ensure there is a larger pool of people to draw from when the suitability panel sits.

The Victorian Child Death Review Committee is an important facet of our child protection system. Its findings provide a much deeper understanding of our child protection system and contribute to the development of policy and practice in this area. The death of any child is a terrible tragedy and must be taken incredibly seriously. In instances where these children were known to government it is vital that we examine the circumstances surrounding the death. That is why the work of the Victorian Child Death Review Committee is so important.

I am very proud to say that it was set up by the previous coalition government, and the honourable member for South-West Coast was the first minister to table a report of the committee, back in 1997. Its investigations into the deaths of children known to the child protection

system provide the basis for greater learning and accountability and seek to ensure that government is always informed of ways to improve practice and also is transparent and answerable.

We clearly cannot blame government for the death of all children in state care; however, their tragic deaths are often contributed to in part as a result of our overstretched and undersupported child protection system. We also know that in up to 73 per cent of substantiated child protection cases, mental illness, substance abuse or domestic violence are present as well. However, mental health and drug and alcohol services fail to take into account the family context as they provide care to adults with children; drug treatment services are at a fraction of the level that is needed; domestic violence is still massively underreported; and mental health services continue to be in crisis, as was confirmed by the coroner only recently.

Not only is child protection under massive pressure; in addition, the failure of this government to appropriately reform and invest in health and community services across the board contributes to families being increasingly in crisis and facing increasingly complex circumstances. How things have changed since Labor was in opposition! In 1996 the then Labor member for Albert Park said, as recorded in *Hansard* of 30 October of that year:

> The state must be blamed and take responsibility if it fails to give child protection the priority and resources that it deserves.

Our current Premier may recall having said on 6 September, 1995, as recorded in *Hansard*:

> Everybody agrees that when it comes to the question of priorities in government the no. 1 priority must be the responsibility to the most vulnerable in our community. The responsibility of the government is to its children. The responsibility is to protect those who are at risk through no fault of their own and who are unable to protect themselves.

Where is that responsibility now? Under Labor the child protection system has become increasingly complex, crisis driven and riddled with system failures across the board, from a stressed and underresourced workforce to a crisis in out-of-home care and a chronic shortage in foster carers. Our children are falling through the gaps because of this government's failed bureaucratic management of child protection. The coalition has a strong record in taking action to protect and value our children. We are committed to enhancing learning and improving practice, and also to greater transparency and accountability when it comes to the death of children and the protection of children across our state.

I have a number of concerns about the bill that I will run through, and which I think warrant raising in this debate. Firstly, the implementation of the Children, Youth and Families Act 2005 and the Child Wellbeing and Safety Act 2005 resulted in what this government has called an inadvertent error. Previously all children who had child protection notifications were included in the scope of the child death inquiry process in the instance of death. However, in 2005 this government limited the scope to children who had been subject to a protective intervention report. Not all notifications of child abuse or neglect get classed as a protective intervention report as they may be referred elsewhere or the case may be closed. This essentially exempted cases of death from being reviewed and it conveniently exempted this government from the associated scrutiny and accountability associated with those deaths.

This narrowed the number of cases reviewable by the Victorian Child Death Review Committee and as a result this government was not informed and has not had the opportunity to learn from or be held accountable for all the deaths that otherwise would have been the case.

In 2005 the government made this mistake. In 2007 the minister was made aware of this mistake, and now in 2009, two years later, the Minister for Community Services is finally fixing this mistake. However, for the last two years, as a result of the narrow scope, eight deaths of children have not been analysed.

This bill does not commit to the missed cases being reviewed and reported on, but I have an assurance from the minister that the missed cases will be reviewed and made public by the Victorian child death annual review process. I hope it will be delivered and I think that will be very valuable to the government, the Parliament and the community. This would ensure that the learning from the cases is captured and would be an appropriate and respectful treatment of those young lives lost.

The second concern I have relates to the ministerial referral of cases for review by the child safety commissioner. This bill allows the Minister for Community Services to request the child safety commissioner to examine individual cases involving child protection. In her second-reading speech the minister said that this would enhance the level of accountability surrounding child protection practices, but unfortunately, for a government driven by spin, it provides another avenue for the minister and the government to try to manage the media.

All reviewable cases will be at the discretion of the minister and will therefore be used to react to high-profile cases involving abuse, neglect or the death of a child. As is the norm for this government, it will be used as a mechanism to manage the media and to avoid ongoing scrutiny. We never hear the outcome of a review and importantly we never actually find out what has been changed as a result.

Being able to refer cases directly to the child safety commissioner is an improvement, but make no mistake, it is still an internal review done by the child safety commissioner, who reports to the minister. The government will use it to deflect attention and criticism, and the public will still not know the outcomes. The minister's office confirmed that there is no requirement for the child safety commissioner to publish details about or findings on the individual child protection cases reviewed pursuant to a referral from the minister.

I commend the work of the Victorian child safety commissioner, Bernie Geary. His job is not an easy one, and he works on incredibly difficult cases and issues in what are often challenging and constraining circumstances. I encourage him in future to report via his annual report on those cases that are referred to him from the minister so that the community can have confidence in the processes and in the outcomes.

I would also like to raise the issue of cases not known to child protection services, because the ministerial referral of an inquiry into a child death has the criterion that the child has to be known to child protection services at some stage in their life. However, each year there are a number of deaths as a result of neglect or abuse where child protection services have not been involved. I believe we need to make sure that we also have a way to learn why the cases of abused children who die may not have been notified to child protection services and what more we can do to protect them.

I would also like to comment on the function of the suitability panel and its role. As I have said, the panel is responsible for disqualification of carers who pose an unacceptable risk of harm to children. The suitability panel costs approximately $250 000 a year to run; however, since being established in 2007 it has only considered three cases and made one disqualification. At the briefing for the bill we were assured that the extension in terms of panel numbers was not going to be done at any additional cost. Perhaps now, two years on, it would make sense to evaluate the role and the functioning of the suitability panel to make sure it is the most effective way to review carers of children in out-of-home care.

This brings me to the amendment we have just had circulated. Members of the coalition are incredibly pleased that our advocacy, in conjunction with the child protection sector and the media, has forced the government to extend the time frame to review deaths of children from within 3 months to within 12 months of being known to child protection. At present the Victorian Child Death Review Committee reviews the reports on the deaths of children who are clients of child protection when they died or within three months of their deaths. Our concern was that this three-month time frame is too narrow and, as a result, the deaths of many children who have been in the care of the state are not being investigated, the learning is being missed and it is exempting the government from accountability. We strongly believe that more needs to be done to increase scrutiny of the deaths to ensure that the system is fulfilling its responsibility to protect our most vulnerable children.

In order for the government to be convinced of the need for this, back in June we foreshadowed an amendment which would require the government to extend the time frame for inquiries into deaths from those who are known to child protection services within 3 months of their death to those who are known within 24 months of their death. The broader time frame increases the number of cases investigated and provides better information to us as policy-makers about why young people who have been in state care are dying.

In considering this time frame we considered that extending the time period would bring Victoria in line with other states and territories. Every other state investigates reports of child deaths within a two to three-year time frame of being known to child protection. In 2004 the Premier of Queensland, the Honourable Peter Beattie, claimed that Queensland's legislated three-year time frame would ensure a rigorous and transparent process. There was bipartisan support in Queensland for the review of the death of any child who had died within three years of contact with the government, and it was largely supported on the basis that it would inform best practice in the protection of vulnerable children. Victoria's current three-month investigation time frame for reviewing cases is exceptionally narrow, and fewer cases are reviewed as a result.

The matter of this extension has been raised with the minister and the government previously, and their reluctance to extend the time frame must be viewed as a mechanism to shield the government from additional numbers and the scrutiny that comes with it. The coalition believed that this bill provided an ideal opportunity for this government to remove a layer of

secrecy by extending the time frame of reviewing deaths.

In deciding to put forward the amendment that we foreshadowed we undertook extensive consultation to ensure that we had the views of the community and the child protection sector. We have had positive results because there is widespread support for the bill, but there has also been a clear message of support for the extension of the time frame from three months in terms of reviewing child deaths. In particular Colleen Clare from the peak group the Centre for Excellence in Child and Family Welfare was supportive of an extension. She said:

> A broader and longer look is a good idea. It gives you more information in one place … the lessons drawn from it would be broader and deeper, and it would improve practice.

An extension to the three-month time frame is also supported by the Victorian Child Death Review Committee itself. In its 2008 annual report it states that the three-month time frame:

> reduces the potential to identify important learning from a broader number of cases.

For years the child protection system has been advocating for an extension to the time frame. In 2007 the then Child Death Review Committee's chairwoman, Lisa Ward, claimed that the committee had been pushing to have the three-month time frame abolished. Similarly, in 2007 the Australian Childhood Foundation's chief executive, Joe Tucci, claimed that the Labor government was more interested in limiting liability for the Department of Human Services than it was in protecting children. He said the system was fundamentally flawed and was only there to protect the department from criticism rather than getting to the bottom of how the system was functioning in any particular year.

This debate extends even further back than 2007; it has been going on for years. In fact in the lead up to the introduction of the Children, Youth and Families Bill 2005 the child protection system argued very strongly for an extension to the three-month time frame. For years the sector has been sending a very clear message about this, but unfortunately until now the cries have fallen on deaf ears. Why have successive ministers failed to act? What we will see when the time frame is extended — if it is the will of the Parliament — is an increase in the headline number of deaths of children reviewed every year. Unfortunately Labor has spent the last 10 years trying to manage those numbers down.

It is not completely clear what extending the time frame will mean in terms of additional numbers reviewed. Most think it will add a small number of additional cases. In Queensland, where, as I have said, the time frame is three years, 24 per cent of the cases they review are known within 4 to 12 months of death. An additional 5 per cent were known to child protection within a one to three-year period.

The government's amendment extending the time to 12 months does not go as far as we would have liked. However, using Queensland as a guide, of the cases reviewed over three months, 85 per cent were in the 4 to 12-month period. Therefore, we believe the government's proposed extension of the time frame to 12 months will capture the vast majority of additional cases which could be reviewed, and that is why it warrants support.

This year the Child Death Review Committee looked at 16 cases. It missed five cases because of the inadvertent narrowing that this bill fixes. Assuming Queensland is a rough guide, extending the time frame to 12 months would mean that approximately five additional cases would be reviewed annually. With the government having been forced to do the right thing, we will now have additional cases reviewed which will provide further evidence for better responses to children and young people in need of protection.

I would now like to consider the question of an independent commissioner for children, having already talked about the role of the child safety commissioner in the bill. Having conceded on the extension of time to review deaths, I respectfully submit to the minister that if she is as interested in enhancing the level of accountability as she claims to be, then she and the government should commit, as the coalition has committed, to making the child safety commissioner independent.

It should not be a bureaucrat but someone who has the power to report directly to the Parliament on what is happening in the area of vulnerable children and families. For years Labor has also resisted calls to establish an independent children's commissioner, and for this reason, Victoria remains different from most other states and territories.

It was very disappointing to read the Minister for Community Services' comments in her press release of 28 July 2009, titled 'Child safety commissioner granted stronger powers'; it states:

> Ms Neville said the government opposed the push by the opposition to replace Mr Geary.
>
> 'We absolutely oppose the push by the opposition to abolish the child safety commissioner and replace him with a watered-down, less effective Liberal Party appointee'.

She knows as well as anyone that the commitment to have an independent children's commissioner is not about replacing Mr Geary; in fact it is quite the opposite. It is about enhancing his role. To say that we want to 'replace him with a watered-down, less effective Liberal Party appointee' is just a schoolgirl playground taunt and not a commentary which reflects the seriousness of the role.

The minister is also in direct conflict with the child protection system regarding the importance of the independence of the role. Coleen Clare from the Centre for Excellence in Child and Family Welfare; Joe Tucci from the Australian Childhood Foundation; John Cain from the Law Institute of Victoria; Georgie Ferrari from the Youth Affairs Council of Victoria; and Chris Goddard from the National Research Centre for the Prevention of Child Abuse all have one voice on the need for an independent children's commissioner.

I use this opportunity to call on the government to establish an independent children's commissioner with the power to initiate reviews on issues arising from child protection and out-of-home-care, rather than leaving it to media pressure and the whim of the minister. Such a commissioner should be able to advocate for the effective protection of children and identify ways to achieve it. With a genuinely independent children's commissioner we would not have to go through the farce that we have gone through in the past few weeks in an attempt to make an internal review look independent. The commissioner would be genuinely independent.

What we are seeing, unfortunately, is a stressed child protection system and an admitted failure of the government in relation to it. It is an underresourced system, and kids are falling through the gaps. The child protection workforce is stretched to breaking point, and nearly one in four workers leave the system every year. The system fails to support foster carers, with more than half of all foster carers leaving the system in the last four years. The legal system consistently fails to heed the advice of child protection workers in making decisions concerning the safety and wellbeing of children, something we must work through.

In conclusion, we want to be constructive. We believe the government has come an incredibly long way after many years of refusing to extend the time frame for review of child deaths. We believe there are some valuable components to the bill that will enhance the system, and we are pleased that we are moving forward on the issue of the time frame. We support the bill because it fixes the mistakes that were made in the Children, Youth and Families Act, which was debated in 2005 and came into place in 2007. It moves things forward and delivers on a commitment that the deaths of children in state care should come under greater scrutiny.

The opposition supports the bill, as I said. We commend the bill to the house and wish it a speedy passage for the benefit of vulnerable children across Victoria.

Mr LANGUILLER (Derrimut) — It gives me pleasure to rise tonight in support of the Children Legislation Amendment Bill 2009 and the house amendments. The first matter that ought to be put on record is that when it comes to child protection and reforming the system for the best interests of children, this is the government that will do it. I am proud of the government's longstanding record of innovation in the protection of children and in family services.

In response to the contribution made by the member for Doncaster, it is important to put this bill in context. In the budget brought down in May the government committed in the order of $160 million over four years to further protect vulnerable children. That investment includes $135 million to reform the out-of-home care sector, expanding its capacity and the quality of care provided; $14.65 million to improve the capacity of the after-hours child protection emergency crisis response service; and an additional $10.45 million to boost sexual assault counselling services for children. We on this side of the house are very proud of those commitments. This investment means that this government's funding for services for child protection and family services has increased by 136 per cent since it came to office. These are the facts. This government has done more than the previous government. It has done, and continues to do, as much as it can on this issue, both through the budget and through creative ideas and innovation in terms of policy and legislation.

In addition to that contribution, we have brought about the legislative reforms, policy and practices that were warranted. The legislation passed in 2005 helped provide the framework for a more integrated system of child, youth and family services that in our judgement better connects vulnerable families to the services they need. It also led to the establishment of the Office of the Child Safety Commissioner, an important achievement and something that had been sought for a long time by the sector and by us as a government.

It also enshrined in law the best interests principle to ensure that the best interests of the child are always paramount in any decision-making process. These are important reforms and important contributions the

government has made. There is always more to be done. This government and the minister will continue to do that work.

I now wish to move to the two important amendments proposed. The Children Legislation Amendment Bill 2009 proposes two amendments to the Child Wellbeing and Safety Act 2005. The second of these amendments to that act seeks to increase the level of transparency and accountability that surrounds child protection practice and promote a culture of continuous improvement in child protection practice.

It is important we understand these proposed amendments. The Child Wellbeing and Safety Act 2005 provides for the child safety commissioner to review the deaths of children who were child protection clients. The act currently limits the scope of reviews to children who were child protection clients at the time or within three months of their death. That has been the practice since 2005 when this government framed that piece of legislation. Prior to that, what we had in the state was an administrative practice which we had inherited from the previous government. It was an internal process and not as it is now. It is important we say that in terms of reviews, which are important mechanisms for the purposes of learning what happens and how we can improve the system, there is now independence, and we are proud of that.

The proposed amendment will extend this 3-month time line to 12 months. It will enable the child safety commissioner to review the deaths of children who were child protection clients at the time or within 12 months of their death. We think this strikes the right balance. We examined other jurisdictions in Australia and around the world, and we believe 12 months strikes the right balance.

In addition to that, it ought to be remembered that ultimately if a matter or a case is referred to the minister, notwithstanding the 12-month limit, the minister can refer that case for review and examination. Ultimately that is the check, that is the balance, and I think that is important.

The powers and functions of the child safety commissioner will remain the same in regard to child death inquiries. The proposed amendments will merely expand the criteria of cases being reviewed by extending the time line from 3 months to 12 months.

Why the extension? It is an important consideration, an important question that members have asked and one we ought to address ourselves. Victoria's child death inquiry process is already robust and strong; it is one that is done well and in depth. Under existing legislation the child safety commissioner is empowered to undertake an inquiry into cases in scope. Under his powers he can obtain information from the Department of Human Services and other service providers. He also conducts face-to-face interviews and in-depth consultations with individuals, carers and stakeholders. I highlight this: my understanding is that that is not necessarily what happens in other jurisdictions. I think it is an important process of the child safety commissioner that that takes place.

What is this proposed amendment doing? It brings Victoria more closely into line with the time lines and practices of other jurisdictions. The proposed amendment will increase the level of transparency and accountability surrounding child protection practice. It will give us the opportunity to continue to learn and to deliver continuous improvement for child protection. This amendment acknowledges community expectations that the death of a child known to authorities requires a genuine, significant and independent inquiry.

Another important matter which I wish to refer to very quickly is in relation to the role of the child safety commissioner and the Victorian Child Death Review Committee. The objective behind an inquiry by the child safety commissioner is not to identify the cause of death but to identify what policies and practices may have taken place in relation to the safety of the child that need to be improved, or mistakes or errors that might have been made, and for the purpose of learning from that exercise in order to deliver continuous improvements. It is not to identify the cause of death but to continue to do that, and we are confident that indeed this will continue to happen in a very robust way.

Similarly, the aim of the Victorian Child Death Review Committee is to identify the common themes and comments on service responses to vulnerable children and families as part of an ongoing reflective learning process.

We are proud of this. It is an important amendment that we are making — a house amendment — and we are very proud indeed of our track record as a government in relation to protecting children in the community and responding to their needs which we have made the most important ones.

The best interest principle is one that this government is proud of and one that we have brought into practice and indeed into legislation. We are proud of the fact that since we came to office we have invested more than the

previous government into and for the purpose of services to child protection; we have increased our budget in the order of 136 per cent since coming to office. This is a good amendment. This is good legislation. I commend it to the house.

Mr NORTHE (Morwell) — It gives me great pleasure to make a contribution to the Children Legislation Amendment Bill 2009. This bill amends two acts, those being the Children, Youth and Familles Act 2005 and the Child Wellbeing and Safety Act 2005.

There are essentially five main provisions to this bill. The first of those is extending the range of child deaths which are reviewable by the child safety commissioner and the Child Death Review Committee to all children who are the subject of a report within 12 months of their death. The current legislation only allows for the review of a death of a child, deemed by child protection to be a protective intervention report, within three months of their death. As the member of Doncaster has clearly outlined, this is a much improved aspect of this legislation.

The second aspect deals with granting the child safety commissioner the power to examine individual cases involving child protection upon a request by the Minister for Community Services, and that is something I will address a little further into my contribution.

It also allows for the appointment of an administrator to part of a community service organisation that is providing child and family services rather than to the entire organisation.

I believe this is a very sensible decision, as the current legislation would only allow the appointment of an administrator over the whole of a community service organisation rather than part; therefore this is a sensible step in the right direction. What it will also do is enable administrative staff to access a child protection file for the purpose of carrying out significant duties relating to the operation of the child protection program.

This aspect of the bill is a sensible step in the right direction. It also enables the expansion of the number of members on the suitability panel which is responsible for assessing allegations of unacceptable risk of harm to children in out-of-home care. Those five elements are certainly a step in the right direction with the protection of our children in our community.

Many abhorrent crimes are committed in Victoria; however, the abuse of a child simply defies belief and, whilst this legislation before us extends the range of child deaths which can be reviewed by the child safety commissioner and also by the Victorian Child Death Review Committee, more must be done to reduce the incidence of child abuse and the deaths of children in the community.

If one analyses the Victorian Child Death Review Committee's 2009 annual report of inquiries into the deaths of children, from table 3.2 on page 15 one gets a sense of the range of deaths of children within our community. They range from a high of 32 deaths in 2002 to 16 in 2008. As the member for Doncaster pointed out, 5 cases in 2008 were excluded from investigation because of the current narrowing of the scope that is available to the Victorian Child Death Review Committee.

Table 3.1 of that annual report has a category of deaths of children. Whilst it notes that some deaths are from acquired/congenital illnesses, sudden infant death syndrome, suicide or drug/substance abuse, the reasons for some are listed as 'not known', and that is of concern to us all in the community. Unfortunately in recent times there has been much publicity about child abuse that has occurred in the state. An article in the *Herald Sun* of 13 July carries the headline 'Why wasn't she saved?'. The article is about a two-year-old toddler who was on life support after being bashed. That is an awful situation. I am sure all members of Parliament absolutely cringe when they hear about those types of incidents. In the same article Professor Chris Goddard of Monash University was reported as saying, 'We need to review cases where children have been injured to see if we could have intervened earlier'. The article is accompanied by a haunting picture of Daniel Valerio. It is awful for all of us to witness that type of abuse. One can only wonder what type of animals would commit such sins.

Further, in an article in the *Herald Sun* of 14 July, Mr Geary, the child safety commissioner, is reported as speaking about child protection services and what we can do to improve the situation. He is reported to have made mention of the child protection service being 'seriously understaffed'. Speaking from my own experience, you have to take your hat off to child protection workers who work in such a harsh industry in the Latrobe Valley and have to see so much. I am sure members of Parliament dip their lids to those who work in the industry. It is such a difficult situation to deal with. I make the point that Mr Geary said that we need to really provide further assistance to our child protection workers to make sure they have support to deal with child abuse in our community.

There was a further article as recently as on 26 July in the *Sunday Herald Sun*. That article refers to children having died in the care of adults from non-accidental injuries. It refers to a culpable parenting law and to the UK legal system, and asks whether something similar would be considered in Australia under our laws. Many in the community would feel very strongly about that, and it is something that perhaps should be considered in the future. Again, the photos of those children who have suffered abuse is extremely disturbing to say the least, and it is very difficult to fathom.

I would like to mention some intervention programs that exist in the Latrobe Valley. There are some partnerships in the city of Latrobe and the shire of Baw Baw, with programs provided by Anglicare Victoria, Berry Street Victoria, Quantum Support Services, Queen Elizabeth Centre, Wanjana Lidj, which is an Aboriginal indigenous group, and the West Gippsland Healthcare Group. They have a program called Child First and Integrated Family Services. What they really try to do is make sure that intervention occurs before issues come before child protection services — that is, they not only assist families to improve the safety and wellbeing of the children but also teach people how to be good parents. It is a program that works well within our local area.

With respect to the extension of the time frame in which the death of a child known to child protection services can now come before the child safety commissioner or the committee, I believe this is a sensible decision. I congratulate and commend the member for Doncaster for the extensive work she has done and the representation she has made on behalf of those people calling for the two-year review.

The member for Doncaster made reference to page 46 of the 2008 annual report of the Victorian Child Death Review Committee (VCDRC), which states that:

> In Victoria child death inquiries are limited to clients of child protection at the time of their death or within three months of their death. The VCDRC considers that this narrow time frame relating to closed child protection cases reduces the potential to identify important learning from a broader number of cases.

As the member for Doncaster said, in other jurisdictions across Australia a time frame of either two or three years applies in most cases. Even though we have a 12-month time frame before us today, at least it is a step in the right direction. However, there needs to be some consideration in granting a further time extension.

I do have some concerns with the Minister for Community Services granting power to the child safety commissioner upon request to examine individual cases. Whether these cases will be referred because of media pressure or whether they are high-profile cases, I am not sure whether the minister will generally be aware of all the circumstances of each individual case.

The member for Doncaster has raised the notion of having an independent children's commissioner. This is a sensible step in the right direction. There is a need for some independence, but the independent children's commissioner would report to the Parliament. It would not be the responsibility of the minister. Five out of the eight states and territories have an independent children's commissioner. As we speak, the need for one in Victoria is urgent. In summary, I believe the bill is a step in the right direction; however, more needs to be done.

Mr HERBERT (Eltham) — It is an honour to speak on the Children Legislation Amendment Bill. The bill proposes to amend two pieces of legislation: the Children, Youth and Families Act 2005 and the Child Wellbeing and Safety Act 2005. These two pieces of legislation were instrumental in reforming child protection and child safety in Victoria. However, since their commencement in 2007 it has become obvious that some amendments are necessary to improve child protection services. I support the amendment which essentially extends the time that the child safety commissioner can undertake an investigation after the death of a child from 3 months to 12 months. That is a very good measure.

In many ways there can be no more worthwhile cause than protecting children from abuse. Protecting and preventing abuse in children and protecting those most vulnerable and those who are incapable of protecting and advocating for themselves is crucial in any society. It is abhorrent for all decent people to see children bashed and abused. It is incumbent on all of us to do all we can, to not just speak words but act and do all we can, to ensure that effective laws are in place which protect children from abuse. This is why we introduced the role of child safety commissioner; it is why some 16 years ago this state passed mandatory reporting over child abuse laws; and it is why over recent years the government has poured resources into child protection.

Ms Neville — We have doubled the funding.

Mr HERBERT — We have doubled the funding. In fact we have more than doubled the funding. There has been a 136 per cent increase in child protection under this government, and we have increased the penalties for parents who abuse their children substantially.

Our focus on early intervention is working. Our substantial increase to mental health and family violence services is seeing less reliance on notification and less people in care. If you have a look across Australia and at New South Wales, where they do not have that absolute conviction, reliance and effort being put into early intervention, you see notifications are about 197 000. In Victoria it is 41 000. Our system is working; we are getting onto the problems early and solving them.

If you look at in care, you see it is the same thing. In New South Wales there are some 13 000 in care; here the number is 3000. It is one of our system's fundamentals: if we get in early, we can solve the problems, and we are not going to have more problems down the track.

That is not to say there is not more to be done. As the Premier recently indicated, if evidence comes to light that we need to do even more, then we will examine it very closely. These comments were made in response to the dreadful bashing of a two-year-old girl and the failure of the system in that case to adequately protect her. The measures we are introducing today will strengthen that system and lead to better protection for vulnerable children. I will speak in more detail in a little bit about the legislation. Before I do, like other members here, I just want to comment on that particular case and some of the propositions put forward in the media and the public discussion that ensued.

As I said, we have had mandatory reporting of child abuse here for some 16 years. The legislation requires a broad range of professionals to compulsorily report instances of child abuse. The provisions for this reporting were enacted for police, doctors, nurses and teachers but not for other community service professionals such as youth workers, social workers, welfare workers and child-care staff. The issue of who should be required to make notifications is a complex one. Whilst there is opposition within the sector to mandatory reporting within these other occupations, other children's advocates believe we should extend the range of occupations to which mandatory reporting applies.

I was pleased to hear the minister — who is in the house for this debate — say recently that the government will continue to look at this issue and will continue to monitor child protection proceedings in other states. I believe that if the evidence shows that more action is needed in this area, the government will certainly act. I have that conviction because of the legislation we have before us and because of the government's actions.

This is important legislation; it is important for the protection of children. As others have said, what this bill does is pick up on some basic flaws that were in the original legislation. As we enact legislation, as we practise it, we find we can do things better.

This legislation will extend the range of cases reviewable by the child safety commissioner and the Victorian Child Death Review Committee. In doing so it will promote greater transparency and accountability of the child protection program. In effect it will enable the commissioner to investigate the case of any child who has been brought to the attention of the Department of Human Services, not just those about whom it has been found there is a case to be made or those who in fact have a protection intervention report. This is an important point. It will significantly increase the number of children's deaths that can be investigated by the commissioner.

Further, this bill will enable the commissioner to investigate individual cases involving child protection at the request of the minister, as long as the child was known to child protection at some time in the past. There has been criticism from across the chamber of this measure, but it is an absolutely sensible measure. It means that anyone can write to the minister and make an argument for an investigation, and the minister can then refer that on and make an investigation happen at any time — it might be a year, it might be two years later. There are no time restrictions, and I think that is one of the great strengths of the provision. I think it will enable the child safety commissioner to investigate and make recommendations on a much broader range of areas of child abuse than are currently investigated.

The legislation also enables an administrator to be appointed over an entire community service organisation and, importantly, it allows administrative staff working in child protection programs to have access to file information. This might seem strange to some. I guess there are some who would have criticisms from a privacy perspective, but the truth is the way the system works there is a lot of paperwork. There has to be a lot of documentation of the investigation of possible abuse, of conversations that occur and of the results of tests. If administrative officers do not have the capacity to write up some of this, to write the reports and write the letters, then these tasks all go back to the same people who are doing the investigations. That then puts substantial pressure on the investigation process and makes for an inherently inefficient system. So while some may criticise this on privacy grounds, it will greatly enhance the capacity of the system to in fact do what it should do best — that is, investigate child abuse.

I will not say much more, other than that to repeat that this is very good legislation that fits in great stead with the momentous work the government is doing to improve child protection services in this state; I commend it to the Parliament.

Mrs FYFFE (Evelyn) — I am pleased to contribute to the debate on the Children Legislation Amendment Bill. I realise that I only have a few minutes in which to speak on it this evening, so I hope debate on this bill continues tomorrow.

I welcome the government's concession to extend the time frame for reviewing the deaths of children known to Victorian child agencies from three months to one year. While I and many of my colleagues feel that the time frame should have been extended to the full two years, as the shadow Minister for Community Services argued, I believe the extension to one year is a step in the right direction. I trust this will increase the scrutiny, knowledge of and number of child deaths that can be investigated so that we can work towards reducing the opportunities for abuse to occur in the future. Important lessons can be learnt only by broadening the scope of such reviews.

I am concerned about the bill limiting the child safety commissioner's ability to examine individual cases involving child protection to those determined at the discretion of the Minister for Community Services. This is likely to result in cases being reviewed in line with media pressure, rather than as a result of any self-determining need identified by the experts working in the field. There is some question about the effectiveness of the sustainability panel. The panel considers the disqualification of carers who pose an unacceptable risk of harm to children. However, since being established in 2007 the panel has only considered three cases and made one disqualification. Given that it costs around $250 000 a year to run, perhaps it is worth reviewing whether this panel is the best use of resources.

The signs of stress in society are increasingly being expressed in inappropriate and antisocial behaviours. To successfully address child deaths we must ask ourselves as legislators how we can improve support for people in the community who want to report the abuse of child, how do we empower child protection workers so they can intervene where it is believed a child's life is in danger, and are our courts delivering sentences for child abusers and murderers that are in touch with community standards and expectations?

One of the pathways for children suffering abuse in the home and whose lives may be at risk is foster care. John Devine, chief executive officer of Anchor Community and Foster Care in Lilydale, wrote to me in June raising his concerns about his organisation's resources being strained due to unprecedented requests for emergency assistance, many of which flooded in in the wake of the bushfires. Anchor's foster care program provides short, medium and long-term care by a remarkable team of trained foster carers for children aged 0 to 18 years.

Some children need court-ordered care, others need care because of illness or for family reasons. Some children arrive with just the clothes on their backs, yet foster carers are all volunteers. There is more we can do to support these organisations to help promote foster caring and meet more of the expenses incurred by foster carers. Without these wonderful people, children at risk would have fewer options.

In 2008, 16 children under the protection of this government died. One of the weaknesses of the child protection system identified in the report was that while child protection workers are collecting a lot of reported data about abused children, the workers do not know what to do with the information. Overstretched and inexperienced child protection workers fail to understand or analyse the information gathered, critically question those involved, respond to the child's needs and collaborate to fix the problems.

These limitations must be addressed by governments. It is no longer enough to have a child protection system that is reactive. If we are to stop abuse and prevent deaths, we must be proactive and ensure that an appropriate level of skill is present through better training, and legislate to ensure that the powers are available to child protection workers to enable them to do their jobs effectively.

Children are increasingly being identified as victims of family violence in Victoria, with the number of reported incidents increasing by 42 per cent in four years.

The ACTING SPEAKER (**Mr Nardella**) — Order! The time has come for me to interrupt the proceedings of the house. The honourable member will have the call when this bill is next before the house.

Business interrupted pursuant to standing orders.

ADJOURNMENT

The ACTING SPEAKER (Mr Nardella) — The question is:

That the house do now adjourn.

Marine safety: recreational vessels

Dr NAPTHINE (South-West Coast) — The issue I wish to raise is for the Minister for Roads and Ports. The action I seek is for the minister to immediately rule out a number of extreme and ridiculous proposals in the recently released summary of issues and reform options for recreational vessels

All stakeholders are keen to improve marine safety in Victoria, and therefore I urge the minister to rule out some of the unpopular, unworkable and unreasonable proposals put forward in this discussion paper so we can all concentrate on the real way forward to improve marine safety without the distraction of these ill-considered options — for example, page 8 of this paper requires all operators of wind-powered vessels to be licensed. That includes windsurfers, kite surfers, children sailing on Albert Park Lake, people with disabilities sailing in Portland Bay and experienced sailors like John Bertrand and our Olympic gold medal winners.

Page 10 seeks to limit vessels which are 4.8 metres or less in length to operate only in enclosed waters, and vessels from 4.9 to 8 meters are to be limited to operate within 20 nautical miles of shore. These are stupid proposals that are simply unworkable and ridiculous. If the minister ruled those stupid sorts of proposals out, we could concentrate on the real issues.

Let us see what some of the stakeholders are saying. The Warrnambool *Standard* of 23 July says:

> The south-west's multimillion-dollar bluefin tuna fishing bonanza could be sunk by proposed new marine safety laws.
>
> Thousands of south-west boat owners would be grounded if laws are passed to prevent vessels shorter than 4.9 metres being taken out to sea.
>
> …
>
> The Glenelg Shire Council … mayor Geoff White … said the implications for Portland were enormous.

The tuna industry is worth $80 million a year. The article continues:

> Warrnambool Offshore and Light Game Fishing Club president Peter Kavanagh described the proposals as 'downright bloody ridiculous'.
>
> …
>
> Warrnambool and District Anglers Club president Colin Hurford said the proposed restrictions on small boats would prevent coastal fishing trips.
>
> 'Our members fish off Killarney and in Port Fairy Bay for whiting', he said.

It is said that boats of 0 to 4.8 metres will not be able to leave the harbour and no boats under 4.8 metres will be able to beach launch at Wally's Ramp near Portland, along the north shore or off the beach in Bridgewater Bay. That will mean no small boats that are less than 4.8 metres will be able to be launched at Mallacoota, Cape Conran, Venus Bay or anywhere along the coastline.

Bill Sutterby, an expert and experienced boatie, says:

> I am mortified of the prospect of being forced to fish in enclosed waters because my boat is under 4.9 metres.

He says that his boat is very safe and secure.

I am calling on the minister to get rid of these ridiculous proposals and concentrate on — —

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

Planning: city of Kingston parks

Ms MUNT (Mordialloc) — The matter that I wish to raise tonight is for the attention and action of the Minister for Planning. The action I seek is for the minister to facilitate the Department of Planning and Community Development, the DPCD, to contact and liaise with the Kingston City Council to formulate the strategic planning frameworks for the chain of parks in the Kingston green wedge.

I met with Kingston council last week, and its representatives stressed to me their eagerness to get started on the strategic plan and their eagerness to work with the DPCD to frame the terms of reference for this study. I must also add that in all my talks with the members for Clayton and Bentleigh they have also stressed their support for this plan to be put in place. We view it as vital for our local area.

Our green wedge in Kingston is a potentially wonderful community resource for active and passive recreation and many other land uses. It was originally intended — by the Hamer government, I believe — as the lungs of the south-east. The chain of parks was first proposed over 20 years ago, and since that time two parks have been established: Braeside Park and Karkarook Park. They are very popular with the locals as recreation areas. The chain of parks is intended to join these two parks and build on the community resource that they provide.

It would also be fair to say that over the years there has been considerable degradation of the land, particularly in the northern, non-urban Kingston green wedge. The original intention was to extract sand, landfill and then rehabilitate to parkland through Parks Victoria and the council. Some land has been completed through this process, but other areas are still at extraction or landfill stage, empty or, worse still, at concrete-crushing stage. As open land of such large area is very rare in the metropolitan area, this provides a great opportunity to fulfil the original vision for this land. As the Premier is reported to have said last week:

> The challenge here, over time, is to get the maximum community benefit for the open space … We have provided $1 million from the budget to make a plan for a chain of parks.
>
> This will be a linkage and it will be great for vegetation.

The Premier said the chain of parks was 'a very exciting idea' for Kingston. He said:

> You can have a whole network of parks which can be used for walking, cycling and native wildlife.
>
> We just need to get the bits joined in continuity.

I ask the Minister for Planning to direct the department to start this process and consult with Kingston council as a matter — —

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

Baimbridge College: funding

Mr DELAHUNTY (Lowan) — I wish to raise a matter for the attention of the Minister for Education. The action I seek on behalf of the school council, students and staff of Baimbridge College and on behalf of Hamilton and the wider Hamilton community is that the minister review the advice given to the federal government regarding the application from Baimbridge College for the science and language centre round of the economic stimulus package grants and look at assisting the college to gain funding to build a new science centre.

Baimbridge College is desperately in need of funding to upgrade its facilities. There is a clear need for a new science centre at the college. Its submission addressed the requirement to show disadvantage. It has in place strong partnerships between the college and the community. I have spoken to Sarah Franks, the college council president, who said they were extremely upset and very concerned about the inequity of missing out on funding when three schools in the Portland district, 85 kilometres away, had received funding.

Baimbridge College has already had two applications rejected under the Building Futures program. This came about mainly because smaller schools have received funding under the stimulus package to upgrade their facilities. This rejection of the school's application for capital funding is another major disappointment for the Baimbridge College community in Hamilton. The college has been in receipt of only maintenance funding from the government since its establishment in 1994, when Hamilton High School and Hamilton Secondary College merged, and in 2003 a merger occurred with Hamilton Primary School.

I have visited Baimbridge College's outdated science facilities. They are spread across the east and west campuses with a major road, Mount Baimbridge Road, between them. The outdated facilities do nothing to inspire the interest of students; the facilities need renovation and consolidation. Laboratory technicians needing to cross the road with chemicals and practical equipment cannot do their jobs effectively with the current set-up. There are also occupational health and safety issues for staff, students and the general public resulting from trying to move equipment and chemicals across the road between campuses. Maintenance of the science rooms is expensive because of their age and the number of distribution rooms. Community and student perceptions of the sciences at the college are diminished due to the poor standards of the rooms.

On behalf of the Baimbridge College school community and the wider community I ask the minister to review the situation. A new science centre would ensure that the government school sector has the facilities to provide quality science education in Hamilton and the surrounding community.

Casey Hospital: fifth anniversary

Mr PERERA (Cranbourne) — I wish to raise a matter for the Minister for Health. I call upon the minister to visit Casey Hospital in September to celebrate the hospital's fifth anniversary. I had the good fortune of partaking in the hospital's opening ceremony in 2004 along with the Premier, the minister and quite a few of my caucus colleagues. It was Victoria's first new hospital in 20 years.

My electorate of Cranbourne does not encompass a major hospital, and constituents at one end of my electorate fall into the catchment area of the Casey Hospital; they are rapt about the rapid progress of the hospital. This month I underwent day surgery in Casey Hospital, which was an absolute success.

The facilities were excellent and the staff were courteous and professional. It is a fire in my belly to celebrate this five-year success story. I am also pleased to note that in the 2008–09 financial year funding for Southern Health was $639.15 million. This is more than a 123.3 per cent increase from 1999 figures.

The Casey Hospital has produced an impressive set of numbers in its early years of operation: 2419 patients underwent elective surgery in the six months to the end of December, up by 534 elective surgery operations, which is an impressive 28 per cent increase from the same period in the previous year. Ninety-six per cent of all category 3 non-urgent elective surgery patients received their surgery within the benchmark of 365 days in the half-year to the end of December. This is better than the national target of 90 per cent. All 560 category 1 urgent elective surgery patients who were given their operations at the hospital in the six months to the end of December were admitted within the benchmark of 30 days, which is 115 more than for the previous six months.

In the six months to the end of December, 13 328 patients were admitted. That figure is up by 938 patients, which is an increase of 8 per cent on the same period in the previous year. A hundred per cent of category 1 emergency patients were treated immediately on arrival at the hospital emergency department. In the six months to the end of December, 21 752 patients were seen in the emergency department. That figure is up by 1338 patients, which is a 7 per cent increase on the figure for the previous six months.

It was great to visit the Casey Hospital recently along with the member for Narre Warren South and the Minister for Health to review plans for the new special-care nursery. The $4.2 million expansion of the special-care nursery is a fantastic addition to a hospital located in the growth corridor — —

The ACTING SPEAKER (**Mr Nardella**) — The honourable member's time has expired.

Public transport: Mornington Peninsula

Mr DIXON (Nepean) — I wish to raise a matter with the Minister for Public Transport regarding the state of public transport along the Mornington Peninsula. I ask the minister to admit to the shortfalls in public transport along the peninsula and to fund the improvements that are needed.

Firstly, I would like to recognise the great work that has been done by the Mornington Peninsula ratepayers association in some of its research on this issue. Just to put the transport issues along the Mornington Peninsula into context, it takes 2.5 hours to travel from Sorrento to Melbourne by public transport. Compare that with other places in a ring around Melbourne. It takes only 50 minutes to go by public transport from Geelong to Melbourne; from Ballarat it takes 1 hour and 30 minutes; from Warragul it takes about 1 hour and 30 minutes; and even from Traralgon it takes only 2 hours. All those places are further away from Melbourne than areas along the southern peninsula, yet it takes a lot less time to get there.

We have extreme disadvantage on the Mornington Peninsula. Professor Tony Vinson in his study *Dropping Off the Edge — The Distribution of Disadvantage in Australia* said that West Rosebud was one of the worst two postcodes in Victoria. Professor Vinson said an adequate level of community transport needs to be provided in disadvantaged areas to ensure that residents can take advantage of human services provided by health, employment and income support agencies. It is also a very low-income area, with 25 per cent of the population in my electorate not in work. It is the fourth-lowest of all 88 state electorates in terms of income. Also the electorate has the oldest age profile, so many people do not have access to cars. We also have above-average unemployment and a very low participation rate.

Tourism is an important industry in my electorate. We have the largest number of day-trippers of any tourist area in Victoria, but they are unable to access or travel around the Mornington Peninsula in a timely way unless they have a car.

One solution to cutting the travel time which the ratepayers association thinks is well worth considering — I totally support it — is to undertake a realistic trial of an express bus service from the Mornington Peninsula to Frankston, with a few buses in the morning and a few in the evening. It would provide access out of the Mornington Peninsula for those who wanted to access services in Frankston or even Melbourne and also for those who wanted to visit the Mornington Peninsula going the other way; it would mean they could get there in some sort of timely manner.

We also need a cross-peninsula trial. It needs to be a realistic, full-scale trial undertaken in a reasonable amount of time, especially throughout the busy summer period. That cross-peninsula service could run from Rosebud to Hastings via Red Hill, which would not only be great for the people of Red Hill and the interior

but would certainly also help the tourism industry, as I indicated.

Country Fire Authority: Geelong station

Mr TREZISE (Geelong) — I raise an issue tonight for the Minister for Police and Emergency Services, whose portfolio includes responsibility for the Country Fire Authority (CFA). In raising this issue I note the attendance of members of the Diamond Creek brigade tonight, and I welcome them to the gallery.

The action I seek tonight relates to the rebuilding of the Geelong fire station in the heart of my electorate of Geelong. For the information of the house, the Geelong CFA vacated its site in 2008, moving to a temporary site in South Geelong whilst the old station was being demolished. A new one is currently being built and is due for completion later this year. The action I seek from the minister is for him to ensure that adequate support is provided to the Geelong CFA in ensuring its new station is completed within the time lines set and is thus fully operational for 2010.

On a daily basis I drive past the new station that is under construction, and I must say that it is an impressive structure. I am informed that this station is in fact the largest fire station constructed by the CFA to date. From watching the ongoing construction of the station, that fact does not surprise me at all, although it does have to be understood that the station will be servicing the central business district and surrounds of the largest provincial city in Victoria. The overall cost of the building also reflects this, with a dollar figure of $8.4 million. Importantly, it also has a 5-star environmental rating.

It is worth recording that 2009 marks the 100th anniversary of the Geelong CFA operating from this site. It is also interesting to note — I am sure you will find this interesting, Acting Speaker — that in 1909 the then Geelong Trades Hall Council was located on the site but was shifted to Myers Street to make way for the station, although the Geelong CFA was formed well before 1909. It was formed in 1854, which makes it the oldest volunteer brigade in Australia, and I had the pleasure of representing the state government at the brigade's 150th anniversary in 2004.

As can be seen, the Geelong CFA is a very old, very proud brigade that is obviously an integral and important part of the Geelong community. In 2009 the brigade is fully integrated with both full-time and volunteer firefighters. Over the years I have had much to do with both the brigade's full-time firefighters and also the volunteers, and I can assure the house that all its members are all very much dedicated to the brigade and well respected in the community of Geelong.

It is important that the Geelong CFA move back to its new purpose-built headquarters as soon as possible, and I therefore look forward to the minister's action on this important matter.

Benalla: education regeneration project

Dr SYKES (Benalla) — My request is for the Minister for Education to strongly support maximising the educational opportunities of young people in Benalla. In particular I request that the minister support the Benalla education regeneration project, support maximising educational opportunities for Benalla's young people with current facilities pending the implementation of the Benalla education regeneration project, and work with the federal government to ensure that the federal government's investment in education in Benalla is well spent and coordinated with the Benalla education regeneration project.

By way of background, I wish to point out that Benalla is a seriously socially disadvantaged community due to various factors, including drought, withdrawal of government agencies by various governments and a considerable social housing population, many members of which have complex needs which local service providers are struggling to meet. As a result, low self-esteem, low educational achievement, drugs, alcohol and violence are significant local issues. We need help to help our young people.

The Benalla education regeneration project was launched publicly last week by Margot Sherwill. Margot, a former primary school principal, is highly regarded by the local community and current school principals and staff. Margot and current school principals Hazel Bell, Louise Wright, Heather Leary and Cathy Pianta, and Janet Gill-Kirkman from the Department of Education and Early Childhood Development, gave an outstanding presentation of their respective visions for the future of education for Benalla's young people.

I believe the community of Benalla strongly supports the initiatives. That said, to achieve the outcome we need strong support from the minister because there will be a significant cost. Further, as there will be a lead time of two or more years, it is absolutely critical that current educational needs are met in an environment of recognised serious social disadvantage. In addition, the $6 million to $8 million of funds made available for facility upgrades by the federal government must be

wisely spent, mindful of the outcomes of the Benalla education regeneration project.

I ask the minister to confirm her wholehearted support of these project objectives and get behind Margot and the community of Benalla as we strive to address our serious social and economic disadvantage status and provide our young people with a chance to enjoy a brighter future.

State Emergency Service: Pakenham unit

Ms LOBATO (Gembrook) — I raise a matter for the Minister for Police and Emergency Services. The action I seek is for the minister to support the application made by the Pakenham State Emergency Service (SES) unit for funding through the community safety emergency support program (CSESP). The CSESP has been a very successful funding source for Victorian emergency services by partnering with the emergency service to purchase required resources. The CSESP has provided many brigades and units within the Gembrook electorate with much-needed funding over many years.

I have watched the Pakenham SES unit develop and expand over the past six years since I first visited its little tin shed located on an industrial estate. It is now located in a state-of-the-art facility co-located with the Pakenham police and the Country Fire Authority on the Princes Highway. The unit's workload has also substantially increased, given that it looks after a rapidly growing area. I was encouraged recently when I visited the unit to hear that membership is steadily increasing due to the interest of new residents moving into Lakeside, which is located just behind the emergency services complex. The grant that the Pakenham SES unit is seeking would be used to purchase a medium rescue 4x2 truck. This is required as a general-purpose vehicle, which will enable the unit to deploy members quickly to assist the community.

The Pakenham SES unit played a huge role on Black Saturday and for several weeks after by looking after communities threatened by the Bunyip Ridge fire that devastated communities around Labertouche and 28 000 hectares of the Bunyip State Park. The Bunyip Ridge fire allowed the Pakenham emergency services complex to demonstrate its effectiveness through the co-location of three of our vital emergency services. The co-location facilitated immediate information sharing, coordinated planning and sharing of resources. Again I thank every emergency services worker and support staff member at this complex for their massive contribution to the safety of our community through the February fires and for their ongoing commitment.

Every Gembrook electorate brigade and unit played an active role in the February fires. Unfortunately, given the forecasts of potentially more severe fires this coming fire season, emergency services in the Gembrook electorate will be even more vital in the protection of our communities. Therefore I strongly support all applications made to the CSESP by the Gembrook electorate brigades and units. In conclusion I call on the minister to continue to support emergency services in the Gembrook electorate and to support the CSESP application made by the Pakenham SES unit.

Bulleen electorate: walking track safety

Mr KOTSIRAS (Bulleen) — I raise a matter for the attention of the Minister for Police and Emergency Services. The action I seek is for the minister to investigate and advise whether appropriate safety and security measures, such as an extra police presence and lighting, have been put in place in Banksia Park, Birrarrung Park and Westerfolds Park in my electorate of Bulleen. This is to ensure the safety of many local residents who use the walking tracks or walking paths in these parks in the late afternoon.

I have only recently been advised by a constituent that she feels unsafe when she walks along the tracks in certain parks in the Bulleen area after dark whereas a few years ago this was not the case. It is a shame if this is true and our beautiful parks in Bulleen are off-limits to local residents. According to the Manningham City Council web page:

> Manningham city is fortunate to have one of the largest networks of open space in metropolitan Melbourne. There are more than 19.8 square kilometres of open space, covering 17 per cent of the municipality.
>
> The open space network comprises over 300 parks including extensive parkland along the Yarra River …

Our local parks and waterways are one reason many residents come to live in Bulleen — and it is a great place to live. While I admit that I often walk along the tracks in Birrarrung Park and Westerfolds Park, I have done so mainly during the day. It is only recently, therefore, that I have had the experience of visiting these parks in the evening.

While I am not aware of any recent incidents, I ask the minister to investigate and assure local residents that as far as possible they are safe walking inside these parks and that appropriate action has been taken to minimise any criminal activity. The minister might also wish to seek some information from the police about the types of incidents that have occurred in the parks, to ensure that the minister understands the types of problems and to come up with a solution.

I invite the minister to come to Bulleen. I will be more than happy to walk along the park tracks with him to make sure he appreciates and understands the beauty of our parks in Bulleen and so he can see for himself firsthand the dangers to the safety of local residents. While I appreciate that the minister might say this is a police matter, it is also important to understand that he is the minister, he is responsible for the safety of residents, and it is up to him to ensure that enough resources are put in place so that residents feel safe, and are safe, when they walk along the footpaths or the cycling paths in Bulleen.

Nunawading City Football Club: funding

Ms MARSHALL (Forest Hill) — I rise in the house tonight to raise a matter for the attention of the Minister for Sport, Recreation and Youth Affairs. The action I seek is for the minister to meet with the Nunawading City Football Club (NCFC) and discuss the plans it has to improve the club's pitches and facilities at Mahoneys Road reserve. The potential of this great club remains but inadequate facilities are an issue, and the Forest Hill community as a whole is adversely affected.

The Nunawading City Football Club is a very influential club in the east. It is committed to the development of football within the local community at all levels and has always been ready and willing to lend a hand. For instance the NCFC was involved in the organisation of a Victorian bushfire appeal fundraiser, which was held at the club grounds on l March and raised over $4000. This is a testament to the proactive commitment the club has to the Forest Hill community.

With 250 active players and 40 coaches and support staff, NCFC is a huge part of the social and sporting life in the electorate. The NCFC fosters an environment that is conducive to fun, friendship and sportsmanship, which gives a great sense of community. The mighty NCFC have been very successful over the years, with the senior team continuing the success from last season with a promotion into state league division 3. Last Saturday saw the senior team win 2-0 against local rivals the Waverley Wanderers. The club has achieved all this whilst playing and training on what have been described as degenerating pitches.

I have met on numerous occasions with the club to discuss the state of the grounds, which comprise four pitches, and I have seen firsthand the state of the main pitch, which the NCFC executive and players alike feel is currently in a substandard state. It is uneven and resembles a dust bowl. I am happy to provide the minister with photos of the pitches that show their current condition.

Pitches 1 and 2 have lighting that is sufficient only for training, with pitches 3 and 4 having no lights at all. I have been advised that the club has been forced to limit public use of the pitch due to its worsening state, which is a worry. It would be beneficial for the minister to meet with the NCFC and discuss what action can be taken to ensure that this club has adequate facilities to ensure the longevity of a competitive and social football club in the electorate.

The Brumby government is aware of the important role that access to quality sport and recreational facilities plays in communities across the state, and as such has invested record amounts in grassroots sport. Local sport is more than a game, it is vital to the social fabric of local communities and helps keep all of us healthy and active. The prospect of upgraded pitches and all that could deliver for the club members is an absolute positive for the people of Forest Hill. I urge the minister to meet with the club to discuss the prospect of any developments that would be of assistance to the club and would allow it to capitalise on the growing popularity of sport in Victoria.

Responses

Mr MERLINO (Minister for Sport, Recreation and Youth Affairs) — The member for Forest Hill raised a matter regarding the Nunawading City Football Club and the future requirements of the club. I want to acknowledge, whilst I am on my feet, the very strong support given by the member for Forest Hill to sport in general but to local sporting clubs in the east in particular. Just last Friday we were at the opening of the new pavilion at Box Hill City Oval, which is a great redevelopment for the Box Hill Hawks and for the local sporting community.

The house is well aware that the Brumby government has invested record levels of funding into community sport — more than $200 million into over 2000 local projects. The world game, football, is one sport that is experiencing extraordinary growth. It is built upon the success of the Socceroos and of Melbourne Victory in the A-league. The sport is booming at the junior level, particularly with girls, and with women's participation in the sport increasing. It is one of those great sports that provides a pathway for boys and girls, men and women right through the ages.

Since coming to office the government has spent millions on upgrading soccer facilities through the community facility funding program, the drought relief program and the synthetic surface program, and on specific major venues such as the Darebin International Sports Centre, which is the home of the Football

Federation Victoria (FFE). The government has also spent millions on regional facilities, most recently out of the state budget. Not only did we provide funding for the state basketball centre in Knox but it is also going to be a regional facility for the FFE.

There is certainly more to be done, and the demand is clearly telling us that. In the budget we have also provided just under $6 million for local facility improvements, such as the ones the member for Forest Hill outlined for the Nunawading City Football Club. Councils can apply for grants of $100 000 per round on behalf of those clubs. I am pleased to advise the house that applications will come on line in the coming days, so I urge all members to look out for this new program.

Both my department and I are always willing to assist clubs and councils to work together on applications to any of our programs. I can assure the member for Forest Hill that I will ask my department to contact the club and organise a meeting. When I am in the area I will speak personally to the club as well, together with the member for Forest Hill. I thank her for raising this matter with me. I can assure her that the government will be working with the Nunawading City Football Club to provide assistance with the great work it does in the local community.

I will raise the other nine matters with the relevant ministers for their action.

The ACTING SPEAKER (**Mr Nardella**) — Order! The house is now adjourned.

House adjourned 10.33 p.m